

No. 130-2

NOV 12 1955

Water Division No. 3James River

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Helen Mortimer
 Postoffice address Hitchcock Rt. 3, County Beadle, 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 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)

Irrigation features, including irrigation well, are completed and in operation

(b) Cash or hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Mortimer Well3. Amount of water claimed 1.33 cubic feet per second4. Source of water supply Well5. Location of point of diversion 625 feet S 28° 10' E of N¹ corner of Section 22,
Township 113 North, Range 62 West or in back Beadle County.6. Annual period or periods during which water is to be used April 15 - November 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination system(a) Number of acres to be irrigated 98.1 acres.(b) Legal subdivisions to be irrigated N¹ Section 22, Township 113 North, Range 62 West.

(NOTE—A list of lands to be irrigated, giving each subdivision and 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 None
 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 103-3

8. Estimated cost of work:

(a) Head Gates, \$100.00

(b) Pumping plant, \$4,660.00

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

(d) Canal-earth, \$50.00

and rock, \$-----

(e) Other structures Land leveling and sprinkler system \$3,500.00

Total, \$8,310.00

9. Description of diversion works:

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

Wall

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

Gate valve with totalizing flow meter

(c) Head gate: Width ----- feet; height ----- feet; Material ----- steel

(d) Canal: Total length 0.466 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At 0.00 Mile	1.2 feet	1.0 feet	3-4 feet	5.2 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 0 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

12. Choice of newspaper for publication of notice of intention to appropriate Daily Plainsman

Huron, South Dakota

STATE OF SOUTH DAKOTA

County of Beadle

ss.

I,

Julien Mortimer

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

Julien Mortimer

Subscribed and sworn to before me this

10

day of

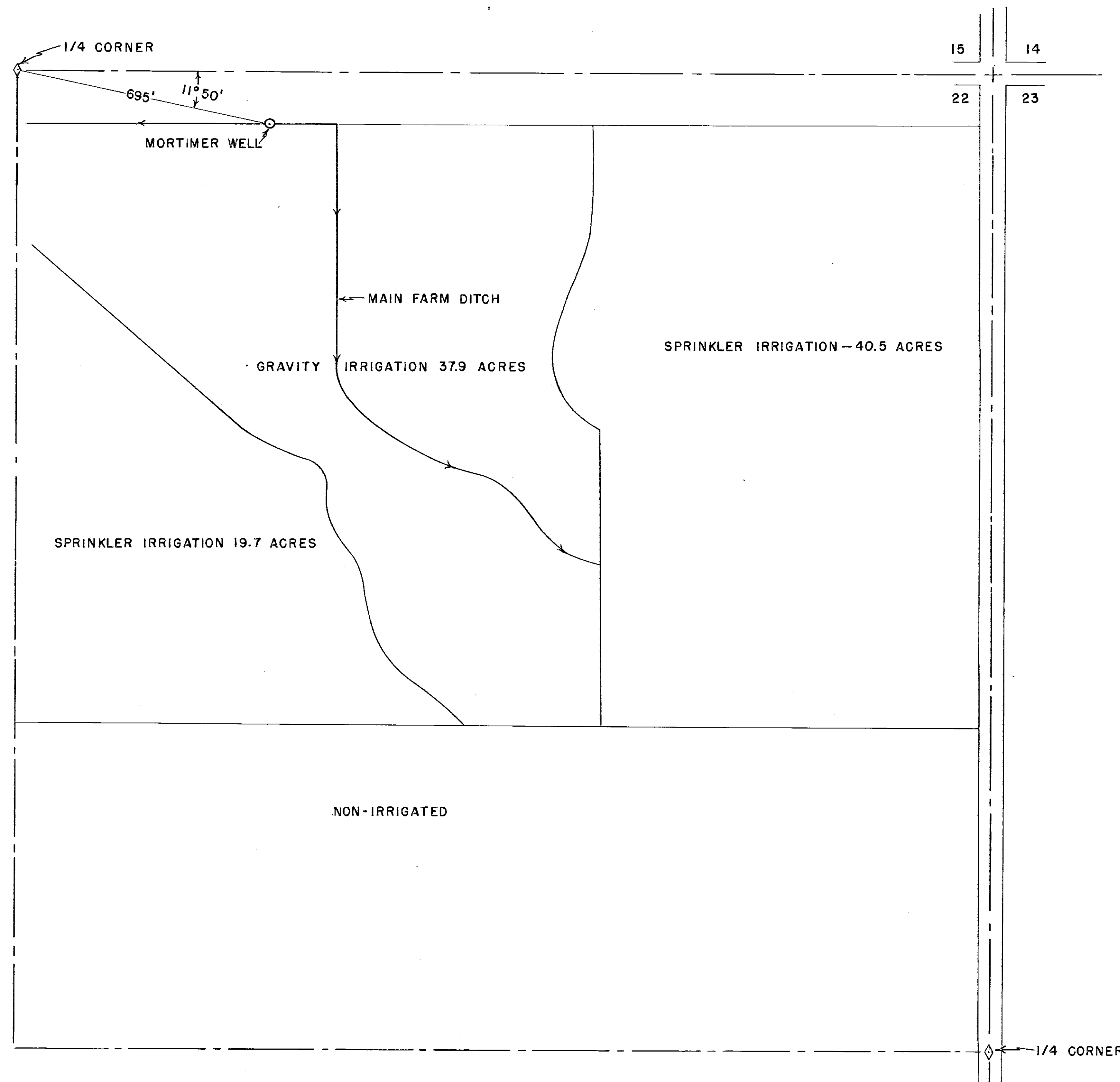
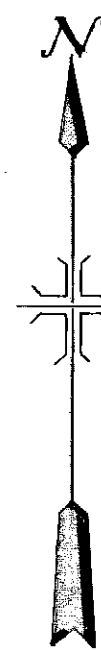
November

