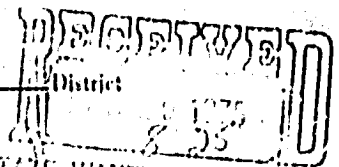


2209-3

1. Considered 3-10, 1975
2. Name of Applicant FRED A. WALTH
3. Post Office Address GLENHAMI
4. Amount of water claimed 2.28
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 160
7. Water to be diverted and used in WALWORTH county
about 65.13 miles of SELBY
8. Proof of Publication Received ~~7-11-75~~ 3-24-75
- Not received _____
9. Application Approved _____
- Subject to _____
- Not Approved _____
- Action deferred _____
10. Remarks:

No. 2209-3Map No. 1608-3 Water Division No. 3 Missouri River
(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 Allen L. Walth
Glenham, SD 57631
 Postoffice address _____ State SOUTH DAKOTA
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work WALTH - WALTH IRRIGATION
4. Amount of water claimed (cubic feet per second) 4.3 cfs
5. Source of water supply Missouri River
6. Location of point of diversion Section 4 Township 122 Range 78
See map marked by an X for exact location

County Walworth

7. Annual period or periods during which water is to be used April through September
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 160

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
East $\frac{1}{2}$ NW $\frac{1}{4}$ -4-122-78	40	N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ -4-122-78	20
NE $\frac{1}{4}$ NE $\frac{1}{4}$ -4-122-78	40		
NW $\frac{1}{4}$ NE $\frac{1}{4}$ -4-122-78	40		
N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ -4-122-78	20		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system May-1975 / _____ years. Additional time required to complete application of water to the proposed beneficial use May-1975 / _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Mohrbridge Tribune
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Electric MotorB. Works proposed to transport water to place of use.
Pipeline

C. Works proposed to apply water to beneficial use.

Irrigation through sprinklersEstimated Total Cost \$ 11,500Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Walworth) ss.I, Fred A. Walth the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Fred A. WalthSubscribed and sworn to before me this 18 day of Feb 1975Notary Public (or other qualified officer)
F. J. MITZEL, Notary Public
 Commission Expires Feb. 4, 1976

No. 2209-3

Publish first publication, on or before March 6, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 3, 1975

Notice is hereby given that Fred A. Walth

whose post office address is Glenham, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.20 cubic feet of water per second of time from the Missouri River through the Walth - Walth Irrigation Project, the point of diversion of which is to be located in the

NW 1/4 NW 1/4

of Section 4, Twp. 122N, Range 77W. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4, E 1/2 NW 1/4, Section 4, T122N, R78W

This application No. 2209-3 will be considered by the Water Rights Commission at its office at Pierre upon the 19th day of March, 1975, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Fred A. Walth, Box 25, Glenham, S.D. 57631

No. 2209-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Waiworth)

I, Dorothy Horn hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Robrriage Tribune

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____
Hobridge Tribune of Hobridge, S. Dak.

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

March 6 & March 13, 1975

(Signature) /

Bookkeeper
(Title)

3/21/75

(Date Signed)

Application made
by Fred Walth to
appropriate water

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501
March 3, 1975

• Notice is hereby given that Fred A. Walth whose postoffice address is Glenham, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.28 cubic feet of water per second of time from the Missouri River through the Walth - Walth Irrigation Project, the point of diversion of which is to be located in the NW¹/₄, NW¹/₄ of Section 4, Twp. 122N, Range 78W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE¹/₄, E¹/₂, NW¹/₄, Section 4, T¹/₂22N, R78W.

This application No. 2209-3 will be considered by the Water Rights Commission at its office at Pierre upon the 19th day of March, 1975, at 2:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones

Specialist

-36-313

MAR 24 1975

STATE WATER ENGINEER AND
PIERRE, SOUTH DAKOTA

22093

Feb 1 Walter

of Kansas

3-25-88

Walter's letter of the 10th

about irrigation West of Kansas

on irrigating the 100 ft of 4 miles

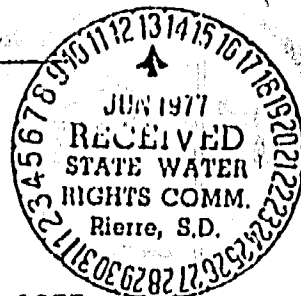
of land and irrigation of the same

on the 100 ft of 4 miles

of the 100 ft of 4 miles

of the 100 ft of 4 miles

of the 100 ft of 4 miles



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Date April 6, 1977

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

NE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 4-T122-R78 total 120

acres

formerly owned by Fred A. Walth

has been transferred to Allen L. Walth, Glenham

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

Water Right Permit No. 2209-3 as provided for in Section 61.0127 of the 1960

Supplement to the South Dakota Code of 1939.

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

A fee of \$2.50 ~~under Section 61.0159~~ is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

County of WALWORTH

)
) ss.
)

I, Allen L. Walth being first duly sworn on my oath despose 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.

Allen L. Walth

(Signed)

Subscribed and sworn to before me this 9th day of JUNE

19 77.

Roger W. Anderson
(Notary Public)

My Commission Expires MARCH 22, 1984

4201-3

Re. Halber P. W. W. W.

