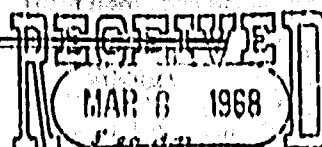


955-2

1. Consider 5-22 '08
2. Name of Applicant WILLIAM R. STONE
3. Post Office Address CREIGHTON
4. Amount of water claimed 6.00
5. Source of water supply CHEYENNE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 421
7. Water to be diverted and used in PENNINGTON county
about 30N 6E miles of WALL
8. Proof of Publication Received ✓
Not Received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 955-2Water Division No. 2 EAST CHEYENNE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM. I.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant WILLIAM R. STONE
 Postoffice address CREIGHTON, County PENNINGTON, State S. DAK.

- I. If a corporation NO
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

CONTRACT

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work WILLIAM R. STONE PROJECT #23. Amount of water claimed 6 cubic feet per second4. Source of water supply CHEYENNE RIVER5. Location of point of diversion S 80° W 30° 64' rods from SW CORNER
OF SE 1/4 SEC. 35 T. 6N R. 16E on EAST bank PENNINGTON County.6. Annual period or periods during which water is to be used GROWING SEASON

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
- GRAVITY

(a) Number of acres to be irrigated 421 acres.(b) Legal subdivisions to be irrigated See "REMARKS by APPLICANT"

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP NO. 825-2

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal earth, \$..... Rock, \$.....
 (e) Other structures Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet, thickness at top.....feet; slope at front water face.....; slope at back face.....material used in construction.....
 (b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
 Material.....
 (d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work MAXIMUM 5 years.
 11. Time required for complete application of water to the proposed beneficial use MAXIMUM 4 years.
 12. Choice of newspaper for publication of notice of intention to appropriate PENNINGTON
COUNTY COURANT, WALL, S. DAK.

STATE OF SOUTH DAKOTA

County of PENNINGTON ss.

I, WILLIAM R. STONE, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed William R. Stone

Subscribed and sworn to before me this 7th day of March, 1968

Maice L. Berke
 Notary Public (or other qualified officer.)

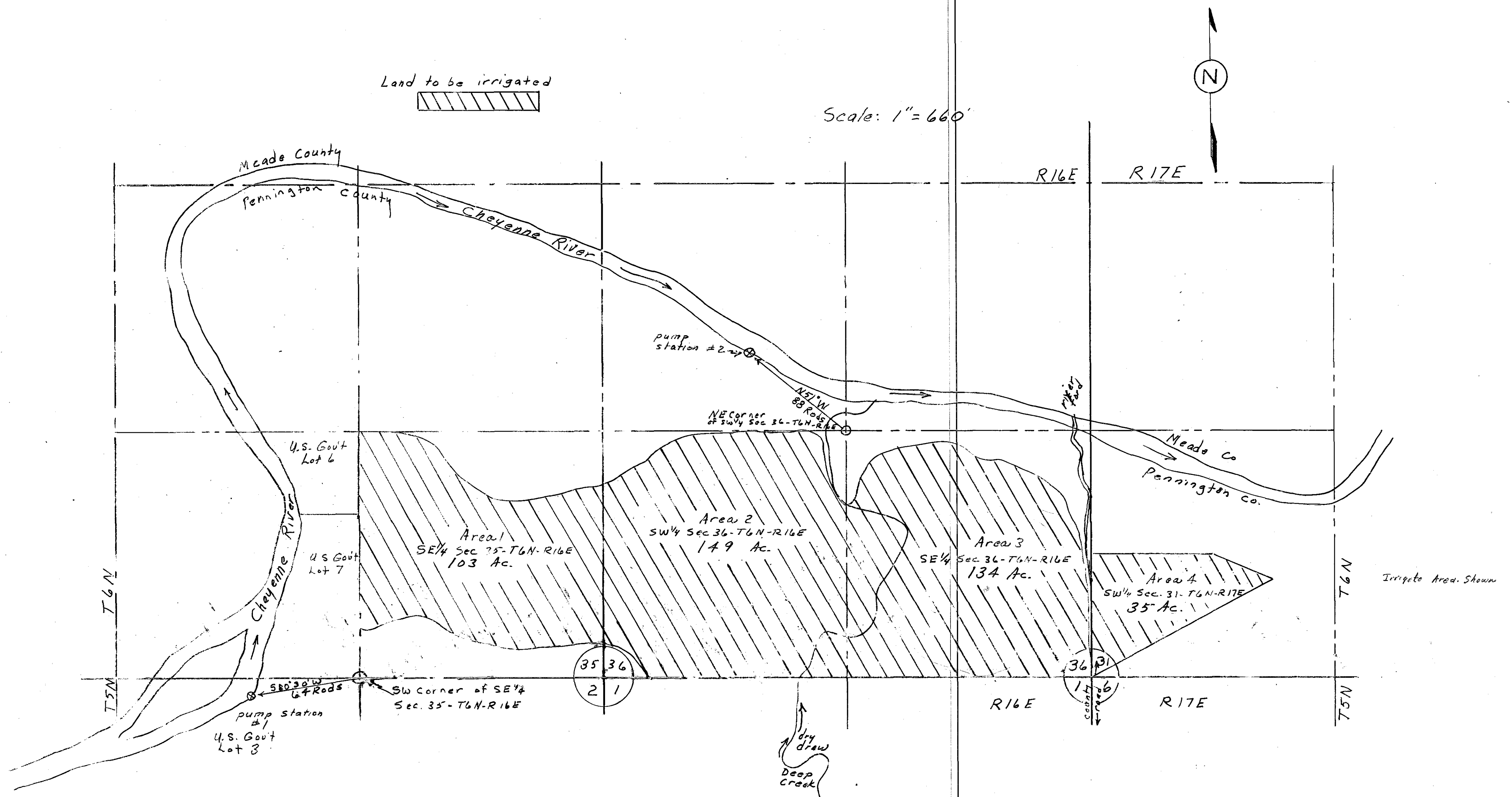
*Each diversion must have a headgate or measuring device.

