

No. 394-3RECEIVED
DEC 9 1960or Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMMISSION

APPLICATION FOR PERMIT

RECEIVED
DEC 17 1960
3:46 P.M.
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

PERMIT TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA

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

1. Name of applicant Harold M. CarlsonPostoffice address Platte, County Chambers, State S.D.

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)

Well was drilled 1910 by Nebraska. I have been in use since that time on this farm for irrigation & for cattle.

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Platte Station3. Amount of water claimed 2.88 cubic feet per second4. Source of water supply Platte River5. Location of point of diversion near 1/2 S 1/2 E 1/4 section 26-98-69on Chambers bank Chambers County.6. Annual period or periods during which water is to be used year around

7. To be used for:

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

(a) Number of acres to be irrigated 2.00 acres NE 1/4 sec 35-98-69 (120 ac)(b) Legal subdivisions to be irrigated SE 1/4 Sec 26-98-69(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereon, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.) (80 ac)

(c) Statement as to domestic use (giving location, etc.)

Cattle & domestic use year around

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, \$-----

(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.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

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

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-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 PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work completed years.

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

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

STATE OF SOUTH DAKOTA

County of Sioux

I, Harold M. Ashen

, 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 M. Ashen

Subscribed and sworn to before me this 7th day of December 1958

J. E. [Signature]
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

January 23, 1957

This is to certify that the foregoing application was received by the Commission at 3:40 c'clock

P.m. upon the 17 day of January, 1957

State Water Resources Commission

By:

J. C. Brinner

Chief Engineer, Executive Officer

Vested Right
Number of permit 394-53

Date of first receipt of application

January 17, 1957

Date of return to applicant for correction, amendments or changes required as follows

January 23, 1957

Date of receipt of corrected application

December 9, 1958

Date from which applicant may claim right

1912

Approved December 9, 1958, recorded in Book

Page 60

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 and

stockwatering

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

Continuously

Witness my hand this

13

day of

December

1958

State Water Resources Commission

By:

J. C. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 13, 1958

Water License Issued

December 13, 1958

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Butte } ss.

Pierre, South Dakota, September 16, 1957

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 6 day of August, 1957

State Water Resources Commission

By:

Robb
Chief Engineer, Executive Officer

Number of permit 494-J

Date of first receipt of application August 6, 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 August 6, 1957

Approved October 16, 1957 Recorded in Book _____ Page 174

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 _____

April 16, 1958
2nd. The whole of said work is to be completed on or before October 16, 1958

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

October 16, 1958
4th. The water appropriated shall be used for the purpose of Commercial

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 0.22 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 October 16, 1958; and water to be used during the following described annual period:

May to September inclusive

Witness: Hand this 14 day of November, 1957

State Water Resources Commission

By:

Robb
Chief Engineer, Executive Officer

Certificate of Construction issued _____

November 29, 1958

Water License issued _____

November 29, 1958

STATE OF SOUTH DAKOTA

WATER LICENSE No. 394-3

WHEREAS, On the 17th day of January A. D. 1957

Harold M. Arshem

of Platte County of Charles Mix and State of South Dakota duly made application (No. 394-3) to us for a Vested Right permit to use 2.85

cubic feet per second of the waters of artesian ground water

County of Charles Mix, State of South Dakota, for irrigation and stockwatering purposes; and

WHEREAS, On the 13th day of December A. D. 1958
Vested Right
 Permit No. 394-3 was issued to said applicant for the diversion of said water, and of 0.74 cubic feet per second
 completion of the works of diversion therein described recognizing

in 1912 and for the application to beneficial use of said water in 1912 and,

WHEREAS, On the 9th day of December A. D. 1958
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.74
 cubic feet per second of said waters, as evidenced by our Certificate No. 394-3
 dated December 13, 1958 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 0.74 cubic feet per second of water, with date of
 priority of 1912 and,

WHEREAS, On the 9th day of December A. D. 1958
 proof was duly made of the application to beneficial use of 0.74 cubic feet per second of said water;
on 200 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26 and NE $\frac{1}{4}$, Sec. 35 all
in T 98 N, R 69 W more particularly described in Certificate
of Completion of Works #394-3

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 M. Arnhem
of Platte, South Dakota the holder and owner of said Vested Right
a water right, dating from 1912 to the use of 0.74
cubic feet per second of the waters of artesian ground water
in the County of Charles Mix and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at 100 yards south and 100
yards west of the NE Cor., S½SE¼, Sec. 26, T 98 N, R 69 W
and conducted to and upon the NE¼, Sec. 35 and S½ SE¼ Sec. 26 all in T 98 N,
R 69 W

for the purpose of irrigation and stockwatering

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 December A. D. Nineteen
Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. -----

To -----

Source of Supply -----

County -----

Amt ----- c. f. s.