7-28-67

Motor W. W. W.

Model 354 T-105-150 CW

75 HP

3550 RPM

Re. # E B 9327 - 2/21-69

Engine - Cornall

Engine 300 hp

Model 4 X B 75-2

Re. # E 9379

8 3/4

8" dia 11" C. Pipe - 10' long

11' 9" long above

C. P. Olson

Model 1034

Size 3784

Lowline motor - 2 Tons line 1200

Long - 11' long - 16" dia pipe for main

Antique Re. 11110

Part # 6-723057-01, 501412

3540 RPM

July

Permit No. 2209-3Water Division 3 Missouri River Water DistrictREPORT 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 Allen L. Walth
 of Glenham, South Dakota, 57631 holder
 of Permit No. 2209-3, bearing date of priority of February 19, 1975
 authorizing the diversion of 2.28 cu. ft. per second of the waters of Missouri River
 for Irrigation purposes, in Walworth County.

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

The Water Use System consists of,

- A. Works used to divert the water: For Center Pivot & Motor - Marathon Electric.
 Model 364 TTD 57315 B.C.W., Ser # FB 932 71-2/21-4 Pumping 500 GPM
 75 HP., 3550 RPM; Pump - Cornell - Model 4YB 75-2, Ser # E2379
 For Towline: Motor - Century Electric; Part # 6-323 059-01
 50 HP. 3540 RPM; Pump - Berkely, Model B3EPBL, Ser # 7473494, Imp. Dia 9.0" 3000 RPM pumping 400 gpm
- B. Works used to transport water to place of use,
 800 ft of 8" dia. Aluminum; 1400 ft of 8" dia. PVC. Underground,
 1200 ft of 6" dia. Aluminum
- C. Works used to apply water to beneficial use.
 Center Pivot: Olson, Model 103 P, Ser # 3784
 2640 ft of 4" dia Tow Lines with 5/32" dia nozzles spaced 40 ft apart.

The system is in the following condition: Good.

The point of diversion is located 1150 ft West and 550 South of East 1/4 line of
section 4, T122N R78W and 1000 ft West and 900 ft South of the
North 1/4 line of section 4, T122N R78W. 2.68
 The works are capable of diverting and conveying to the place of use

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: All in Section 4, T122N R78W
NE 1/4 NW 1/4 - 20 Ac., SE 1/4 NW 1/4 - 20 Ac., NW 1/4 NE 1/4 - 36 Ac., NE 1/4 NE 1/4 - 36 Ac.
SW 1/4 NE 1/4 - 28 Ac., SE 1/4 NE 1/4 - 28 Ac.

comprising a total of _____ acres of land.

168 Ac. CD Corner 4 A and Sec 33Water of Missouri River at Walworth Regd Irrigation

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2209.3FRED A. WALTH
(Applicant)P.O. Box 25, GLENHAM
(Post Office Address)SOUTH DAKOTA 57631
(State)

With the following modifications:

Date of first receipt of application FEBRUARY 19, 19 75Date of return to applicant for correction, amendments or changes required FEBRUARY 25, 19 75Date of receipt of corrected application MARCH 1, 19 75Approved MARCH 20, 19 75, Recorded in Book 13 Page 228WATER RIGHT PERMIT NO. 2209.3The Water Rights Commission hereby grants and issues this Water Right Permit No. 2209.3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 19, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 20, 19 75
3. The whole of said work is to be completed on or before MARCH 20, 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 20, 19 77
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 2.28 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 MARCH 20, 19 77; said water to be used during the following described annual period: APRIL THRU SEPTEMBERWitness my hand this 24TH day of MARCH, 19 75

WATER RIGHTS COMMISSION

By:

Donald D. Driscoll
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

November 14, 1977

Allen L. Walth
Glenham, South Dakota 58631

Dear Mr. Walth:

On July 28, 1977, I made an inspection of your Water Right Application No. 2209-3. The inspection indicated that you are irrigating 172 acres, whereas your application for a permit was for 160 acres. The South Dakota Statutes state that you must have the legal description of the area you are irrigating listed in the application. Also you cannot claim more water than one cubic foot per second for each 70 acres irrigated.

In order for you to comply with the South Dakota Laws, I am enclosing two completed Form 2's, "Application for Permit to Appropriate Water". This application includes all of the land you are now irrigating. It also asks for 2.46 cubic feet per second of water. Would you please check the forms, make any necessary additions or corrections, have them signed and notarized, and return to this office with a check for \$150.00, which is the cost of a new permit.

We will cancel Permit No. 2209-3, however, you will retain the priority date for the land listed in Application No. 2209-3, and the amount of water claimed.

A new map will not be necessary as we will use the map from Application No. 2209-3.

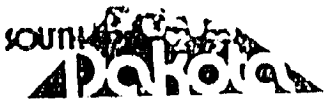
Enclosed also is a sketch map of the area you are now irrigating and a copy of Application No. 2209-3 to assist in showing you where the necessary changes were made.

If you have any questions regarding the application feel free to contact this office.