WILLIAM R. STONE

IRRIGATION PROJECT NO. 2

Pennington County

South Dakota



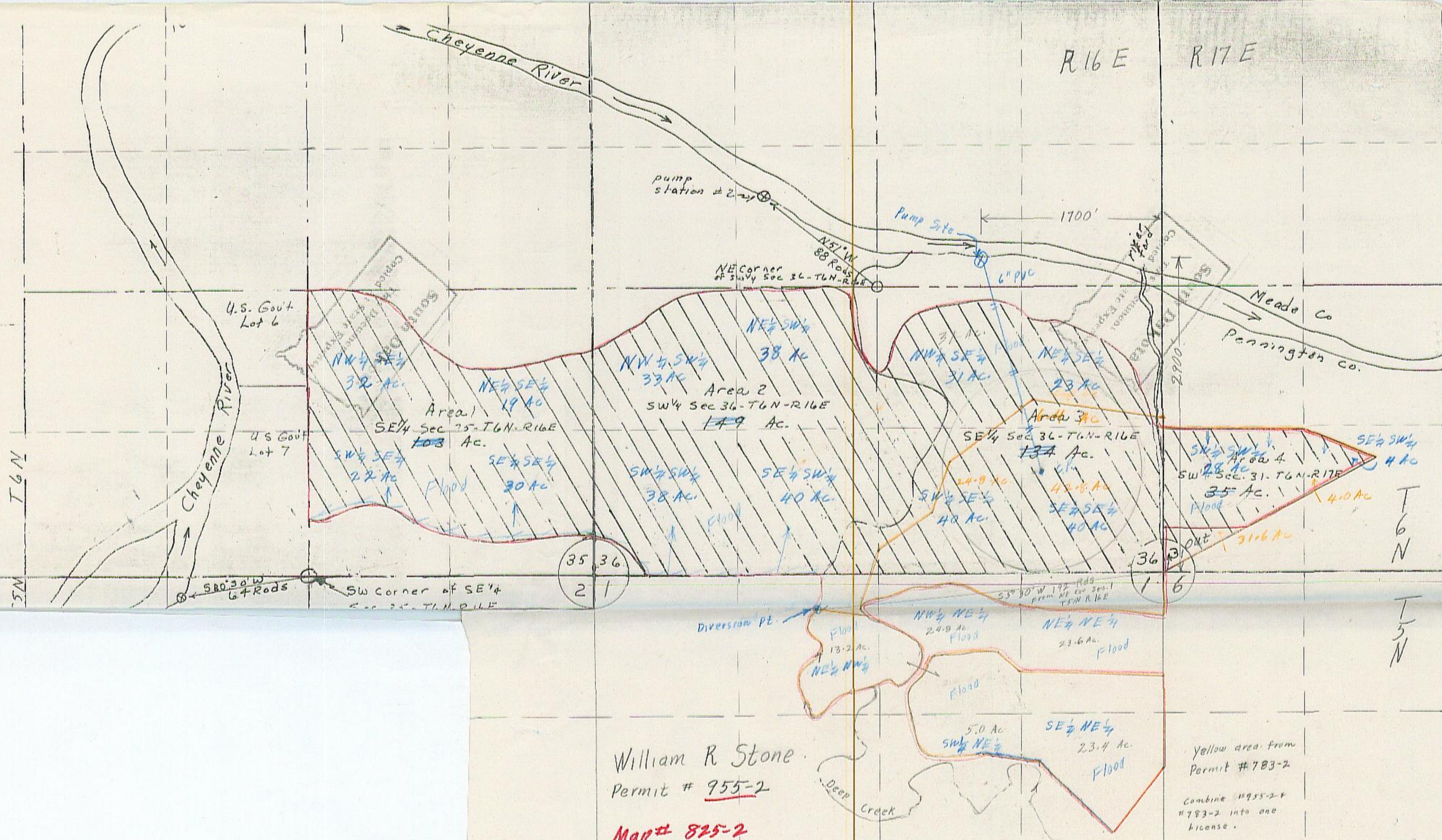
All land to be irrigated is owned by William R. Stone