Point of Diversion -----

Place of Use -----

Purpose -----

Date of Priority -----

Recorded -----

in Book ----- of ----- Page -----

Permit No. 394-3

Water Division No. 3 Missouri River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Harold M. Arshem

of Platte, County of Charles Mix, and State of South Dakota, the holder of Permit No. 394-3, Issued upon Application

No. 394-3, bearing date of priority of 1912, authorizing the diversion of 0.74 cu. ft. per second of the waters of artesian ground water

County of Charles Mix, State of South Dakota, at 100 yards south and 100 yards west of the NE Cor., S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 26, T 98 N, R 69 W

for irrigation and stockwatering

purposes, has 8 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 0.74 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: <u>NE$\frac{1}{4}$, Sec. 35, T 98 N, R 69 W</u>	<u>120 acres</u>
<u>S$\frac{1}{2}$SE$\frac{1}{4}$, Sec. 26, T 98 N, R 69 W</u>	<u>80 acres</u>
	<u>200 acres</u>

Witness my hand this 13th day of December A. D. 19 58

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Location No. 394-3Water Division No. 3 Missouri River Water DistrictSTATE WATER RESOURCES COMMISSION
FUTURE SOUTH DISTRICT

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Harold M. [unclear]
Platte

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. _____

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

Ans. Interline Well
100 yds from north side 100 yds from car side
1/2 S. 1/2 E. 1/4 sec 26-98-69

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. Ditch 1 1/4 deep 1 1/2 to 2 ft [unclear] 1/2 mile long

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. Watering [unclear] irrigation
80 acres 1/2 S. 1/2 E. 1/4 sec 26-98-69
120 acres NE 1/4 sec 35-98-69

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. 33 [unclear]

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. Well constructed in 1912. Well has varied in flow from construal 8700 gal per min to 337 gal per min. Permit line used for stock watering & irrigation as described under question no 6.

(Sign) Harold M. Arthurs

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 Hughes State of South Dakota, on this 9th day of December A. D. 1958

Witnesses.

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 _____

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

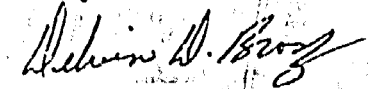
Harold M. Arshem
RR 2, Box 77
Platte SD 57369

Dear Mr. Arshem:

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). 394-3 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



Vested Water Right No. 394-3

Missouri River - Water District

**Report Of Examination Of Works And/Or Application of Water To
Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

On, August 25, 1998, I made a thorough examination of the water use system constructed by Harold Arshem of Platte, SD holder of Vested Water Right No. 394-2, bearing the priority of 1912 authorizing the diversion of 0.74 cu. ft. per second of groundwater for irrigation and stock watering purposes, in Charles Mix County.

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

A. Works used to divert the water:

Flowing Well

The system is in the following condition Poor. The point of diversion is located 1430' north and 310' west of the SE corner of Section 26 T98N-R69W. The works are capable of diverting and conveying to the place of use 0.067 cu. ft. per second of water which is to be used for irrigation and stock watering. Water has been put to beneficial use to the maximum extent as follows: SE ¼ SE ¼ Section 26 T98N-R69W 3.2 acres comprising a total of 3.2 acres of land and the license should be issued for 0.067.

Applicable permit qualifications have been complied with: Yes

Exceptions to compliance are: None. The amount of water appropriated will be more than the 1 cfs to 70 acre limit because of the extra water required for stock watering. The amount for irrigation is 0.046 cfs and 0.021 cfs for stock watering.

