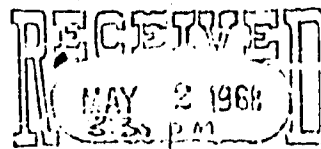


964.2

1. Considered 7-17, 1968
2. Name of Applicant ART GILMAN, ET AL.
3. Post Office Address PRESNO
4. Amount of water claimed 5.7
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 399
7. Water to be diverted and used in LYMAN county
about 7W 16N miles _____ of RELIANCE.
8. Proof of Publication
Received ~~✓~~
Not received 101
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 960-2Water Division No. 2 WHITE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant ART GILMAN, EILEEN JOHNSON & EUGEN DANIELSON
Postoffice address PRESHO, County LYMAN, State S. DAK.

- I. If a corporation _____
(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 & DIRECT LABOR

- (b) Cash on hand, \$
- ADEQUATE
- (c) Treasury stock, \$ _____

- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work
- GILMAN, JOHNSON, DANIELSON Irrigation Project

3. Amount of water claimed
- 57.7
- cubic feet per second

4. Source of water supply
- MISSOURI RIVER

5. Location of point of diversion
- SEE ATTACHMENT

- _____ on
- RIGHT
- bank
- LYMAN
- County.

6. Annual period or periods during which water is to be used
- APRIL THRU OCTOBER

7. To be used for:

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

- (a) Number of acres to be irrigated
- 399
- acres.

- (b) Legal subdivisions to be irrigated
- SEE ATTACHMENT

(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 _____

MAR 19 8 33 -2

6. 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.)

PUMPING PLANT, PIPE & SPRINKLER SYSTEM

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	FEET	ACRE-FOOT 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.....5.....years.

11. Time required for complete application of water to the proposed beneficial use.....4.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....ADVOCATE-LEADER, KENNEBEC, S. DAK......

STATE OF SOUTH DAKOTA

County of HUGHES ss.

