

No. 47-3

Office of State Engineer
DOCUMENT FILE

Name of Applicants
Gill-Freeman (Kathryn
Gill, Ellen Gill, Alice
Freeman)

-Elk Point
Source of Supply
Big Lake (River)

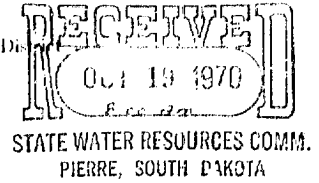
Union County
N.E. Corner: SW 1/4 Sec. 25
T 91 N - R 49 N

Map 30-3

No. 47-3Map No. 30-5 Water Division No. 3 STIOUX RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

VESTED RIGHT

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

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

Gill-Freeman

1. Name of Applicant Gill-Freeman
 Postoffice address Jefferson Lake Point State South Dakota
 If a corporation show date and place of incorporation completed
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed
3. Name of diversion work Gill-Freeman Irrigation System
4. Amount of water claimed (cubic feet per second) 1.8
5. Source of water supply Sioux River and 112 foot deep well
6. Location of point of diversion Both well and River diversion are near the NE Corner of
SW $\frac{1}{4}$, Section 25, T91N, R49W County Union
April through October
7. Annual period or periods during which water is to be used irrigation
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) 12%
9. For irrigation use, Total number of acres to be irrigated 12%

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.
S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 25, T91N, R49W	80		
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T91N, R49W	16		
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T91N, R49W	30		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
n/a
11. Choice of newspaper for Notice of Intent to Appropriate Water publication n/a
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
River Diversion, Barnes Model 90 pump
LeRoy gasoline Engine, 54 H.P.
Berkley 10 inch pump, Model 1203-2

The LeRoy Engine has been the only engine used for both the river and well diversion.

B. Works proposed to transport water to place of use.

Originally 1200 feet of main ditch and 1 mile of side ditches,
now ditches and siphons are used.

C. Works proposed to apply water to beneficial use.

Siphons
Land leveling

Estimated Total Cost \$ 10,900.00

Attachments: 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)
) ss.
 County of Union)

I, Gill-Freeman 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 Gill-Freeman for SealSubscribed and sworn to before me this 16th day of Oct. 1970

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 47-3GILL-FREEMAN

(Applicant)

ELK POINT

(Post Office Address)

(Mrs. Alice Freeman)

SOUTH DAKOTA

(State)

With the following modifications:

THIS PERMIT REPLACES PERMIT NO 47-3 ISSUED UNDER
DATE OF JULY 26, 1948.

THIS PERMIT RECOGNIZES USE OF WATER FROM THE WELL
AND THE SIOUX RIVER, WITH THE WELL BEING THE MAIN
SOURCE AND THE RIVER DIVERSION SYSTEM USED ON A
STANDBY BASIS ONLY

Date of first receipt of application OCTOBER 19 19 70Date of return to applicant for correction, amendment or changes required — 19 —Date of receipt of corrected application — 19 —Approved NOVEMBER 11 19 70, Recorded in Book 2 Page 592AWATER RIGHT PERMIT NO. 47-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 47-3 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 FROM RIVER JUNE 4, 1948
FROM GROUNDWATER DEC 6, 1949
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed on or before — 19 —
3. The whole of said work is ~~to be~~ completed on or before — 19 —
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED —
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 1.8 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 ^{WAS} actually and beneficially applied for irrigation on or before JUNE 30 19 55; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 10TH day of NOVEMBER 19 70

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 10 19 70Water License Issued NOVEMBER 10 19 70

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36", Depth 112'

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

Size of casing 18", Thickness of casing 10 ga.

Length of casing 70' If collection gallery, length, size and depth of gallery —

(b) Screens

Type of perforated screen Shutter screen $\frac{3}{8} \times \frac{3}{4}$ openings

Size of perforated screen 18" (diameter), 30' (length)

Thickness of gravel pack 9", length of gravel pack 112'

(c) Water Bearing Materials

Distance to water 16' Character of water bearing materials 0-2 ft top soil, 2-6 yellow clay, 6-24 grey clay, 24-31 blue clay, 31-43 yellow clay, 43-49 blue clay, 49-57 sand gravel and streaks clay, 57-68 sand gravel med to coarse, 68-79 coarse sand & gravel rocks, 79-81 coal, 81-88 sand, gravel, rocks, 88-101 fine sand, 101-102 coal, 102 sand, gravel, cobbles.

