

NO. 101-3-Enlargement

Water Division No. 3

(Blanks to be filled by the State Engineer)

District

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

RECEIVED

MAY 17 1955
4:00 P.M.
OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

1. Name of applicant Harold Rabe and James Rabe

Postoffice address Big Stone City, County Grant, State South Dakota

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 address 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) Purchase and direct labor

(b) Cash on hand, \$ 1000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ 20,000.00

2. Name of diversion work Rabe Bros. Irrigation System Enlargement #1

3. Quantity of water claimed 0.39 cubic feet per second. This amount of water is in addition to the 1.15 cfs granted under Permit No. 101.3

4. Source of water supply Whetstone Creek

5. Location of point of diversion Between points (1) 3780 feet E 69°-16' W and (2) 3045 ft. N 6°-37' W from the SE corner Section 13, T 121 N, R 47 W of the 5th Principal Meridian in Grant County, South Dakota on bank. County.

6. Annual periods during which water is to be used April 1st to November 1st

7. To be used for:

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

(a) Number of acres to be irrigated 163.99 acres.

(b) Legal subdivisions to be irrigated List Attached

(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.) None

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

8. Estimated cost of work:

(a) Head gates, \$-----

(b) Pumping plant, \$1500.00--

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures Pipe and sprinklers \$5000.00--

Total, \$7000.00--

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) 183 Oliver Diesel;

5" Byron Jackson Pump--1050 gpm @ 60 ft/in²; 1200'--8" Mainline pipe; 1320'--6" Mainline;1980'--4" Lateral line; 66 Sprinklers @ 45 ft/in²

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 of 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-----Feet DEPTH AT OUTLET--Acres	ACRE-Feet CAPACITY
	Sprinklers to be used	
	Rainbird #40 7/32 x 3/16	
	Pressure	Discharge (gpm)
	25	11.7
	30	12.8
	35	13.8
	40	14.9
	45	15.9
	50	16.8
	55	17.7

(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.)