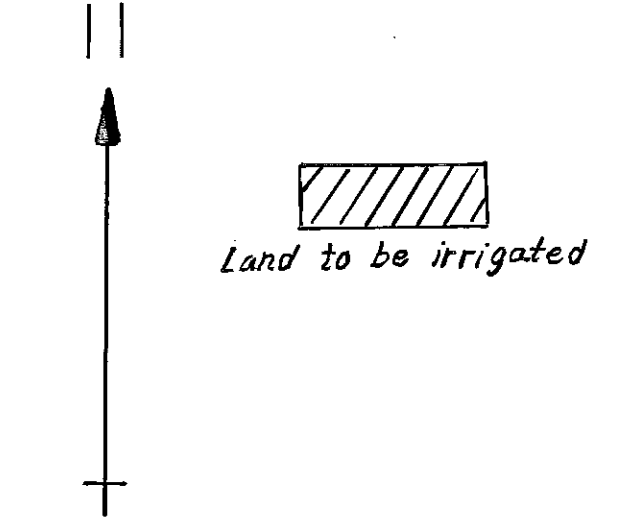
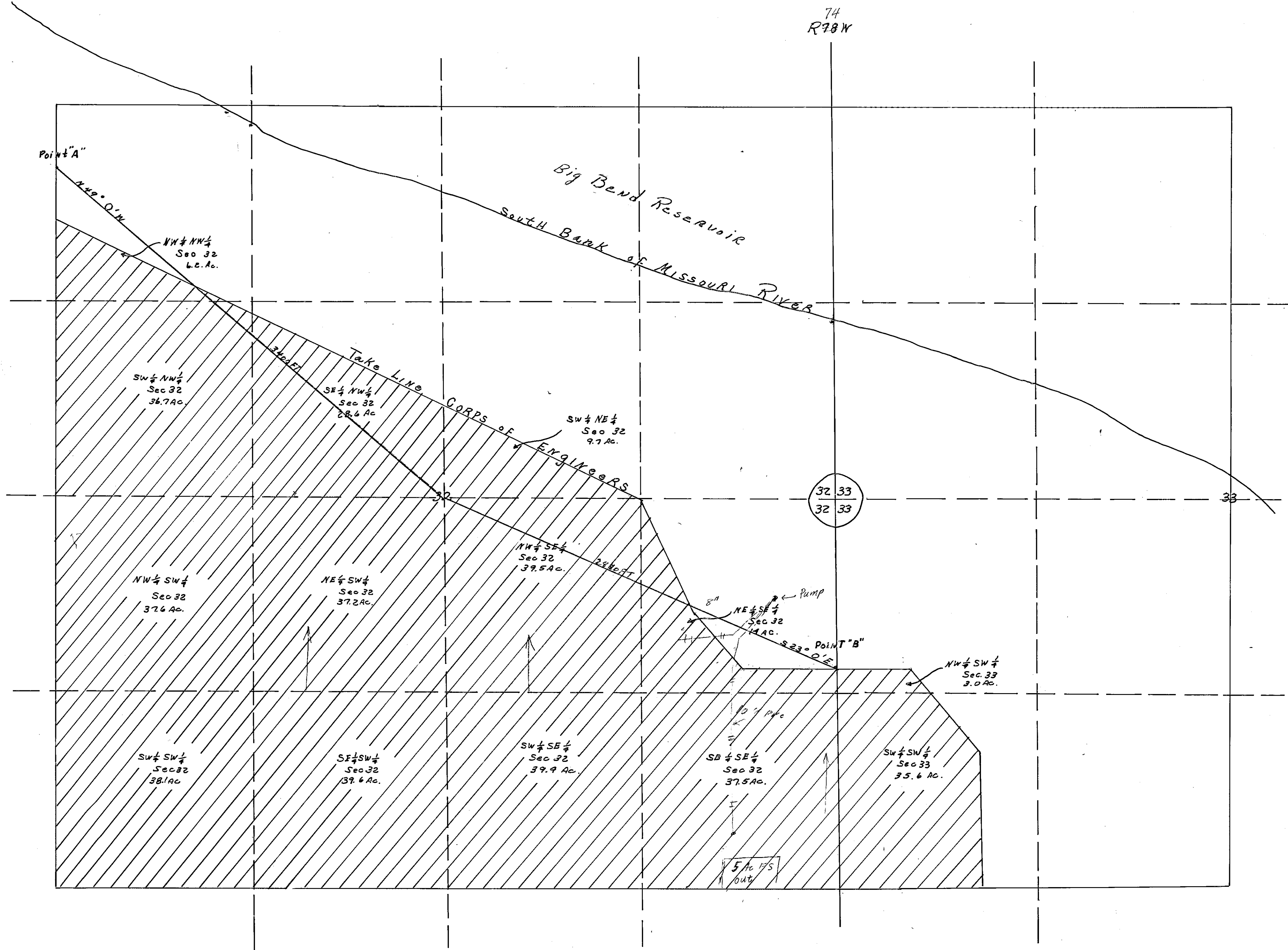
I, ART GILMAN, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and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

Signed Art Gilman
 2ND day of MAY 1968

Subscribed and sworn to before me this.....

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device



T
104 108
N All lands described are owned by
Art Gilman, Eileen Johnson
and Ellen Davidson

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 NW 1/4	32	104N	74W	6.2
SW 1/4 NW 1/4	32	104N	74W	36.7
NW 1/4 SW 1/4	32	104N	74W	37.6
SW 1/4 SW 1/4	32	104N	74W	38.1
SE 1/4 NW 1/4	32	104N	74W	28.6
NE 1/4 SW 1/4	32	104N	74W	37.2
SE 1/4 SW 1/4	32	104N	74W	39.6
SW 1/4 NE 1/4	32	104N	74W	9.7
NW 1/4 SE 1/4	32	104N	74W	37.5
SW 1/4 SE 1/4	32	104N	74W	39.4
NE 1/4 SE 1/4	32	104N	74W	14.0
SE 1/4 SE 1/4	32	104N	74W	37.5
NW 1/4 SW 1/4	33	104N	74W	3.0
SW 1/4 SW 1/4	33	104N	74W	35.6
TOTAL				399.0

Scale: 1" = 400'

GILMAN, JOHNSON, DAVIDSON
IRRIGATION PROJECT
NUMBER I
Spearman County, South Dakota

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, AUGUST 28, 1968

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock
P.m. upon the 2ND day of MAY, 1968.