Area	Location	Acres
1	SE 1/4 Sec. 35-T6N-R16E	103
2	SW 1/4 Sec. 36-T6N-R16E	149
3	SE 1/4 Sec. 36-T6N-R16E	134
4	SW 1/4 Sec. 31-T6N-R17E	35
Total		421

SURVEYOR'S CERTIFICATE

I, R. V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of William R. Stone, I have surveyed the tract of land as shown, and that the above drawn plat is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 15th day of February, 1968, A.D.

R. V. Summerside
REGISTERED LAND SURVEYOR



William R Stone
Permit # 955-2

Map # 825-2

Yellow area from
Permit #783-2
Combine #955-2 &
#783-2 into one
license.

Remarks by State Water Resources Commission:

DIVERSIONS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON WATER SUPPLIES BEING AVAILABLE IN THE PIERRE WATER BASIN OF THE CANYONNE RIVER. FROM RECORDS SHOWING THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CANYONNE RIVER ARE PRESENTLY AND REGULARLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST AND SEPTEMBER. DIVERSIONS OF WATER ARE NOT TRUSABLE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS. PORTIONS OF THE LAND COVERED UNDER THIS PERMIT ARE ALSO COVERED UNDER PERMIT 783-2. THE DIVERSION RATE UNDER THIS PERMIT SHALL NOT EXCEED THE STATUTORY LIMIT OF ONE C.F.S. FOR EACH 70 ACRES IRRIGATED.

STATE OF SOUTH DAKOTA

County of HUGHES

Pierre, South Dakota, MAY 24, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 8TH day of MARCH, 1968

State Water Resources Commission

By:

Durton Jones
Chief Engineer, Executive Officer

Number of permit 955-2

Date of first receipt of application MARCH 8, 1968

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right MARCH 8, 1968

Approved MAY 22, 1968 Recorded in Book 10 Page 166

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 22, 1970

2nd. The whole of said work is to be completed on or before MAY 22, 1973

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MAY 22, 1977

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 6.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate is necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MAY 22, 1977; said water to be used during the following described annual period:

GROWING SEASON

Witness my hand this 24TH day of MAY, 1968

State Water Resources Commission

By:

Goodman
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 29, 1980

Water License Issued DECEMBER 29, 1980

Remarks by the Applicant:

7.

b.

SE 1/4	SEC. 35	R6N T16E	Area 1	103 acres
SW 1/4	SEC. 36	R6N T16E	Area 2	149 "
SE 1/4	SEC. 36	R6N T16E	Area 3	134 "
SW 1/4	SEC. 31	R6N T16E	Area 4	35 "
				421 "

It will be noted that Areas 3 and 4 of this application overlap Areas 5, 17, 3 and 2 of a vested right I now have out of Deep Creek (a dry draw).

Because lenders will not become involved in a dry draw project of this kind, I wish this new right to overlap the existing one so that I will have a more stable source of water.

William R. Stone

WATER LICENSE NO. 955-2.

(1) WHEREAS, On the 3th day of March, A.D. 1968
William R. Stone

made Water Right Application No. 955-2 for a permit to use 3.94 cubic feet per second of the waters
 of the Cheyenne River and Deep Creek
 County of Pennington, State of South Dakota, for irrigation

purposes; and
 (2) WHEREAS, On the 22nd day of May, A.D. 1968
 Permit No. 955-2, with a date of priority of 1945 and March 3, 1968

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the day of , A.D. 19 and for the
 application to beneficial use of said water on or before the day of , A.D. 19

*Upon inspection of Water Permit No. 955-2 the applicable portions
 of Vested Right Permit No. 783-2 have been incorporated into this
 Water License No. 955-2. The priority dates are Vested Right 2.9
 cfs from 1945 and 4.4 cfs from March 3, 1968.

