No. 391-3Water Division No. 3 Missouri River
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM

District PIERRE, SOUTH DAKOTADev Draw No. 6396-3Receipt No. 17629Vested Right
APPLICATION FOR PERMIT**To appropriate Water within the State of South Dakota**

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

DENNIS1. Name of Applicant Dennis ReberPostoffice address Java, County Walworth, 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)

Work already done - filed under Dev Draw Number 6396-3 & Receipt No. 17629

(b) Cash on hand, \$ -----

(c) Treasury stock, \$ -----

(d) Bonds to be issued, \$ -----

(e) Other resources, \$ -----

2. Name of diversion work -----

3. Amount of water claimed 1.14 cubic feet per second -----4. Source of water supply Ham Creek water -----5. Location of point of diversion 750 ft. South & 700 ft. East of Northwest corner of
Section 24, T 122 N, R 75 W. on bank Walworth County.6. Annual period or periods during which water is to be used March 15th to October 15th.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Overhead
Sprinkler(a) Number of acres to be irrigated on ----- acres.(b) Legal subdivisions to be irrigated R 1/2 of NW 1/4, 24, T 122 N, R 75 W

(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.) Livestock water in theNorthwest quarter Section 24 for a short period in the fall.

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

(a) Nature of use Stockwatering -----
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, \$ 6000.00

(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.)

Earthen dam with corrugated metal outlet and deep inlet to control depth of water and prevent excessive flow during emergency flood spillway.

II. Dimensions of works:

(a) Dam: Height 14.6 ft feet; length at bottom 73 feet; length at top 327 feet; thickness at bottom 102 feet; thickness at top 12 feet; slope at front water face 4:1; slope at back face 2:1 material used in construction Earth

(b) Reservoir: Capacity when filled 200 acre feet. Surface area at highwater mark 7.0 acres.

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

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

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PI P' ILE
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.)

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

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

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

STATE OF SOUTH DAKOTA

County of Walworth } ss.

I, Arthur Piebor, 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 Arthur PieborSubscribed and sworn to before me this 14 day of January 1957

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, January 10, 1957

This is to certify that the foregoing application was received by the Commission at 2 o'clock

A.m. upon the 12th day of January, 1957

State Water Resources Commission

By: J. C. Brinner

Chief Engineer, Executive Officer

Vested Right
Number of permit 391-3

Date of first receipt of application January 12th, 1957

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right May 1955, 19____

Approved March 5th, 1957, Recorded in Book 4 Page 58

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 _____

Completed, 19____

2nd. The whole of said work is to be completed on or before Completed, 19____

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

Completed, 19____

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 114 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 appropriator 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 Completed, 19____; said water to be used during the following described annual period:

March to October inclusive

Witness my hand this 3 day of April, 1957

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued April 3, 1957

Water License Issued April 3, 1957

STATE OF SOUTH DAKOTA

WATER LICENSE No. 391-3

WHEREAS, On the 15th day of January A. D. 1957

Arthur Dieber

of Java County of Walworth and State of

South Dakota duly made application (No. 391-3) to us for a permit to use 1.14

cubic feet per second ~~of the waters~~ of Surface waters (no name for stream)

County of Walworth, State of South Dakota, for irrigation purposes; and

Vested Right WHEREAS, On the 3rd day of March A. D. 1957

/ Permit No. 391-3 was issued to said applicant... for the diversion of said water, and ~~recognizing~~ recognizing

completion of the works of diversion therein described ~~on or before the~~ day of

in May 1955 ~~XXXXXX~~ and for ~~the~~ that application to beneficial use of said

water ~~on or before the~~ day of in May 1955 ~~XXXXXX~~ and,

WHEREAS, On the 3rd day of March A. D. 1957

~~vested right~~ the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.14

cubic feet per second of said waters, as evidenced by our Certificate No. 391-3

dated April 3, 1957 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.14 cubic feet per second of water, with date of

priority of May 1955 ~~XXXX~~ and,

WHEREAS, On the 3rd day of March A. D. 1957

proof was duly made of the application to beneficial use of 1.14 cubic feet per second of said water;

on 80 acres in the NW 1/4, Sec. 24, T 122 N, R 75 W

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 **Arthur Bieber**

of **Java, South Dakota** the holder and owner of said **Water Right** permit No. **391-3**
a water right, dating from **May 1955** to the use of **1.14**

cubic feet per second of the waters of **Surface waters (no name for stream)**

In the County of **Walworth** and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at **750 feet south and 700**

feet east of the NW Cor., Sec. 24, T 122 N, R 75 W

and conducted to and upon **the N¹/₂ Sec. 24, T 122 N, R 75 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 **3rd** day of **April** A. D. Nineteen
Fifty-Seven
Hundred and