19

55

Notary Public (or other qualified officer.)

MAP SHOWING LOCATION OF MORTIMER WELL (POINT OF DIVERSION)
AND LANDS TO BE IRRIGATED WITH WATER DIVERTED FROM THIS
WELL. HELEN MORTIMER, OWNER.



LEGAL SUBDIVISION AREA TO BE IRRIGATED:
N.E 1/4 SECTION 22 T 113 N R 62 W 98.1 ACRES
TOTAL 98.1 ACRES

LENGTH OF MAIN FARM DITCH 2460 FEET.

SCALE: 1 INCH = 200 FEET

Certified Correct M. E. Von Soggen
Chief, Projects Development Division
Bureau of Reclamation, Department of Interior
Huron, South Dakota.

Subscribed and sworn to before me
this 8th day of November 1955
Anthony H. Costello
Notary Public For The State of South Dakota
Residing at Huron, South Dakota
My Commission expires February 9, 1956

Remarks by State Water Resources Commission:

Permit allowed with priority date established
as of the date of completion of works.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

Nov. 12

1955

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
A.m. upon the 12 day of Nov., 1955.

State Water Resources Commission

By:

J. W. Hume

Chief Engineer, Executive Officer

Number of permit 130-3

Date of first receipt of application Nov. 12, 1955

Date of return to applicant for correction, amendments or changes required as follows: Nov. 18, 1955

Date of receipt of corrected application Feb. 3, 1956

Date from which applicant may claim right Dec. 12, 1953

Approved Mar. 1, 1956, Recorded in Book 3 Page 111

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

1956

2nd. The whole of said work ^{was} to be completed on or before Dec. 12, 1953

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

Mar. 1, 1959

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 1.33 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 Mar. 1, 1959; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 1 day of Mar., 1956.

State Water Resources Commission

By:

J. W. Hume

Chief Engineer, Executive Officer

Certificate of Construction Issued Mar. 27, 1956.

Water License Issued 1956.

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36"

Depth 73 feet

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 12 inch, Thickness of casing 1/4 inch
Length of casing 56 feet. If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen slot wire wound No. 100

Size of perforated screen 12 inch, 15 feet
(diameter) (length)

Thickness of gravel pack 12 inches, length of gravel
pack 60 feet.