State Water Resources Commission
By: Burton Jones
Chief Engineer, Executive Officer

Number of permit 964.2

Date of first receipt of application MAY 2, 1968

Date of return to applicant for correction, amendments or changes required as follows: MAY 3, 1968

Date of receipt of corrected application MAY 27, 1968

Date from which applicant may claim right MAY 2, 1968

Approved JULY 17, 1968, Recorded in Book 10 Page 241

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 JANUARY 17, 1971

2nd. The whole of said work is to be completed on or before JULY 17, 1973

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

JULY 17, 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 5.7 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 as 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 JULY 17, 1977; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 28TH day of AUGUST, 1968.

State Water Resources Commission

By: Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 20, 1976

Water License Issued APRIL 20, 1976

POINTS OF DIVERSION:

BETWEEN A POINT WHERE THE W SECTION LINE
OF SECTION ~~34~~³² ENTERS THE MISSOURI RIVER,
AND A POINT WHERE THE EAST SECTION LINE
SECTION ~~34~~³² ENTERS THE RIVER, ALL IN
T~~108~~¹⁰⁸ N, R ~~74~~⁷⁴ W

LANDS TO BE IRRIGATED
ALL IN T~~108~~¹⁰⁸ N, R ~~74~~⁷⁴ W

SECTION 32

NW ¹ NW ¹	6.2 ACRES
SW ¹ NW ¹	36.7 "
NW ¹ SW ¹	37.6 "
SW ¹ SW ¹	38.1 "
NE ¹ SW ¹	37.2 "
SE ¹ SW ¹	39.6 "
SE ¹ NW ¹	28.6 "
SW ¹ NE ¹	9.7 "
NW ¹ SE ¹	37.5 " 37.5
SW ¹ SE ¹	39.4 "
NE ¹ SE ¹	14.0 "
SE ¹ SE ¹	37.5 "
NW ¹ SW ¹	3.0 "
SW ¹ SW ¹	35.6 "

SECTION 33

TOTAL 399.0 ACRES

WATER LICENSE NO. . . 964-2

(1) WHEREAS, On the 2nd day of May A. D. 19 68Art Gilman, Eileen Johnson and Elie Davidsonmade Water Right Application No. 964-2 for a permit to use 5.7 cubic feet per second of the waters of the Missouri RiverCounty of Lyman, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 28th day of August A. D. 19 68Permit No. 964-2, with a date of priority of May 2, 1968was 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 17th day of July A. D. 19 73 and for the application to beneficial use of said water on or before the 18th day of July A. D. 19 77

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 5.7 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.

for irrigating the following land in T108N, R74W

Section 32		ACRES
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6.2
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	36.7
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	37.6
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28.1
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	28.6
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.2
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	39.6
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	9.7
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	39.5
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14.0
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	52.5
Section 33	NW $\frac{1}{4}$ SW $\frac{1}{4}$	3.0
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	35.6

TOTAL 397.7

(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 Art Gilman, Eileen Johnson and Ellen Davidson of Presho, S.D.

the holder _____ and owner _____ of said permit No. 964-2, water right, dating from May 2, 1968 to use of 5.7 cubic feet per second of the waters of the Missouri River

in the County of Lyman and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at between points where the West Section line and the East Section line of Section 32, T108N, R74 enters the Missouri River

and conduct to and upon portions of Sections 32 and 33, T108N, R74W, more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 964-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota this 20th day of April A. D. Nineteen Hundred and Seventy-six