State Water Resources Commission
By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Ain't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 391-3

River

Water Division No. 3 Missouri Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Arthur Bieberof Java County of Walworth, and State of South Dakota, the holder of Vested Right Permit No. 391-3 issued upon ApplicationNo. 391-3 bearing date of priority of May 1955, authorizing the diversion of1.14 cu. ft. per second ~~of surface water~~ of Surface Waters (no name for stream)County of Walworth, State of South Dakota, at 750 feet south and700 feet east of the NW Cor., Sec. 24, T 122 N, R 75 Wfor 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 1.14 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: N 1/4, Sec 24, T 122 N, R 75 W - 80 acresWitness my hand this 3rd day of April A. D. 1957

State Water Resources Commission

By:

J.W. Grimes, Chief Engineer, Executive Officer

Location No. 391-SWater Division No. 3Missouri River
Water District

Rec'd 3/5/57

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. Arthur BieberJava, South Dakota

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. Application Filed with Water Resources January 15, 1952. Dry
Draw Location Notice #6396-3 filed November 4, 1954.

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

Ans. Dam located on dry draw. Point of diversion 750 feet S. and
700 feet East of NW Cor. Sec. 24, Twp. 122N, Rge. 25W.

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. Dam 16.6 feet high, 73 feet long, capable of storing 20 Ac. Ft.
66- Rainbird #40 nozzles, 1600 feet. 6" aluminum pipe mainline, 1280 feet
4" aluminum laterals. Pump 700 gal./min. capacity.

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 and stockwater. Irrigate NE, NW, Twp. 122N, Rge. 25W.

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. 500 gals./min.

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. Started irrigating during May 1955, using sprinkler method of application. Sprinkler system installed was capable of irrigating 80 acres and almost all of this area was irrigated during the 1955 season.

(Sign) Arthur Riber

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 Pierre, County of Woods

State of South Dakota, on this 5 day of March A. D. 1957

Witnesses. J. W. Daines

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.

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 _____

South Dakota
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

Arthur Bieber
RR 1, Box 87
Java SD 57452

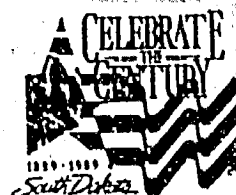
Dear Mr. Bieber:

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). 391-3 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 Helvin D. Bragg
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





391-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 11 1997

Dennis Bieber
13922 317th Ave
Bowdle SD 57428

Dear Mr. Bieber:

The Water Management Board has validated Vested Water Right Nos. 391-3 and 5551-3. These validations give legal status to the claims and are the final documents for your vested rights. Enclosed is Water License No. 5551-3 which incorporates the applicable portions of Location Notice No. 6396 and Vested Right Claim No. 391-3.

Enclosed is the receipt for payment to transfer Vested Right No. 391-3 to your name.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 391-3 FOR IRRIGATION

Date of Receipt of Claim January 15, 1957.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 391-3 for irrigation purposes for Arthur Bieber (now owned by Dennis Bieber, 13922 317th Ave, Bowdle SD 57428) with the following limitations, conditions and qualifications:

1. Vested Water Right No. 391-3 appropriates 0.80 cubic feet of water per second from a dry draw to irrigate 56 acres. The point of diversion is located in the NW 1/4 NW 1/4 Section 24-T122N-R75W. The irrigated lands are located in the N 1/2 NW 1/4 Section 24-T122N-R75W.
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. The water is to be used during the following annual period: March 1 to October 31.
3. The priority date of the Vested Water Right is May 1, 1955.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997

date