(c) Water Bearing Materials

Distance to water 24 feet.

Character of water bearing materials sand and
gravel

Thickness of water bearing material 40 feet

(d) Pump and Motor

Typ. of pump turbine
(centrifugal, propellor, mixed flow, etc.)

Name of pump Jacuzzi, size 6 inch

Kind of motor gasoline
(gasoline, electric, diesel, etc.)

Horsepower 27.8

Name of motor Allis Chalmers

(e) Complete well

Capacity 600 gpm at drawdown of 30 feet

Estimated cost \$3000

(f) Owner of land upon which well is located Helen
Name

Mortimer, Hitchcock, South Dakota
Address

(g) Distance to nearest existing wells

On same Owner's property 175 rods

On property owned by others 150 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 130-3

WHEREAS, On the 12th day of November A. D. 1955

Helen North

of Hitchcock County of Beadle and State of
South Dakota duly made application (No. 130-3) to us for a permit to use 1.33
cubic feet per second of the waters of ground water
County of Beadle, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 1st day of March A. D. 1956

Permit No. 130-3 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 (completed Dec. 12, 1953)
1st day of July (vested right) A. D. 1955 and for the application to beneficial use of said
water on or before the 1st day of March A. D. 1959
and,

WHEREAS, On the 1st day of February A. D. 1956

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.33
cubic feet per second of said waters, as evidenced by our Certificate No. 130-3
dated March 27, 1956 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.35 cubic feet per second of water, with date of
priority of December 12, 1953 and,

WHEREAS, On the 9th day of April A. D. 1957

proof was duly made of the application to beneficial use of 1.33 cubic feet per second of said water;
for irrigation on the NW ^{1/4} Sec 22, T11N, R 62 W comprising 98.1 acres.

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 Malan Mortimer
of Hitchcock, South Dakota the holder and owner of said permit No. 130-3
a water right, dating from December 12, 1953 to the use of 1.33
cubic feet per second of the waters of ground water
in the County of Beadle and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at a point 695 feet South
789 10' East of the NE 1/4 Corner, Sec. 22, T 113 N, R 62 W
and conducted to and upon 98.1 acres of the NE 1/4, Sec. 22, T 113 N, R 62 W

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 13th day of April A. D. Nineteen
Hundred and fifty-seven

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 _____

Permit No. 130-3

Water Division No. 3 James Riv. Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

I, _____, do hereby certify, That Helen Mortimer
 of Hitchcock, County of Beadie, and State of
South Dakota, the holder of Permit No. 130-3, issued upon Application
 No. 130-3, bearing date of priority of December 12, 1953, authorizing the diversion of
1.33 cu. ft. per second of the waters of ground water
 County of Spink, State of South Dakota, at a point S 28°10'E
of the NE 1/4 Corner of Sec. 22, T 113N, R 62W
 for irrigation

purposes, has 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 1.33 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:

NE 1/4, Sec. 22, T 113N, R 62W - - - - - 98.1 acres

Witness my hand this 27th day of March A. D. 1956

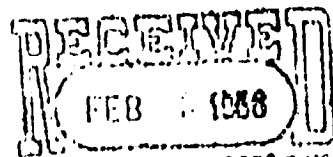
State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Location No. 130-3---

Water Division No. 3 James River Water District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Helen Mortimer, Hitchcock, South Dakota - teacher

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. Does not apply

XX

XXXX

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

Ans. Source of water supply is well located 695 feet east and 1105' south of north quarter corner of Sec. 22, T. 113 N., R. 62 W. in Beadle County.

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 of 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. Pump delivers 1.33 cubic feet per second and the water is conveyed by ditch to place of use on farm. The well was completed on December 12, 1953.

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. Water is used for irrigation. Approximately 78 acres in the NE 1/4 Sec. 22, T. 113 N., R. 62 W., have received irrigation water from this well.

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

Ans. Does not apply

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

Ans. One acre-foot of water per year for each acre irrigated.

XX

Ans.