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 7.3 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,
 to irrigate the following lands:

Section 35-T6N-R16E		Section 1-T5N-R16E	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	32	NE $\frac{1}{4}$ NW $\frac{1}{4}$	13.2
NE $\frac{1}{4}$ SE $\frac{1}{4}$	19	NW $\frac{1}{4}$ NE $\frac{1}{4}$	24.8
SW $\frac{1}{4}$ SE $\frac{1}{4}$	22	NE $\frac{1}{4}$ NE $\frac{1}{4}$	23.6
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	SW $\frac{1}{4}$ NE $\frac{1}{4}$	5.0
Section 36-T6N-R16E		SE $\frac{1}{4}$ NE $\frac{1}{4}$	23.4
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33	Section 31-T6N-R17E	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	38	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28
SW $\frac{1}{4}$ SW $\frac{1}{4}$	38	SE $\frac{1}{4}$ SW $\frac{1}{4}$	4
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40	TOTAL ACRES	503
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	23		
SW $\frac{1}{4}$ SE $\frac{1}{4}$	23		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40		

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to William R. Stone

of Creighton, SD

the holder _____ and owner _____ of said permit No. 955-2 a water right, dating from 1945 and March 8, 1968 to use of 7.3 cubic feet per second of the waters of the Cheyenne River and Deep Creek

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ft. from Deep Creek - S 50° 30' W, 192 rods from NE corner Sec. 1-T5N-R16E and from the Cheyenne River - 3000' N and 1700' W of the SE corner Sec. 26-T6N-R16E

and conducted to and upon portion(s) of lands in Sections 33 & 36-T6N-R16E, Section 1-T5N-R16E and Section 31-T6N-R17E, more fully described on the face of this license

for the purpose of Irrigation

Portions of this Water license is based on a Vested Right claim recorded and filed by the Water Management Board.

Subject to any limitations listed in Water Right Permit No. 955-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of December A. D.

Nineteen Hundred and eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 955-2

Water Diversion No. 2 East Choyonno River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That William R. Stone

the holder of
Permit No. 955-2, issued upon Application No. 955-2, bearing date of priority of *1945 and
March 8, 1968 authorizing the diversion of *8.9 cu. ft. per second of the waters of The
Cheyenne River & Deep Creek County of Pennington, State of South Dakota at from
Deep Creek-S. 5⁰ 30' W, 192 rods from NE Corner Sec. 1-T5N-R16E and
from the Cheyenne River-3000' N. & 1700' W. of the SE Corner Sec.
36-T6N-R16E, for irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 10 (est.) cu. ft. per second of water.

Date December 29, 1980

*The applicable Portions of
Vested Right No. 783-2 have
been incorporated into this
Water License No. 955-2.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

on or before
(First Publication April 25, 1968)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 1, 1968

Notice is hereby given that William R. Stone whose postoffice address is Creighton S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the Chayenna River through the William Stone Project #2, the point of diversion of which is to be located on the east bank of said stream in the at points in Lot 3, Section 2, T5N, R16E and SE 1/4 of the NW 1/4 of Section 36 Twp. 6N Range 16E. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 35; NE 1/4, Section 36, T5N, R16E, SE 1/4, Section 31, T5N, R17E

~~whereof~~

~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May, 1968, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc: William R. Stone, Creighton, S.D.
By:

~~XXXXXX~~
Chief Executive Officer

BURTON F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Pennings } ss.

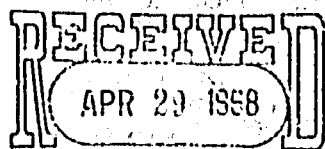
R. F. Jones being duly sworn, deposes and says the annexed printed copy of Notice of intention to appropriate water was taken from the Pennings Co. Chronicle a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Wall County of Pennings and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 4, 11, 18 & 25, 1968

In each and every issue of the full number thereof, the first publication being made on the 4th day of April 1968 and the last publication on the 25th day of April 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

R. F. Jones

Subscribed and sworn to before me this 25th day of April A. D. 1968



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 955-2
APPROPRIATION OF WATER
Office of State Water
Resources Commission
Pierre, South Dakota

April 1, 1968

Notice is hereby given that William R. Stone whose postoffice address is Creighton, S.D. has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use, 0.0 cubic feet of water per second of time from the Cheyenne River through the William Stone Project No. 2, the point of diversion of which is to be located on the east bank of said stream at points in Lot 3, Section 2, T6N, R10E, and in the SE 1/4 of the NW 1/4 of Section 30, Twp. 6N, Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, Section 35; S 1/2 Section 30, T6N, R10E, S 1/2 SW 1/4, Section 31, T6N, R10E

The application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May, 1968, At 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: BURTON F. JONES

Water Rights Specialist

cc: William R. Stone,
Creighton, S. D.
Pub, April 4, 11, 18, 25.