Sincerely,

LE ROY J. KERNAUGH
Water Rights Engineer I

LH/bw
Encl: As stated



Department of Water & Natural Resources

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

SEP 14 1989

5246-3

Allen Walth
HCR 10 Box 84
Glenham, SD 57631

Dear Mr. Walt:

Enclosed is Water License No. 5246-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411823 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

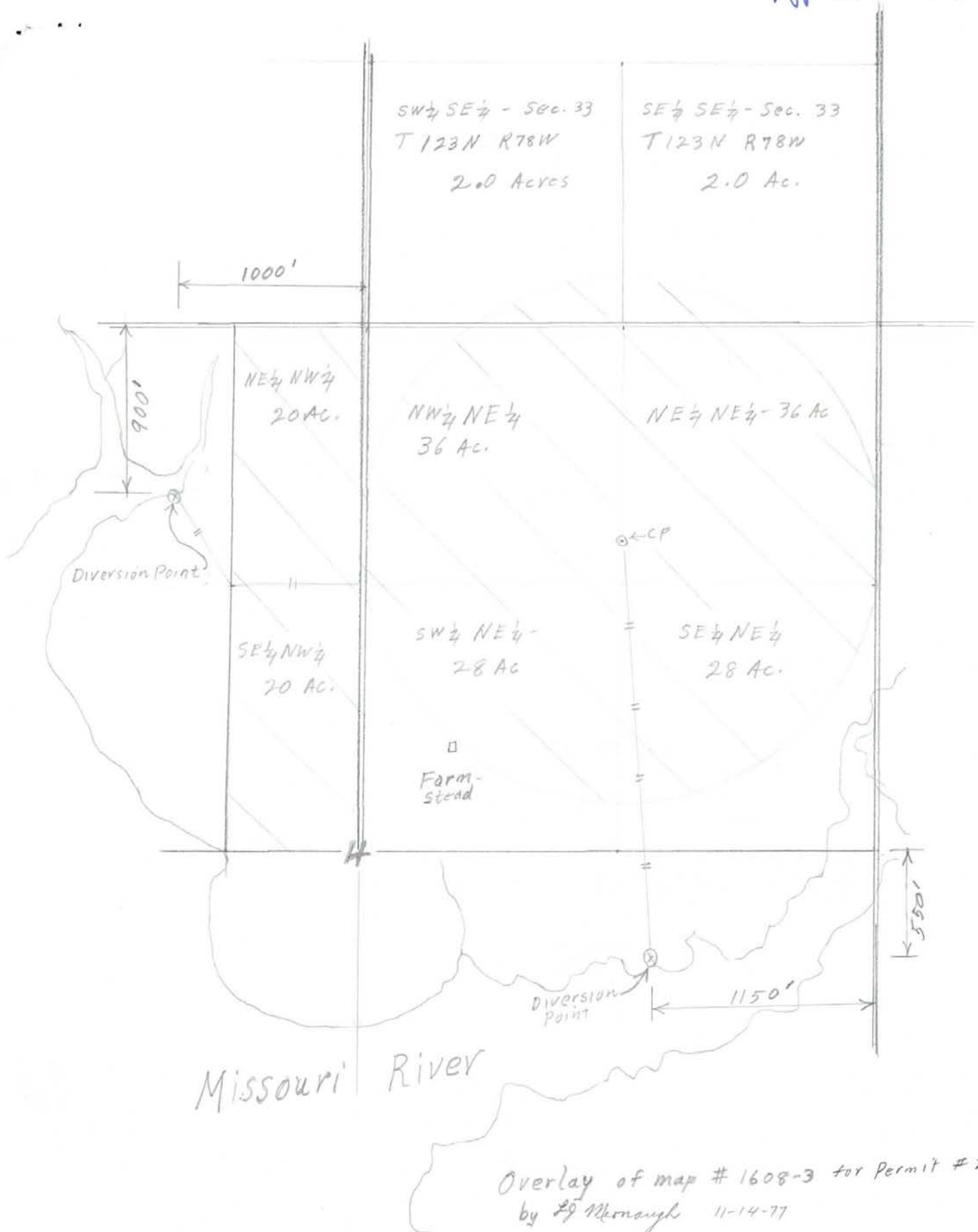
As long as you use the water beneficially, as state in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 2209-3 are incorporated into this Water License No. 5246-3.



Overlay of map # 1608-3 for Permit # 2209-3
by L. J. Monaghan 11-14-77

Allen Walth
Irrigation Project.

122-78

1000'
900'

40.5

83.0

NW 1/4 of

4-122-78

NE 1/4 NW 1/4

20 Ac.

NE 1/4 of

4-122-78

NW 1/4 NE 1/4 36 Ac

NE 1/4 NE 1/4 36 Ac

SE 1/4 NW 1/4

20 Ac.

SW 1/4 NE 1/4 - 28 Ac

SE 1/4 NE 1/4 - 28 Ac

6" dia' Alum
Mains

400' dia' 400' dia' 28" dia'

CP

Pump
site

Pump site
for Dupper

Walworth Soil Cons Dist

122-78

Map 114208-3 App No 2204-3