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

Ans. 71.6 acre-feet of water were applied to 29 acres in 1954 by gravity irrigation methods. 73.5 acre-feet of water were applied to 30 acres of gravity irrigated lands and 48 acres of sprinkler irrigated lands in 1955.

(Sign) Allen J. Mortimer

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. That said testimony was subscribed and sworn to before me, at my office in Hutchinson, County of Beadle

State of South Dakota, on this 1st day of February A. D. 1956
Witnesses. Adrian Proch
Natany Pichas

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.

Raymond B. Rye

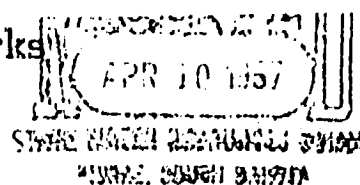
Location No. -----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water ----- c. f. s.	
Source -----	
County -----	
Purpose -----	
Place of Use -----	
Date of recording -----	
Received and filed -----	

The following is the acreage irrigated and acre-feet of water pumped for the 1954-1956 period:

1954 - 29 acres - 71.3 acre-feet
1955 - 49 acres - 77.2 acre-feet
1956 - 98.1 acres - 56.5 acre-feet

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 March 12, 1957, I have this day made a thorough examination of the diversion works constructed by Helen Mortimer, of Hitchcock, Beadle County, South Dakota, holder of Permit No. 130-3, issued upon Application No. 130-3, bearing date of priority of December 12, 1953, authorizing the diversion of 1.33 cu. ft. per second of the waters of from well for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Ten-inch turbine pump, two-stage, six-inch discharge powered by 27.8 hp. gasoline engine. Sprinkler system used with this irrigation development is rated at 125 gpm at the designed pressure, powered by farm tractor and consists of 1,380 feet of lateral line.

and the system is in the following condition: Good

The point of diversion is located 695 feet south and 78°10' east of the NE $\frac{1}{4}$ corner of Section 22, Township 113 North, Range 62 West.

The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water, which is to be used for gravity and sprinkler irrigation purposes.

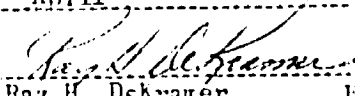
The legal sub-divisions to be irrigated are: NE $\frac{1}{4}$ Section 22, Township 113 North, Range 62 West

comprising a total of 98.1 acres of land.
The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 9th day of April, A. D. 1957.

--SEAL--


Ray H. Dekramer, Examining Engineer.
Agricultural Engineer
Bureau of Reclamation
Huron, South Dakota

The irrigation well is in very poor condition. H. Mortimer still owns all of the irrigation equipment. Reported there had been no irrigation for 5 years.

I explained the cloudy irrigation right that would exist if irrigation were to be started again. There is some possibility that it will be.

I suggest that this be left until 1979 and then be checked. If there has been no irrigation by then the license be scheduled to be considered for cancellation.

12:10



Department of Water & Natural Resources

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

September 21, 1988

NOTICE

John A. Mortimer
Rt 3, Box 89
Witchcock SD 57348

Dear Mr. Mortimer:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 130-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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

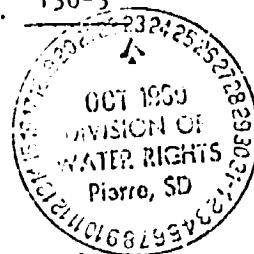


NO. 130-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Sept 11, 1987



This is to notify you that the title to the lands described as follows:

NE 1/4 Section 22, T113N, R62W

formerly owned by Helen Mortimer

has been transferred to John Mortimer, RR #3, Box 87, Hitchcock SD 57344-3

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Vested Water Right Claim No. 130-3

~~Water Right Permit No.~~ 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 46-2-13.

STATE OF SOUTH DAKOTA)
County of Bentley) ss.

I, John Mortimer 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 information herein stated is true.

John Mortimer
(Signed)

Subscribed and sworn to before me this 11th Day of September, 1987.