purchase of equipment

10. Time required for completion of work-----one-----years.

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

12. Choice of newspaper for publication of notice of intention to appropriate-----

Milbank Herald Advance, Milbank, South Dakota

STATE OF SOUTH DAKOTA

County of Grand

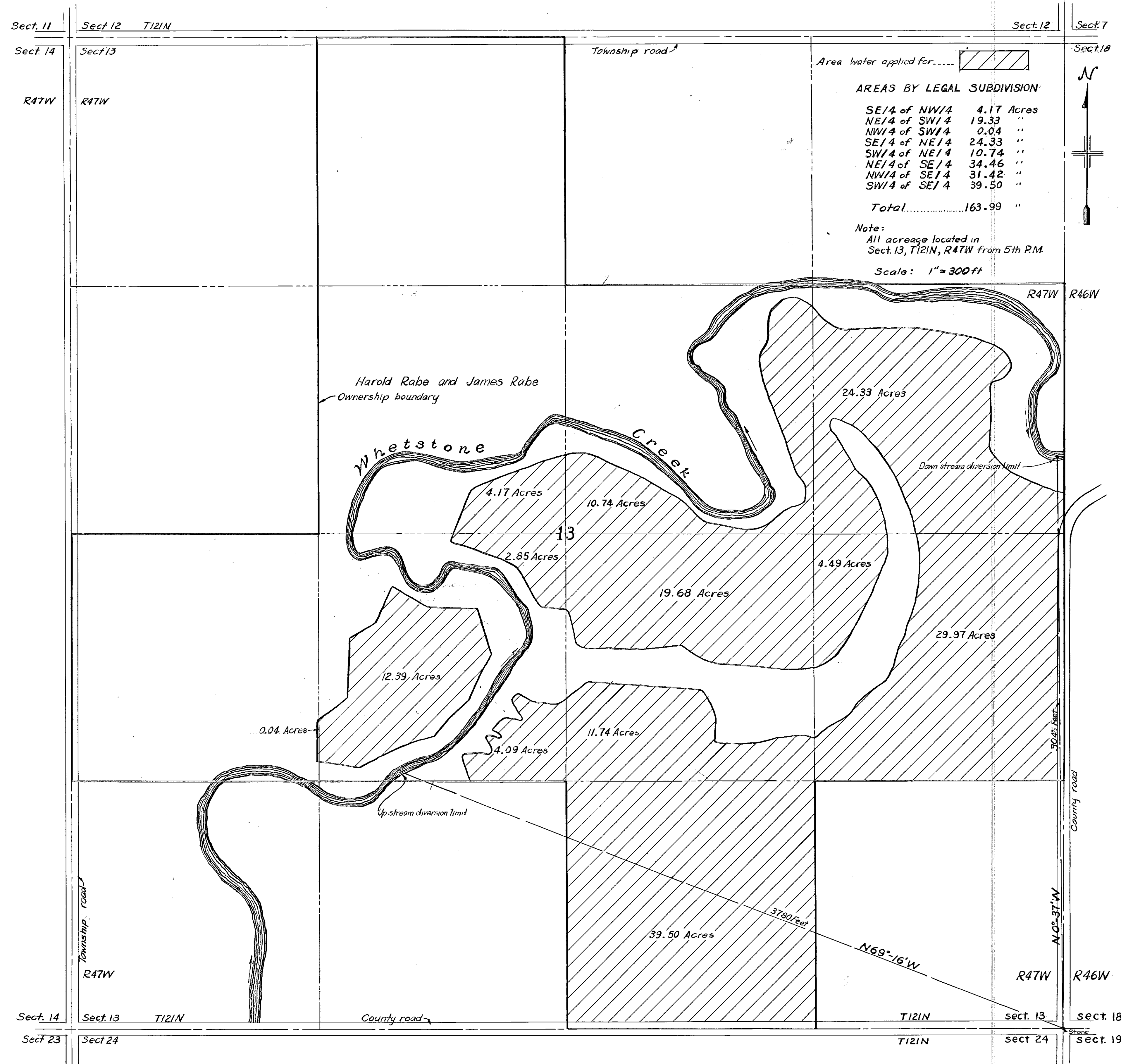
ss.

I, Harold Rabe and Lura Rabe, 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

Harold Rabe for Rabe Bros.Subscribed and sworn to before me this 16 day of July, 1925

Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

State of South Dakota } ss
County of Grant

I, Calvin Vaudrey, a Registered Land Surveyor in the State of South Dakota, do hereby certify that, at the request of Harold Rabe and James Rabe, owners, I surveyed the tracts of irrigable land within their ownership boundaries on April 12, 1953 for which application for appropriative water right is made and that this map is a true representation thereof

In Witness Whereof, I have hereunto set my hand and seal this 25th day of April, A. D., 1953.

Calvin Vaudrey
Registered Land Surveyor

State of South Dakota } ss
County of Brookings

On this day, before me, the undersigned, a Notary Public within and for the said State and County, personally appeared Calvin Vaudrey, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness My Hand, I have hereunto set my hand and seal this 25th day of April, A. D., 1953.

W. E. Watson
Notary Public

My Commission Expires Oct 12 - 1953

(Water Right No. - 101-3)

Map No. - 80-3

MAP

SHOWING AREA AND DIVERSION POINTS
FOR PERMIT TO APPROPRIATE WATER
HAROLD RABE AND JAMES RABE, OWNERS

Prepared By Calvin Vaudrey - Civil Engineer

Date April 25, 1953

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre, South Dakota, June 30, 1955
for enlargement

This is to certify that the foregoing application was received at this office at 4:00 p. m. upon the 17th day of May, 1955 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Number of permit 101-3

Date of first receipt of application for enlargement, May 17, 1955

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right for additional water, May 17, 1955

Approved June 30, 1955, Recorded in Book 3 Page 86

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I 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 December 30, 1955.

2nd. The whole of said work is to be completed on or before June 30, 1956.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 30, 1957.