Notary Public Pennings County, S. D.

Dec. 22, 1978
Croyhton, S.D.

Mr. Burton F. Jones,
Water Rights Commission,
Pierre, S.D.

Dear Mr. Jones,

A couple of years ago I visited with you about taking water from the Cheyenne River just below Deep Creek, instead of from the creek itself. I was at the time trying to get credit for the installation of a center pivot. Last year I finally got the money and installed a small pivot. Since you had indicated it would be O.K. to change the take out point (since I also had another permit that overlapped this one, and which permit carried a point of diversion from the river) we took our suction from the river just below the mouth of Deep Creek. What I am wondering now is if I should file a completion form against the Water Right # 783-2, or file a completion form on permit # 955-2 (since this one was supposed to overlap 783-2). Or, since 783-2 is listed as completed is any filing necessary? Would appreciate your instructions.

Wm. Stone
not printed

Merry Christmas,

Bill Stone
Croyhton, S.D.

57729

Permit No. 953-2Water Division 2 East Cheyenne River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by William R. Stoneof Creighton, S. Dak. 57727 holder
of Permit No. 953-2, bearing date of priority of 2.9 cfs. 1945
6.0 cfs March 8, 1968authorizing the diversion of 8.9 cu. ft. per second of the waters of Cheyenne River & Deep Creek
for Irrigation purposes, in Pennington County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Motor = Century 40 HP. 3520 RPM. Part # 6-323253-01
Pump = Berkeley Ser # 7842706. Model B3ZPL,
3450 RPM - 40 HP. Pumping 700 gpm
Diversion dam / 2-24" Culverts. + Run-off.

B. Works used to transport water to place of use,

2100' 6" PVC Pipe
Diversion Ditches & Main Ditches

C. Works used to apply water to beneficial use.

Pierce Circle Master CP. Ser # F 805 0315 91405 Covers 60 Ac.
Flood Irrigation from Diversion DitchesThe system is in the following condition: GoodThe point of diversion is located Deep Creek = 55°30'W 192 Rds from NE Cor Sec. 1, T5N R16E
Cheyenne River = 3000' N and 1700' W of the SE Cor Sec. 36, T6N R16EThe works are capable of diverting and conveying to the place of use 10 CFS (est)cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The Following in Sec. 35, T6N R16E