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 964-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Art Gilman, Eileen Johnson and Ellen Davidson

_____ the holder _____ of
Permit No. 964-2, issued upon Application No. 964-2 bearing date of priority of May 2, 1968

_____ authorizing the diversion of 5.7 cu. ft. per second of the waters of _____
the Missouri River County of Lyman, State of South Dakota at _____
between points where the West Section line and the East Section
line of Section 32, T108N, R74W enters the Missouri River
_____ for irrigation

purposes, has ve 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 6.2 cu. ft. per second of water.

Date April 20, 1976

By: WATER RIGHTS COMMISSION

John Hatch

JOHN HATCH, Chief Engineer

on or before
(First Publication June 20, 1966.)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., June 10, 1968

Notice is hereby given that Art Gilman, Eileen Johnson & Ellen Davidson whose post-office address is Presho 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 5.7 cubic feet of water per second of time from the Missouri River through the Gilman, Johnson, Davidson Irrigation Project the point of diversion of which is to be located on the right bank of said stream/ in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32 portions of Twp. 108N Range 74W Said water to be used for the purpose of providing irrigation of the following described land:

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:

Chief Engineer, Executive Officer
 BURTON F. JONES
 Water Rights Specialist:

INDEX

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Lyman } ss.

C. L. Flint being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Advocate-Leader a newspaper, which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

Town of Kennebec County of

Lyman and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

June 20, 1968

June 27, 1968

July 4, 1968

July 11, 1968

In each and every issue of the full number thereof, the first publication being made on the 20th day of June

1968 and the last publication on the 11th day of

July 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.

Notice of Intention to Appropriate Water

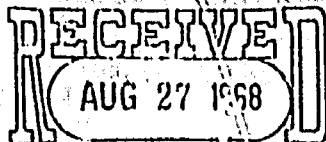
Notice is hereby given that Art Gilman, Ellen Johnson and Ellen Davidson whose postoffice address is Presho, S. Dak. has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 5-7 cubic feet of water per second of time from the Missouri River through the Gilman, Johnson, Davidson Irrigation Project, the point of diversion of which is to be located on the right bank of said stream between points in the NW 1/4, SW 1/4, Section 32, and in the SE 1/4 of the NE 1/4 of Section 32 Twp. 108 Range 74W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4, NW 1/4, SE 1/4 and SW 1/4 NE 1/4, Section 32, Twp. 108, R. 74W, Section 33, all in T. 108, R. 74W.

This application will be taken up by the State Water Resources Commission in their office at Pierre for consideration upon the 17th day of July, 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: Art Gilman, Presho, S. D.
(Pub. June 20, 27; July 3-11)

Subscribed and sworn to before me this 10th day of July A. D. 1968



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notary Public Superior County, S. D.

964-2

Art Gilman

2/24/46 Barred 10" PVC 1500

" 8" PVC 800

Bar. Gals. Pump 1800 GPM

Pump 1500 GPM

Pipe Dimensions

10" Gals 40' x 36" opening 6500 ft

8" Gals 40' opening 4000 ft

6" Gals 36" " 2000 ft

Pump - Berkeley Centrifugal

Model B650BM - Ser # 1378490

Impeller Dia. 11 5/8"

Engine for above pump

Allis Chalmers - 6 Cyl. Diesel

Model 3400, Ser # 3D-16175

Pump out

Model Pump Berkeley

Model B62RL

Impeller dia. 9"

Permit No.

964-2Water Division 2White River

Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Art Gilman
of Presho, S. Dak. holder,...

of Permit No. 964-2, bearing date of priority of May 2, 19 68

authorizing the diversion of 5.7 cu. ft. per second of the waters of Missouri River
for Irrigation purposes, in Lyman County.