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 0.89 additional to that heretofore granted

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 June 30, 1957; said water to be used during the following described annual period:

April 1 to November 1 inclusive

Witness my hand this 30 day of June, 1955

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued August 23, 1963

Water License issued August 23, 1963

Application for Permit -- Harold Rabe and James Rabe

7. (b) Legal subdivision to be irrigated:

NE/4, SW/4	19.33
SE/4, NW/4	4.17
NW/4, SW/4	.04
SE/4, NE/4	24.33
SW/4, NE/4	10.74
NE/4, SE/4	34.46
NW/4, SE/4	31.42
SW/4, SE/4	<u>39.50</u>
Total	163.99

Note: All lands to be irrigated are
in Section 13, T 121 N, R 47 W
of 5th Principal Meridian

NO. 101-3Water Division No. 3Whetstone Creek

District

(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

9:16 A.M.
APR 20 1953OFFICE OF STATE ENGINEER
PIERRE, S. DAK.1. Name of applicant Harold Babo and James BaboPostoffice address Big Stone City, County Grant, State S. Dak.~~1. 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 address 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) Purchase and direct labor(b) Cash on hand, \$ 1,500 (c) Treasury stock, \$ -----(d) Bonds to be issued, \$ ----- (e) Other resources, \$ 20,0002. Name of diversion work Pike Bros. Irrigation System3. Quantity of water claimed 1.45 cubic feet per second.4. Source of water supply Whetstone Creek5. Location of point of diversion Between points (1) 3780 ft. N 69° 16' W and (2) 3045 ft. N 69° 16' Wfrom the SE Corner of Section 13, T 121N, R 47W of the 5th Principal Meridian and in Grant County, South Dakota6. Annual periods during which water is to be used April 1st to November 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?(a) Number of acres to be irrigated 163.99 acres.(b) Legal subdivisions to be irrigated List attached

(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.)~~ None~~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~~

8. Estimated cost of work:

(a) Head gates, \$----- (b) Pumping plant, \$1,600-----
 (c) Fluming, \$----- (d) Canal earth, \$----- Rock, \$-----
 (e) Other structures Pipe and sprinklers \$5,400----- Total, \$7,000-----

9. Description of diversion works:

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
6" Pump, 650 gpm, 80 lb/sq. in., 2,000 ft 6" mainline pipe, 700' 5" lateral line
1,000 ft 4" lateral line, 42 sprinklers to operate at 40 lb/sq. in.

(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 of back face-----; material used in construction-----
 (b) Reservoir: Capacity when filled-----acres; Surface area at high water-----acres.

9 - I continued TABLE OF PRESSURES AND DISCHARGE

DEPTH OF WATER	SURFACE AREA AT EACH DEPTH	DISCHARGE
XXXXXX	XXXXXXXXXXXXXXXXXXXX	XXXXXX
Sprinklers to be used		
Rainbird #70 7/32 x 3/16		
Pressure Discharge (gpm)		
25		12.0
30		13.1
35		14.2
40		15.2
45		16.2

(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 purchase of complete system four years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Milbank Herald Advance, Milbank, South Dakota

STATE OF SOUTH DAKOTA

County of Grant ss.

I, Harold Rabe and James Rabe, 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 Harold Rabe James Rabe

Subscribed and sworn to before me this 18 day of April, 1953

Notary Public (or other qualified officer.)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, June 30, 1953

This is to certify that the foregoing application was received at this office at 9:15 o'clock A. m. upon the 30 day of April, 1953 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

No protests were received.

Dean W. Loucks
DEAN W. LOUCKS, State Engineer.

Number of permit 101-3

Date of first receipt of application April 30, 1953

Date of return to applicant for correction - - - -, 19-

Date of receipt of corrected application - - - -, 19-

Date from which applicant may claim right April 30, 1953

Approved June 30, 1953, Recorded in Book 3 Page 49

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I 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 June 30, 1955

2nd. The whole of said work is to be completed on or before June 30, 1957

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 30, 1958

4th. The water appropriated shall be used for the purpose of providing sprinkler 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 1.45 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 June 30, 1958; said water to be used during the following described annual period:

April 1st to November 1st, inclusive

Witness my hand this 30 day of June, 1953

Dean W. Loucks
DEAN W. LOUCKS, State Engineer.