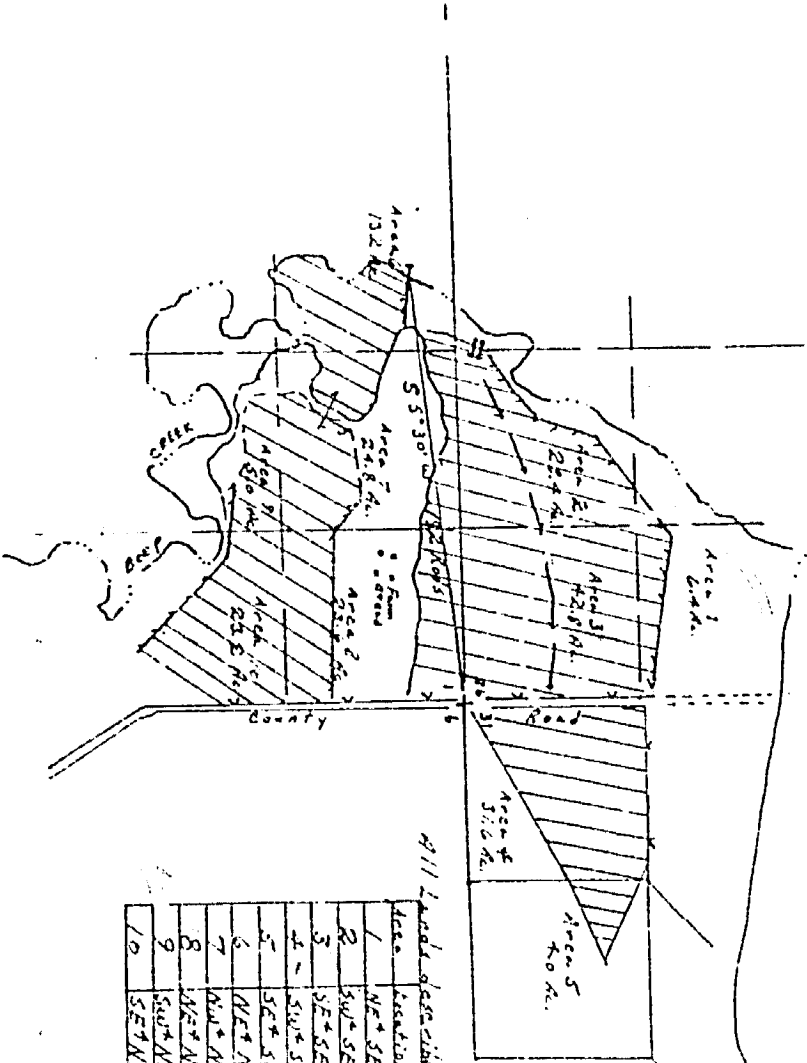
SEC. 36 ALSO

NW 1/4 SE 4
NE 1/4 SE 4
SW 1/4 SE 4
SE 1/4 SE 431 ac
33 ac
40 ac
40 ac31 ac
33 ac
40 ac
40 ac31 ac
33 ac
40 ac
40 ac31 ac
33 ac
40 ac
40 ac31 ac
33 ac
40 ac
40 ac31 ac
33 ac
40 ac
40 ac31 ac
33 ac
40 ac
40 ac31 ac
33 ac
40 ac
40 acNW 1/4 SE 4 - 32 Ac., NE 1/4 SE 4 - 19 Ac., SW 1/4 SE 4 - 22 Ac., SE 1/4 SE 4 - 20 Ac.,
The following in Sec. 36, T6N R16E = NW 1/4 SW 4 - 33 Ac., NE 1/4 SW 4 - 38 Ac.,
SW 1/4 SW 4 - 38 Ac., SE 1/4 SW 4 - 40 Ac. The following in Sec. 1, T5N R16E
NE 1/4 NW 4 - 13.2 Ac., NW 1/4 NE 4 - 24.8 Ac., NE 1/4 NE 4 - 23.6 Ac.

SW 1/4 NE 4 - 5 Ac., SE 1/4 NE 4 - 23.4 Ac.

comprising a total of 508 acres of land.The following in Sec. 31, T6N R16E
SW 1/4 SW 4 - 28 Ac., SE 1/4 SW 4 - 4 Ac.508 + 10 = 7.5 cfs.
license for 7.3 cfs.This inspection Form 12 includes applicable portions of vested
Right Permit # 783-22.0 cfs 1/8 - 1945
4.4 cfs 3/8/68
1.3Date April 15, 1980
LeRoy J. McLaughlin
(Signature)

CATSKILL RIVER



All lands described are owned by William Stone

Area	Location	Section	Range	Acres
1	N ^W 3/4	36	6 N	16.5
2	S ^W 1/4	35	6 N	16.5
3	SE 1/4	36	6 N	16.5
4	SW 1/4	31	6 N	17.0
5	SE 1/4	31	6 N	17.0
6	NE 1/4	1	5 N	16.5
7	NW 1/4	1	5 N	16.5
8	NE 1/4	1	5 N	16.5
9	SW 1/4	1	5 N	16.5
10	SE 1/4	1	5 N	16.5
Total				203.0

V.R. Permit # 783-2

Bill Stone Irrigation Project
 Pedro: Pennington Co. S. O.K.

Eastern Pennington

31 May 68

*Dry Draw
filing*

C E R T I F I C A T E .

Pierre, S. D. Dec. 18, 1908.

Incorporated into 955-2

State of South Dakota,
County of Hughes.

This certifies that Edward Wilsey, whose Post Office address is Pedro, Pennington County, South Dakota, has filed in this office a location notice of one dam for impounding flood waters, in accordance with the provisions of Section 31, Chapter 180 of the Session Laws of 1907, of the State of South Dakota, relating to the filing of water rights upon dry draws or water courses. Said dam is situated on a dry draw in the NW 1/4 Sec. 1, Tp. 5 N., R. 16 E. S. H. M., in Pennington County, South Dakota; The lands to be irrigated being in the NW 1/4 Sec. 1, Tp. 5 N. R 16 E. S.H.M.; said lands comprising thirteen acres (13) owned by him, on desert entry No. 02972, as shown by the map accompanying his location notice. The said Edward Wilsey has furnished this office due proof of completion of his irrigation system and of the application of the water to beneficial use and is hereby authorized to use sufficient water to irrigate the lands herein designated.

Witness my hand and official seal this
18th day of December, 1908.

State Engineer.

Edward Wilsey
Filed 12-18-08 Completion
12/17/08
Date of irrigation
12/12/08

Dr: NWSE
1-5-16
Certificate for
land office
issued 12/18/08

75-2
783-2
Filed in 783-2
William E Stone
he may own this
was filed in wrong file
is a loc Notice

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

WILLIAM R STONE
CREIGHTON, SD 57729

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 955-2. The request for the Questionnaire was dated November 3, '86. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 955-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.


JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 15, 1987

955-2

William R Stone
Creighton, SD 57729

Dear Mr. Stone:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 955-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1989

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709

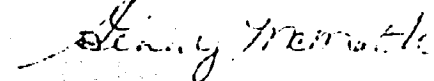
Dear Mr. Hollenbeck:

Enclosed, as you requested, are copies of Water Right Nos. 955-2, William Stone and 1157-2, Eckard Water Company, Inc.

We do not have much information regarding the shareholders for the Eckard Water Company. The map submitted with the application in 1973 lists the following people: Gale Henry, Eckard Water Company, Lester Barkley, Bill Landers Company, Caylor Brothers, Claude Plumb, Barkley Ranch Incorporated, E Wayne Jackson, Philip & Robert Roller and the Government. My suggestion, if you need a current list of shareholders, would be to contact the Forest Service office in Hot Springs. Since they own quite a bit of land in that area, they may have the information you need.

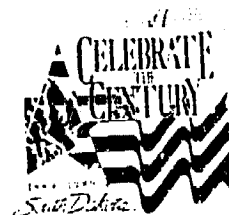
If you have any questions, or need additional copies, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1989

955-2

William Stone
Creighton, SD 57719

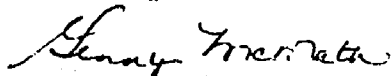
Dear Mr. Stone:

I am contacting you in regard to ownership of land described in Partial Vested Water Right No. 955-2. It is my understanding, from talking with the Farm Credit Services in Rapid City, that you have sold the land.

If you no longer own the land, the partial vested water right should be transferred to the new owner. Please notify us as to the name and address of the new owner(s) so that we may forward transfer of ownership forms to them.

A prompt reply in this matter would be appreciated. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 28, 1989

William Stone
Creighton, SD 57719

Dear Mr. Stone:

I am contacting you in regard to ownership of land described in Partial Vested Water Right No. 955-2. It is my understanding, from talking with the Farm Credit Services in Rapid City, that you have sold the land.

If you no longer own the land, the partial vested water right should be transferred to the new owner. Please notify us as to the name and address of the new owner(s) so that we may forward transfer of ownership forms to them.

A prompt reply in this matter would be appreciated. If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

The new owner is:

CLAYTON KJERSTAD & CHARLENE (husband and wife)
QUINN, S.D.
57775



955-2



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 31, 1989

Clayton & Charlene Kjerstad
Quinn, SD 57775

Dear Mr. & Mrs. Kjerstad:

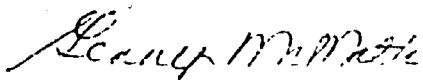
I am contacting you in regard to ownership of Partial Vested Water Right No. 955-2 (copy enclosed). Our office has been notified by William Stone of Creighton, that you now own the land described in the Partial Vested Water Right No. 955-2.

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



SEP 1989
DIVISION OF
WATER RIGHTS
Pierre, SD

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 9-11-89

508 acres - SE $\frac{1}{4}$ Section 35, S 1/2 Section 36, T6N, R16E; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 1,

T5N, R16E; S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 31, T6N, R17E

formerly owned by William Stone

has been transferred to Clayton Kjerstad or Charlene Kjerstad
(please include complete mailing address)

¹/Vested Water Right Permit No. 955-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-12.

STATE OF SOUTH DAKOTA)
) ss.
County of *Pennington*)

1, Clayton K. Jantel being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Clayton K. Kestel
(Signed)

Subscribed and sworn to before me this 11 Day of Sept., 1988

(Notary Public)

my comm. Expires 3-12-96

RECEIPT

411900

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 13, 1939

RECEIVED OF Clayton Rierstad, HCR 3 Box 27, Onian, SD 57775

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 955-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch/ara
Chief Engineer John Hatch/ara

 **Department of
Water & Natural Resources**

Joe Ross Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 25, 1989

955-2

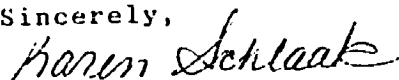
Clayton or Charlene Kjerstad
HCR 3, Box 27
Quinn SD 57775

Dear Mr. & Mrs. Kjerstad:

Enclosed is a receipt in the amount of \$2.50 which you paid for transfer of Vested Water Right Permit No. 955-2.

Our records now show you as the owner of this Vested Water Right.