James H. H. H.
(Notary Public)



Department of Water & Natural Resources

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

October 24, 1989

130-3

John Mortimer
RR #1 Box 89
Hitchcock, SD 57348

Dear Mr. Mortimer:

I am contacting you in regard to the "Notice of Transfer" you submitted for filing an ownership change on Vested Water Right Claim No. 130-3. The form was completed properly, however can not be processed without a \$2.50 filing fee.

Please remit the \$2.50 filing fee as soon as possible. If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, October 30, 1989

RECEIVED OF John A. Norfimer, RR #1 Box 89, Hitchcock, SD 57348

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>Water Right No. 130-3</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 [Signature]
Chief Engineer



**Department of
Water & Natural Resources**

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

November 8, 1989

130-3

John Mortimer
RR 1, Box 89
Hitchcock SD 57348

Dear Mr. Mortimer:

Enclosed is a receipt in the amount of \$2.50 which you paid for transfer of Vested Water Right Claim No. 130-3.

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

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT CLAIM NO. 130-3, John A. Mortimer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Claim No. 130-3, John A. Mortimer, RR 1, Box 89, Hitchcock SD.

The Chief Engineer is recommending VALIDATION of No. 130-3 for 1.07 cfs because 1) water has been appropriated as described for irrigation of 75 acres with a priority date of December 12, 1953, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. That the 1.56 cfs diversion rate be reduced to 1.07 cfs prior to the 1990 irrigation season.
2. Vested Water Right No. 130-3 is subject to the irrigation questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
December 18, 1989

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Beadle)

I, James L. Hein
 certify that the attached printed Notice was taken
 from the Huron Daily Plainsman

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 Huron

County of Beadle and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

January 16, 1990

January 23, 1990

James L. Hein
 (Signature)
Controller
 (Title)

January 23, 1990
 (Date Signed)

Cost of Printing: \$74.80

NOTICE OF HEARING
 On Application
 No. 130A-3 To Amend
 Recognized Vested Water
 Right Claim No. 130-3

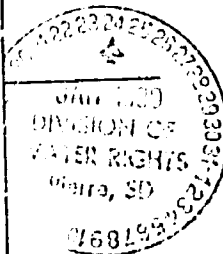
Notice is given that John A. McIlmer, RR #1 Box 89, Hitchcock, SD 57348 has filed an application for a water permit to amend Recognized Vested Right Claim No. 130-3 to change the diversion point location. No. 130-3 claims an appropriation of 1.33 cubic feet of water per second (cfs) from one well to irrigate 98.1 acres with a claimed priority date of December 12, 1953. This application is to change the well location from the NW 1/4 NE 1/4 to near the center of the NE 1/4, all in Section 22-T113N-R62W. The irrigated acreage is located in the NE 1/4 Section 22-T113N-R62W. No increase in water appropriation or acres irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 130A-3 for diversion of 1.07 cfs and irrigation of 75 acres with a priority date of December 12, 1953 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. Theses and other due process rights will be forfeited if no exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3-1, 46-2-9, 46-2-11, 46-2-13; 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board rules ARSD 74:02:01:01 thru 74:02:01:15.



SOUTH DAKOTA

VESTED WATER RIGHT NO. 130-3 FOR IRRIGATION

Date of Receipt of Claim November 12, 1955.

Date of Validation March 7, 1990.

The Water Management Board validated Vested Water Right Claim No. 130-3 for irrigation purposes for John A Mortimer, RR 1, Box 89, Hitchcock SD 57348 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 130-3 appropriates 1.07 cubic feet of water per second from one well located near the center of the NE 1/4 Section 22 to irrigate 75 acres located in the NE 1/4 Section 22; all in T113N-R62W.
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: April 15 - November 1.
3. The priority date of the Vested Water Right is December 12, 1953.
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.

QUALIFICATIONS

1. That the 1.56 cfs diversion rate be reduced to 1.07 cfs prior to the 1990 irrigation season.
2. Vested Water Right No. 130-3 is subject to the irrigation questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

MAY 20 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 20 1992

John A Mortimer
Rt 1, Box 89
Hitchcock SD 57348

Dear Mr. Mortimer:

The Water Management Board on March 7, 1990, validated the enclosed Vested Water Right No. 130-3. 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