Jeff Shafer
Jeff Shafer
Natural Resources Engineer
DENR, Water Rights Program

10/5/98
Date

REPORT ON INSPECTION OF VESTED WATER RIGHT NO. 394-3

DATE OF INSPECTION: August 25, 1998

Other permit(s) associated with the project: none

Contact Person & Address: Harold Arslam, 36063 284th St, Platte SD 57369

DIVERSION POINT LEGAL LOCATION: NE 1/4 SE 1/4 Section 26 T98N-R69W

WATER SUPPLY Source: Uncontrolled Flowing Well

Well Information:

- 1) Well Drilling Firm: Norbeck
- 2) No. of Wells 1
- 3) Depth 960 feet
- 4) Well log is available No

Casing:

- 1) Diameter 10 inches
- 2) Length 940 feet
- 3) Type Steel?

Screen:

- 1) Type Unknown
- 2) Length Unknown feet
- 3) Static water level Flowing

CHEMIGATION EQUIPMENT:

- 1) Does chemigate No

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked Yes

The well flows up into a small pool and from there flows south under an old dam and through the shelterbelt. All of the water recharges when the water reaches the ditch on the north side of the road on the south side of Section 26. It will be impossible to control the flow from the well.

Approval of Location Change and/or Additional Diversion Point(s)**NAME:** Harold Arshem**ADDRESS:** 36063 284th St, Platte SD 57369**DATE:** 9/21/98 **COUNTY:** Charles Mix **TELEPHONE:** (605) 337-3884**AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- Developed water source same as permitted source and no additional water appropriated

Yes

- If irrigation, no new land is irrigated

Yes

- Review of Existing Diversions

On the Vested Water Right Application the Diversion is located in the SE ¼ SE ¼ of Section 26 T98N-R69W. Upon investigation of Vested Water Right No. 394-3 it was found that the diversion is in the NE ¼ SE ¼ of Section 26 T98N-R69W.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.

Jeff Shafer
Jeff Shafer, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

John Hatch 10-5-98
John Hatch, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JAN 19 1999

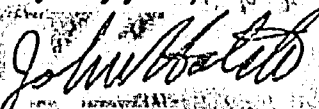
Harold Arshem
36063 284 th St
Platte SD 57369

Dear Mr. Arshem:

Enclosed is Reissued Vested Right Water License No. 394-3. The water license is being reissued to reduce the number of acres irrigated and the amount of water claimed to the actual amount applied to beneficial use. This information is based on an August 25, 1998, investigation of the water right conducted by Jeff Shafer.

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

REISSUED STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 394-3

(1) Harold M Arshem, 36063 284th St, Platte SD 57369 was issued Vested Right Water License No. 394-3, December 13, 1958 to appropriate 0.74 cubic feet of water per second (cfs) from groundwater (one well), Charles Mix County, South Dakota for irrigation and stock watering purposes. Vested Water Right No. 394-3, with a priority date of 1912 was issued to Harold M Arshem for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

An August 25, 1998 investigation of the system, found the well authorized by Vested Right No. 394-3 was not in the location authorized by the vested right. Pursuant to SDCL 46-5-13.1, the Chief Engineer made a finding that the change in location of the diversion point did not increase the potential for interference with existing water rights.

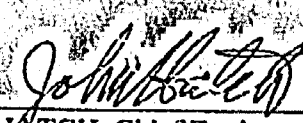
Vested Right Water License No. 394-3 is being reissued to reduce the number of acres irrigated and the amount of water claimed to the actual amount applied to beneficial use.

(2) It is certified that the vested right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.067 cubic feet of water per second for beneficial use. The location of the diversion point is 1,430 feet north and 310 feet west of the southeast corner of Section 26-T98N-R69W (NE 1/4 SE 1/4).

(3) The vested right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 26-T98N-R69W V SE 1/4 SE 1/4 3.2 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Harold M Arshem, 36063 284th St, Platte SD 57369 the holder and/or owner of Vested Water Right License No. 394-3 is reissued a license to appropriate water, the right to use 0.067 cfs (0.046 cfs-irrigation and 0.021 cfs-stock watering) from groundwater (one well) with a priority date of January 1, 1912 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation and stock watering. This license is subject to any limitations or qualifications listed in Vested Water Right License No. 394-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 19 1999
date





June 1, 1999

Harold M Arshem
36036 284th St
Platte SD 57369

Dear Mr. Arshem:

On January 19, 1999, we sent you Reissued Vested Right Water License No. 394-3. Prior to reissuing the license, the vested right should have been validated by the Water Management Board. Due to an error on our part, the validation of No. 394-3 did not occur. Therefore, we are scheduling the validation of No. 394-3 for the July, 1999 Water Management Board meeting. We are recommending that No. 394-3 be validated based on the on-site investigation conducted August 25, 1998, by Jeff Shafer, staff engineer.