Certificate of Construction issued AUGUST 23, 1963

Water License issued AUGUST 23, 1963

Attachment to Form 2--Application for Permit to Appropriate Water

7. To be used for:

I. Irrigation ~~needs~~

(b) Legal subdivisions to be irrigated

SE/4 of NW/4	4.17
NE/4 of SW/4	19.33
NW/4 of SW/4	.04
SE/4 of NE/4	24.33
SW/4 of NE/4	10.74
NE/4 of SE/4	34.45
NW/4 of SE/4	31.42
SW/4 of SE/4	39.50

TOTAL	163.99
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All lands to be irrigated are in Section 13, T 121N, R 47W from 5th Principal Meridian.

Permit No. 101-3Water Division No. 1 Whetstone Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Harold and James Rabe

of Big Stone City, County of Grant, and State of South Dakota, the holder of Permit No. 101-3 Enlargement
1.45 cfs from April 30, 1953
 No. 101-3, bearing date of priority of 1.89 cfs from May 12, 1955, authorizing the diversion of
2.34 cu. ft. per second of the waters of Whetstone Creek

County of Grant, State of South Dakota, between a point N69°16'W,
3780', and a point N 0°37'W, 3045' from the SE corner, Section 13, T121N, R47W
for irrigation

purposes. It is fully 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 2.34 cu. ft.
 per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,
 to-wit: all in Section 13, T121N, R47W

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4.17 acresNE $\frac{1}{4}$ SW $\frac{1}{4}$ 19.33 "NW $\frac{1}{4}$ SW $\frac{1}{4}$.04 "SE $\frac{1}{4}$ NE $\frac{1}{4}$ 24.33 "SW $\frac{1}{4}$ NE $\frac{1}{4}$ 10.74 "NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34.46 "NW $\frac{1}{4}$ SE $\frac{1}{4}$ 31.42 "SW $\frac{1}{4}$ SE $\frac{1}{4}$ 39.50 "

Total - 163.99 "

Witness my hand this 23rd day of August A. D. 1963

State Water Resources Commission

By:

J. W. ORIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 101-3 (Enlargement)

WHEREAS, On the 17th day of May A. D. 1955

Harold and James Rabe

of Big Stone City County of Grant and State of
South Dakota to enlarge
duly made application (No. 101-3) to us for a permit to use 2.34
cubic feet per second of the waters of Whetstone Creek
County of Grant, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 30th day of June A. D. 1955
Permit No. 101-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 30th day of
June 56 A. D. 1956 and for the application to beneficial use of said
water on or before the 30th day of June A. D. 1957
and,

WHEREAS, On the 20th day of February A. D. 1963
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.34
cubic feet per second of said waters, as evidenced by our Certificate No. 101-3
dated August 23, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.34 cubic feet per second of water, with date of
priority of April 30, 1953 and May 17, 1955 and,

WHEREAS, On the 20th day of February A. D. 1963
proof was duly made of the application to beneficial use of 2.34 cubic feet per second of said water;
for irrigating 163.99 acres in Section 13, T121N, R47W

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 Harold and James Rabe

of Big Stone City the holder A and owner B of said permit No. 101-3
a water right, dating from 1.45 cfs from April 30, 1953 to the use of 2.34
.89 cfs from May 12, 1953
cubic feet per second of the waters of Whetstone Creek

In the County of Grant and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted between a point N69°16'W, 3780'
and a point N 0°37' W 3045' from the SE corner, Section 13, T121N, R47W
and conducted to and upon 163.99 acres in Section 13, T121N, R47W, more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 23rd day of August A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

August 23, 1963

Mr. Harold Rabe
Big Stone City, South Dakota

Dear Mr. Rabe:

Enclosed herewith are a Certificate of Completion of Works, Water License No. 101-3, and Receipt No. 3-589, in the amount of \$12.00 for fees which you have paid for issuing these documents and inspecting your irrigation works.