Sincerely,



KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosure



955-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 783-2 FOR IRRIGATION

Date of Receipt of Claim September 20, 1962.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 783-2 for irrigation purposes for Clayton and Charlene Kjerstad, HCR 84 Box 70, Quinn, South Dakota, 57775 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 783-2 appropriates 2.9 cubic feet per second of water from Deep Creek to irrigate 203 acres. The point of diversion is located in the NE1/4 SE1/4, Section 1, T5N, R16E. The irrigated lands are located in NE1/4, NE1/4 NW1/4 Section 1, T5N, R16E; S1/2 SW1/4 Section 31, T6N, R17E; S1/2 SE1/4, NE1/4 SE1/4 Section 36, T6N, R16E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is: January 1, 1945
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

MAR 19 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

Note: Vested Water Right No. 783-2 is also included as part of Water License No. 955-2 for a total of 7.3 cfs to irrigate 508 acres.

955-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

MAR 19 1993

Clayton and Charlene Kjerstad
HCR 84, Box 70
Quinn SD 57775

Dear Mr. & Mrs. Kjerstad:

The Water Management Board has validated the enclosed Vested Water Right No. 783-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 30, 1998

955-2

Clayton or Charlene Kjerstad
PO Box 10
Wall, SD 57790-0010

Dear Mr. & Mrs. Kjerstad:

I am writing to you in an effort to update your water right with regard to the type of irrigation system you use. Water Right No. 955-2 authorizes diversion of water from the Cheyenne River and Deep Creek irrigate 508 acres in portions of Sections 31, 35 & 36, T6N, R16E and Section 1, T5N, R16E.

In 1980, an investigation of the water use system was conducted to allow for issuance of the water license. This was done at the time William Stone owned the property. The investigation found a Berkley pump was used to divert water into culverts and ditches for flood irrigation purposes (see enclosed copy of report).

I noticed when reviewing last year's irrigation questionnaire, that you listed "flood irrigation" in the area requesting a pump rate. In order to calculate how much water is used from a particular water source, it is necessary to have a pump rate listed along with the days per month and average hours per day the system is used.

Do you still utilize a pump with your irrigation system or is it entirely a water spreading system? Please take a few minutes to write or call and let me know if your irrigation system has changed. You may make any necessary corrections on the enclosed report and send it back to me.

I appreciate any assistance you may give in this matter. If you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

encl



January 22, 1999

955-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOTICE

TO: CLAYTON OR CHARLENE KJERSTAD, PO BOX 10, WALL, SD 57790 0010

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 955-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 955-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

955-2

Is your RETURN attached on the reverse side?

SENDER:

- Complete items 1 or d/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CLAYTON OR CHARLENE KJERSTAD
PO BOX 10
WALL SD 57790 0010

4a. Article Number

2-119 141 685

Service Type

- | | |
|---|---|
| ☒ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-26-99

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X Clayton Kjerstad

PS Form 3811, December 1994

107595 97-B 0170

Domestic Return Receipt

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 2, 1999

955-2

Clayton & Charlene Kjerstad
PO Box 10
Wall, SD 57790-0010

Dear Mr. & Mrs. Kjerstad:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 955-2.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 18, 2006

NOTICE OF SHUTOFF ORDER

TO: CLAYTON/CHARLENE KJERSTAD
PO BOX 10
WALL SD 57790

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 955-2

To protect the senior priority water rights, the department is issuing additional shutoff orders to junior water right holders with priority dates between January 1, 1960 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1960. Shutoff orders were issued previously to Cheyenne River water rights junior to December 31, 1969.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 9, 2006

CLAYTON AND CHARLENE KJERSTAD
PO BOX 10
WALL SD 57790

955-2

Dear Mr. & Mrs Kjerstad:

This letter is in regards to your Water Right No. 955-2 from the Cheyenne River. The Chief Engineer recently issued you a shutoff order due to low flows in the Cheyenne River. Recently a rainstorm over the Rapid Creek drainage is causing flows to for the short term increase downstream on the Cheyenne River. The Chief Engineer is going to temporarily allow you pump under this water right for a period of 48 hours starting when flows increase, due to this increased runoff, past your diversion point. After the 48 hour period, the shutoff order of July 18, 2006 will go back into effect.

If you have any additional questions, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineering Specialist
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 5, 2006

955-2

CLAYTON/CHARLENE KJERSTAD
PO BOX 10
WALL SD 57790

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 3, 2025

955-2

CHARLENE KJERSTAD
PO BOX 368
WALL SD 57790 0368

Dear Ms. Kjerstad:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaire you submitted for Water Right No. 955-2.

A review of the submission has found it to be incomplete and is being returned to you so that you may either include the diversion rate and hours of monthly operation, or PSI, depth to water, and kilowatt hours. Please note that your 2025 Irrigation Questionnaire will not be counted as "returned" until a complete and accurate submission is made.

Please try the online reporting option available at <https://danr.sd.gov/ig/> Your password is GVHMOL.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us

enclosure