Mr. Arshem, I realize the validation process may be confusing. If you have any questions, please contact this office at (605) 773-3352.

Very truly yours,

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

ks

enclosures

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr



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June 1, 1999

NOTICE

TO: Harold M Arshem
36036 284th St
Platte SD 57369

FROM: John Hatch, Chief Engineer
Water Rights Program
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 394-3

A Notice of Intent to validate Claim No. 394-3 was published on June 22 and 29, 1988 in the Wagner Post. The Water Rights Program opposed validation of No. 394-3 for purposes of completing an on-site investigation of the claim. The investigation of Claim No. 394-3 was completed on August 25, 1998, by Jeff Shafer, staff engineer. The investigation found that the number of acres being irrigated has been reduced from 200 acres to 3.2 acres. The diversion rate is to be reduced, accordingly, from 0.74 cubic feet of water per second (cfs) to 0.067 cfs (0.046 cfs for irrigation and 0.021 cfs for stock watering).

The Water Management Board will consider validation of Claim No. 394-3 at 10:00 am, July 7, 1999, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items.

Pursuant to the findings of the on-site investigation, validation of Claim No. 394-3 is recommended for a diversion rate of 0.067 cfs (0.046 cfs for irrigation to irrigate 3.2 acres and 0.021 cfs for stock watering) from groundwater. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 3.2 acres and 0.067 cfs (0.046 cfs for irrigation and 0.021 cfs for stock watering), 2) validate the claim as licensed prior to the on-site investigation, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 394-3 will still apply at this hearing. A copy of the June 22 and 29, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by June 25, 1999 at the above Water Rights Program address to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on June 1, 1999, I have personally deposited with the US mail at Pierre SD, first class postage, prepaid envelopes containing a Notice date June 1, 1999, regarding a Hearing to Consider Validation of Recognized Vested Right Claim No. 394-3 addressed as stated below:

Harold M Arshem
36036 284th ST
Platte SD 57369

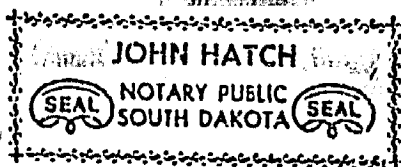
A copy of the above described Notice was sent Inter-office to:

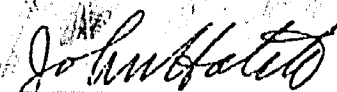
Diane Best, Assistant Attorney General


Kuren Schlaak

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of June, 1999




John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



July 9, 1999

Harold M Arshem
36036 284th St
Platte SD 57369

Dear Mr. Arshem:

The Water Management Board has validated the enclosed Vested Water Right No. 394-3. 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 Program
605 773-3352

enclosure

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SOUTH DAKOTA

VESTED WATER RIGHT NO. 394-3 FOR IRRIGATION

Date of Receipt of Claim January 17, 1957.

Date of Validation July 7, 1999.

The Water Management Board validated Vested Water Right Claim No. 394-3 for irrigation purposes for Harold M Arshem, 36036 284th St, Platte SD 57369 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 394-3 authorizes 0.067 cubic feet of water per second (cfs) (0.046 cfs for irrigation and 0.01 cfs for stock watering) from one well located in the NE ¼ SE ¼ Section 26 to irrigate 3.2 acres located in the SE ¼ SE ¼ Section 26; all in T98N-R69W. The water is also used for stockwatering.
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: January 1 – December 31.
3. The priority date of the Vested Water Right is January 1, 1912.
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

July 9, 1999
date





394-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 11, 2000

224-3
394-3

Kory Standy
PO Box 114
Platte, SD 57369-0114

Dear Mr. Standy:

I am writing in regard to ownership of land described in Water Right No. 224-3 and Vested Water Right No. 394-3. It is my understanding that you now own the land.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please fill in the portion titled "*be transferred to: (name & address)..*". Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the filing fees can be made payable to the "Water Rights Program".