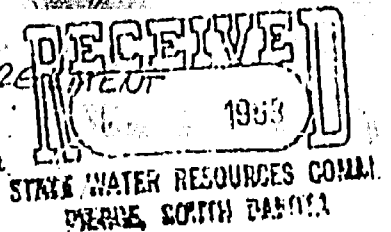
These documents represent the completion of your application for a water right, which was received April 30, 1953 and May 17, 1955.

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

Sincerely,

J.W. GRIMES
Chief Engineer

Encl: 3

Location No. 101-3 & ENLARGEMENTWater Division No. 3 WHEATSTONE CREEK Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. HAROLD & JAMES RABE

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. MAY 17, 1955

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. WHEATSTONE CREEK - BETWEEN A POINT N 69° 16' W, 3780' AND A POINT N 0° 37' W, 3045' FROM THE SE CORNER, SECTION 13, T12N, R47W

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place or use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. SEE CERTIFICATE OF EXAMINATION OF WORKS

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. IRRIGATION - ALL IN SECTION 13, T12N, R47W

NE ⁴ SW ⁴	19.33 ac	SE ⁴ NE ⁴	20.33 ac	NW ⁴ SE ⁴	31.02
SE ⁴ NW ⁴	4.17 ac	SW ⁴ NE ⁴	10.74 ac	SW ⁴ SE ⁴	39.50
NW ⁴ SW ⁴	.04 ac	NE ⁴ SE ⁴	34.16 ac		

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2.34

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans.

SYSTEM WAS COMPLETED IN 1953, AND HAS BEEN USED AS NEEDED WHEN WATER WAS AVAILABLE SINCE THAT TIME.

(Sign)

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Big Lake City, SD, County of Grant State of South Dakota, on this 23rd day of February A. D. 1963

Mary Kautz
John J. Don

Witnesses.

Margaret A. Gerhardt
MARGARET A. GERHARDT
Notary Public, South Dakota

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Ray Kiffbeck
Carl Kiffbeck

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

Permit No. 101-3
3 WHEATSTONE
 Water Division No. 3 CREEK Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

1955, I have this day made a thorough examination of the diversion works constructed by HAROLD
JAMES RABE, of BIG STONE CITY
GRANT County, South Dakota, holder of Permit No. 101-3, issued
 upon Application No. 101-3, bearing date of priority of April 30, 1953, 1953, authorizing the
 diversion of 2.34 cu. ft. per second of the waters of WHEATSTONE CREEK for IRRIGATION

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

The diversion works comprise: BYRON JACKSON 6" PUMP #0-288940
POWERED BY OLIVER DIESEL #199 POWER UNIT WITH 1200'
8" pipe; 1280' of 6" pipe; 1320' 6" sprinkler line with
30' spacing for 66 sprinkler heads rated @
1100 GPM

and the system is in the following condition: Excellent

The point of diversion is located Between points N69°16'W, 3780 ft. and
N0°37'W 3045 ft. from the SE corner, Section 13, T12N R47W

The works are capable of diverting and conveying to the place of use 2.34 cu. ft. per second of water,
 which is to be used for irrigation

The legal sub-divisions to be irrigated are: All in SECTION 13, T12N R47W:
NE¹SW⁴, 19.33 ac.; SE⁴NW⁴, 4.17 ac.; NW⁴SW⁴, .04 ac.; SE⁴NE⁴, 24.33 ac.;
SW⁴NE⁴, 10.74 ac.; NE⁴SE⁴, 34.46 ac.; NW⁴SE⁴, 31.42 ac.;
SW⁴SE⁴, 39.50 ac.

comprising a total of 163.99 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 20th day of _____

FEBRUARY

A.D. 1955

—SEAL—

William J. Jones
 Examining Engineer
OFFICER

State Publishing Company, Pierre

9—Notice of Intention to appropriate Water

No. 101-3 Enlargement

(First Publication June 2, 1955.)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., May 26, 1955