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

1. The Water Use System consists of,

A. Works used to divert the water:

Pump-Berkeley - Model. 86JCBM, Serial #7378490, Imp. Dia. 11 1/2" 1800 GPM
Engine - Allis Chalmers - 6 cyl. Diesel, Model 3403, Serial #3D-16175
Pump-Berkeley - Model-B6ZRH - Imp. Dia. 9.0" 1000 GPM
Electric Power

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

Underground, 10" PVC pipe, 1800 ft; 8" PVC pipe 800 ft.

C. Works used to apply water to beneficial use.

Aluminum Pipe, 10" dia Gated 40"x36" spacing, 6600 ft.
8" Gated Pipe 40" spacing, 4000 ft.
6" Gated Pipe 36" spacing 2600 ft.

The system is in the following condition: Good

The point of diversion is located Between a point where the west section line of Section 32
enters the Missouri River and a point where the east section line of Section 32
enters the river, all in T108N, R74W.

The works are capable of diverting and conveying to the place of use 6.2

cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: In section 32, T108N, R74W.

NW 1/4 NW 1/4	6.2 Ac	SE 1/4 NW 1/4	28.6 Ac	NW 1/4 SE 1/4	39.5 Ac
SW 1/4 NW 1/4	36.7 Ac	NE 1/4 SW 1/4	37.2 Ac	SW 1/4 SE 1/4	39.4 Ac
NW 1/4 SW 1/4	37.6 Ac	SE 1/4 SW 1/4	37.6 Ac	NE 1/4 SE 1/4	19.0 Ac
SW 1/4 SW 1/4	38.1 Ac	SW 1/4 NE 1/4	9.7 Ac	SE 1/4 SE 1/4	72.5 Ac

comprising a total of 397.7 acres of land.

In section 33, T108N, R74W

NW 1/4 SW 1/4	3.0 Ac
SW 1/4 SW 1/4	35.6 Ac

Date Feb 27, 1976

L. R. O. Hermann
(Signature)

964-2

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 23, 1987

GILMAN FARMS, Art Gilman
SR, BOX 12
KENNEBEC, SD 57568

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). 964-2, 899-2. The request for the Questionnaire was dated November 3, 1986. 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). 964-2, 899-2 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.

Water Rights Division - DWR
Conversation or File Documentation

File No. 899-2

964-2

NAME OF PERSON OR FILE: Gilman Farms
ADDRESS: Kennebec, SD COUNTY
DATE: July 6, 1987 TELEPHONE
RE: 1986 Irrigation Questionnaires

COMMENTS:

A notice was sent to Art Gilman, Gilman Farms March 23, 1987 concerning
submission of his 1986 irrigation questionnaires for Water Right Nos. 899-2 and
964-2.

Mr. Gilman's questionnaires were received on March 23, 1987 after the Notices
were already mailed out.

No followup letter was necessary and Mr. Gilman's water rights were not brought
before the Water Management Board at the May 6 hearing.

File in Permit or other file as necessary. Use to document conversations and
what the other party was told; why action or decision was made.

4/82

NAME: Henry McMath

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: George Spiehs, COE, Pierre Real Estate Office, Pierre, SD

DATE: June 9, 2000

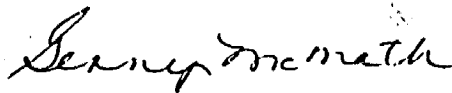
RE: Gilman Farms Inc

COMMENTS:

George called to check on ownership of water rights held by Gilman Farms Inc. I found two water rights listed in their name. Nos. 899-2 and 964-2, both in Lyman County with diversion of water being from the Missouri River.

Mr. Spiehs indicated the land has been sold as of April 3, 2000, to the Lower Brule Farm Corporation which is an entity of the Lower Brule Tribe. He has been corresponding with them concerning the easement.

He said he was calling to obtain information on transferring the water rights (cost etc) and would contact the Farm Corp again and recommend that they get the water rights transferred to their name.



Genny McMath
Environmental Scientist