Also enclosed is a 1999 irrigation questionnaire pertaining to Water Right No. 224-3. I reviewed our records and do not find one on file for 1999. If you would, please take a few minutes to complete the form and return it to us.

I am enclosing a postage paid envelope for your ease in returning the irrigation questionnaire, transfer forms and the \$5.00 filing fee. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 394-3



Date: 1-17-2000

I/We request that Vested Water Right No. 394-3

formerly owned by: Harold Arshem, 36063 284th St, Platte, SD 57369-6422

be transferred to: (name & address) Kory Standley P.O. Box 114 Platte S.D. 57369.

Telephone No. 605-337-3163

Title to the following described land(s)/property has been transferred as described above:

3.2 acres in the SE 1/4 SE 1/4 Sect. 198N, R69W

I/We understand that the validity of Vested Water Right No. 394-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Charles Mix)

I/We Kory Standley 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 that I know of my own personal knowledge that the information herein stated is true.

Kory Standley
(Signed)

Subscribed and sworn to before me this 17 day of January, 2000.

David D. Nelson
(Notary Public)

DAVID D. NELSON
My Commission Expires 8-10-2003

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416357

Pierre, January 20, 2000

RECEIVED OF Kory Standy, P.O. Box 114, Platte, SD 57369
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
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 Vested Water Right No. 394-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law) _____

Total

2 50

By

Chief Engineer

Island Creek



394-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 21, 2000

224-3

394-3

Kory Standy
PO Box 114
Platte, SD 57369-0114

Dear Mr. Standy:

Thank you for following up on the ownership changes for Water Right No. 224-3 and Vested Water Right No. 394-3. The transfers have been completed and Nos. 224-3 and 394-3 are now listed in your name. Enclosed are your Receipt Nos. 416356 and 416357. You may keep these for your records.

I also want to thank you for completing and returning the 1999 irrigation questionnaire for No. 224-3. The questionnaire for this coming irrigation season will be mailed to you in October.

If you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



394-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 2, 2000

Edie Wilson
Real Estate Division
US Corps of Engineers
215 N 17th St
Omaha, NE 68102-4978

Dear Ms. Wilson:

I am contacting you in regard to ownership changes that have occurred on two water rights formerly held by Harold Arshem, Platte, SD.

James Haar, an attorney in Tripp, South Dakota called and requested that we mail copies of the forms to you. Enclosed are copies of the "Notice of Transfer of Ownership" forms filed by Kory Standy, Platte, SD for Water Right No. 224-3 and Vested Water Right No. 394-3.

The legal descriptions for the acreage irrigated are listed on the transfer forms. Water Right No. 224-3 authorizes irrigation from the Missouri River. Vested Water Right No. 394-3 allows irrigation from ground water.