Notice is hereby given that Harold Rabe & James Rabe whose postoffice address is Big Stone City 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 0.89 additional cubic feet of water per second of time from the Whetstone Creek through the Rabe Bros. Irrigation System / Enlargement No. 1 the point of diversion of which is to be located on the both bank of said stream between a point 3780 ft. N 69° 16' W. and a point 3045 ft. N 0° 37' W. of S.E. Cor. 121 N. Range 47W 1/4 of the 1/4 of Section Said water to be used for the purpose of providing irrigation on the following described land:

No additional lands to be irrigated.

and for irrigation purposes

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 30th day of June, 1955, at 3:00 PM. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

DEAN W. LOUCKE
State Engineer

cc: Calvin Vaudrey

To be published June 2, 9, 16 & 23, 1955.

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., May 4, 1953

Notice is hereby given that Harold Rabe and James Rabe whose postoffice address is Big Stone City 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 1.45 cubic feet of water per second of time from the Hueston Creek through the Rabe Bros. Irrigation System, the point of diversion of which is to be located on the 20th bank of said stream between a point 3780 ft. N. 69° 16' W. and a point 3045 ft. N. 0° 37' W. of S. E. Cor. Section 13 Twp. 12N Range 17W. Said water to be used for the purpose of providing irrigation on the following described land:

SE¹ of NW¹, N¹ of SW¹, SE¹ of NW¹, NE¹ of SW¹ and SW¹ of SW¹ Sec. 12, T. 12N, R. 17W.

~~and to be used for the purpose of providing irrigation on the following described land:~~

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15 day of June, 1953, at 2:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

DEAN W. LOUCKS
State Engineer

DWL:NCS

EM

cc: Vaudrey

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 17, 1989

Harold Rabe
RR 1, Box 244
Big Stone City, SD 57216

Dear Mr. Rabe:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John W. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division



101-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 25, 1992

No. 101-3

Tim Rabe
RR 1, Box 218
Big Stone City, SD 57216

Dear Mr. Rabe:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 101-3. The water right is currently listed in the name of Harold and James Rabe.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form 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,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



101-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE TOSS BUILDING
523 EAST CAPITOL II
PIERRE SOUTH DAKOTA 57501-3181

February 12, 1993

SECOND NOTICE
PERMIT NO. 101-3

Tim Rabe
RR 1, Box 218
Big Stone City, SD 57216

Dear Mr. Rabe:

On November 25, 1992, notice was sent to you concerning the transfer of Water Right No. 101-3 in the name of Harold & James Rabe. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. 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 Genny McMath, (605) 773-3352.

Very truly yours,

Eric Gundersen

for RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

2-18-93 : Tim Rabe called - he is the operator only,
ownership has not changed.

Genny

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • 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 manpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the manpiece 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: Tim Rabe RR 1, Box 218 Big Stone City, SD 57216		4a. Article Number P 906 560 240	
		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☒ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee) <i>Timothy Rabe</i>		7. Date of Delivery 2-16-93	
6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid) <i>X</i>	

Thank you for using Return Receipt Service.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Harold & James Rabe
RR 1 Box 244
Big Stone City SD 57216

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Mrs. V. Rabe B. Date of Delivery 1-20-01

C. Signature X Mrs. Harold Rabe ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3093

PS Form 3811, July 1999

Domestic Return Receipt

102555-00-M-0952

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TIM & NIKKI RABE, OPERATOR
14306 483RD AVE
BIG STONE CITY SD 57216

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Tim Rabe B. Date of Delivery 1-23-01

C. Signature X Tim Rabe ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3109

PS Form 3811, July 1999

Domestic Return Receipt

102555-00-M-0952



101-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: TIM & NIKKI RABE, OPERATOR, 14306 483RD AVE, BIG STONE CITY, SD 57216

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No(s) 101-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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 10:00 am, March 7, 2001, 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) 101-3 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 2, 2001, 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.

c: HAROLD/JAMES RABE, RR 1 BOX 244, BIG STONE CITY, SD 57216

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2001

101-3

Tim & Nikki Rabe
14306 483rd Ave
Big Stone City, SD 57216

Dear Mr. & Mrs. Rabe:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 101-3.

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

c: Harold/James Rabe