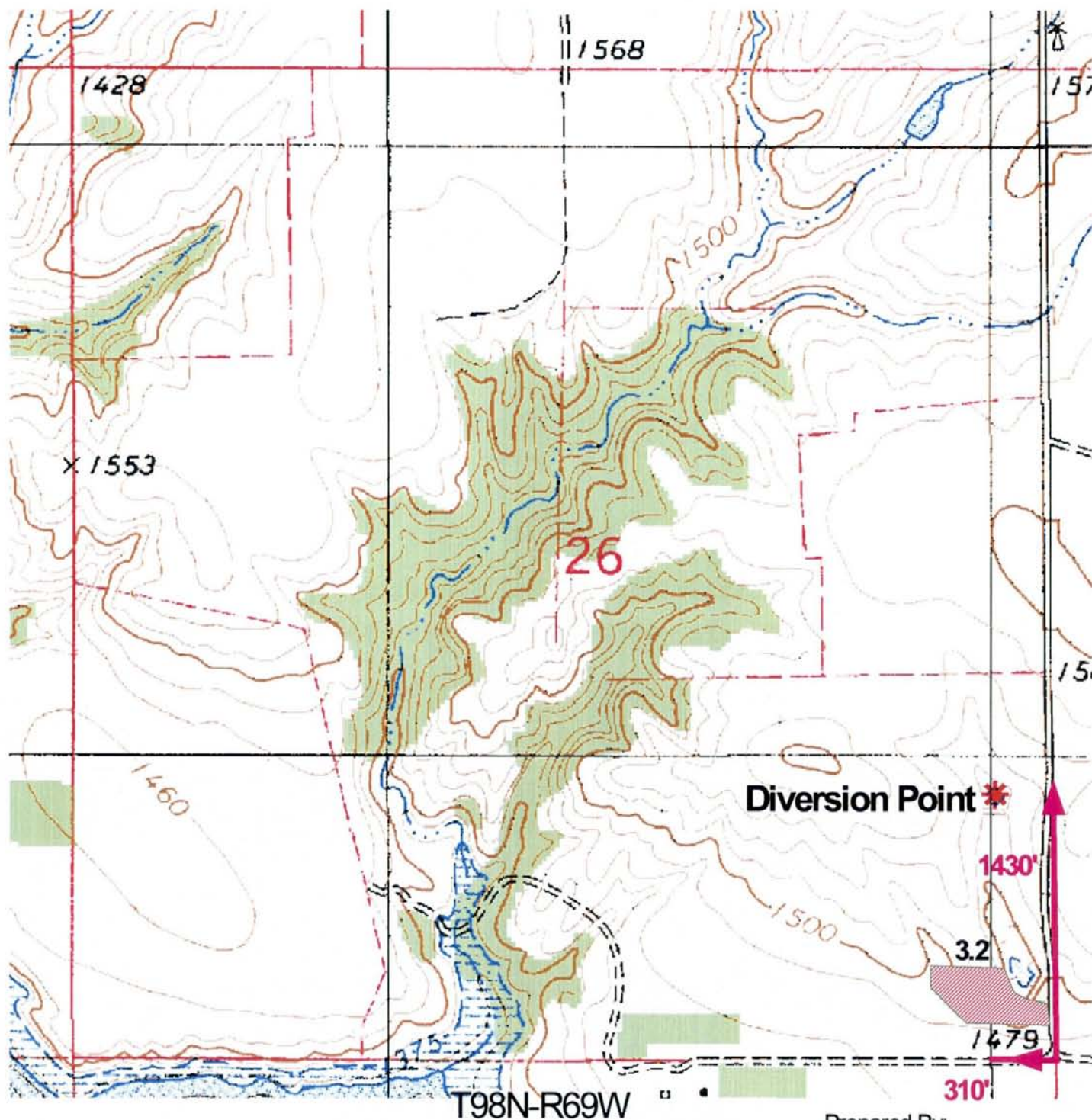
If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Inspection Map Vested Water Right No. 394-3

9/21/98



0 0.1 0.2 0.3 0.4 0.5 Miles

Prepared By:

Jeff Shafer

Jeff Shafer
Natural Resources Engineer

394-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 1, 2021

394-3

Kory Standy
PO Box 114
Platte SD 57369-0114

Kory:

I am writing in follow-up to our phone conversation concerning Vested Water Right No. 394-3. (copy enclosed).

During our conversation you indicated the well described in the vested right had dried up and can no longer be used. Please review the enclosed materials and let me know if the vested right covers the well we talked about or if it is something different.

I had thought there were two old water rights covering wells but found only No. 394-3. You mentioned you had another well at your home place used for stock water purposes. As long as use does not exceed reasonable domestic use (18 gpm on a continuous basis) you do not need a water right for the well stock watering.

We can certainly process the vested right for cancellation if it is no longer used. Has the well been capped or sealed? Once you have had a chance to review the enclosed information, please give me a call to let me know what the status of the well is. Thanks in advance,

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kory Standy, PO Box 114, Platte SD 57369-0114

DATE: Sept 1, 2021

RE: status of well described in Vested Right no. 394-3

COMMENTS:

I called and spoke with Kory about the vested right. It was validated for irrigation and domestic use.

Mr. Standy indicated he did not use the water for irrigation but used one of the wells on his property for domestic use. I mailed him a copy of the vested right and the map for review and to decide if the vested right is for the well he doesn't use. He did not respond.

July 20, 2023: Spoke with Eric Gronlund. Consensus was that no questionnaire would be sent since Kory confirmed he does not use ground water for irrigation. Leave the vested right as is until such time as a determination is made on the status of the flowing well.



Genny McMath
Water Rights Program