Thickness of water bearing material —

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Berkley, size 14"

Kind of motor belt drive from tractor
(gasoline, electric, diesel, etc.)

Horsepower —, Name of Motor Hodgeal tractor

(e) Complete well

Capacity 1100 gal at drawdown of 7'6" Estimated cost \$3457.00

(f) Owner of land upon which well is located Gill-Freeman, Name

Elk Point, S.D. Address

(g) Distance to nearest existing wells

On same owner's property 100 rods. On property owned by others 1 1/2 rods

Permit No. 47-3

Water Diversion No. 3 **BIG SIOUX RIVER** Water District

CERTIFICATE OF CONSTRUCTION

Gill - Freeman

This is to Certify, That _____

_____ the holder _____ of

Vested Right 47-3 issued upon Application No. 47-3, bearing date of priority of June 4, 1948
/ Permit No. _____

& December 6, 1949 authorizing the diversion of 1.8 cu. ft. per second of the waters of _____

ground water & the
Sioux River _____ County of Union, State of South Dakota at _____

both well and river diversions are near the NE Corner of the SW $\frac{1}{4}$,
Section 25, T91N, R49W

_____, for _____ **irrigation**

purposes, has _____ 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 **recognized as** ~~shown~~ satisfactory
for diverting and conveying to the place of intended use 1.8 cu. ft. per second of water.

Date November 10, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

**This Certificate of Completion replaces the Certificate of Completion
issued under date of December 28, 1956.**

WATER LICENSE NO. 47-3

(1) WHEREAS, On the 19th day of October A. D. 19 70

Gill - Freeman

made Water Right Application No. 47-3 for Vested Right permit to use 1.6 cubic feet per second of the waters of ground water and the Sioux River County of Union, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 10th day of November A. D. 19 70

Permit No. 47-3, with a date of priority of June 4, 1948 and December 6, 1949

was issued to said applicant _____ for the diversion of said water, ~~and provided~~ recognizing for the completion of construction of the water supply system therein described ~~xxx before the xxx day of xxx, xxx, xxx, A. D. 19, xxx~~ and ~~for~~ xx the application to beneficial use of said water ~~xxx before the xxx day of xxx, xxx, xxx, A. D. 19, xxx~~

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.8 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 25, T91N, R49W

S½ SW½ 80 acres

NE½ SW½ 16 acres

NW½ SW½ 30 acres

Total 126 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the law of the State of South Dakota. We hereby grant and confirm to Gill-Freeman

_____ of Elk Point, S.D.
the holder _____ and owner Vested Right of said/permit No. 47-3 a water right, dating from June 4, 1949 and
December 6, 1949 to use of 1.8 cubic feet per second of the waters
of ground water and the Sioux River

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at both well and river diversions are near the NE
Corner of the SW $\frac{1}{4}$, Section 25, T91N, R49W

and conduct to and upon a portion of the SW $\frac{1}{4}$, Section 25, T91N, R49W, described on the
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 47-3 and subject to the laws of the State of South Dakota.
This Water License replaces Water License 47-3 issued under date of December 28, 1956.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of November A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, **J.W. GRIMES**

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) Gill - Freeman
 Post Office Address Jefferson, State South Dakota
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available) See original river application received, June 4, 1940
River posting, See letter to State Engineer, dated Dec. 6, 1949, applying
for well permit
 Date of Posting 1948 Date of Recording _____
Well Diversion-1949
 Recording Date _____
14. Date of start of construction of water supply system 1948
15. Date that water was first applied to beneficial use 1948
16. Name of owner of original water supply system Gill-Hougland-Freeman
17. Amount of water originally applied to beneficial use 3.34 c. f. s.
18. Present Use of Water
 Amount of water now being used 2.90 c. f. s.
 Date that this amount of water was first used _____
19. Chronological History of Water Use

The construction of the irrigation systems were started in 1948 and completed in the 1950's. The irrigation systems have been used as needed since being constructed. The river diversion system is now used on a standby basis only.

The well is 112 feet deep, is cased with 24 inch concrete casing and is gravel packed. The static water level is about 12 feet and the bowl setting is 58 feet.

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
) ss.
 County of Beaumont)

I, Alice Freeman, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Alice Freeman for Gill-Freeman

Subscribed and sworn to before me this 16th day of Feb, 1970

Margaret Hougland
 (Notary Public - or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Alice Freeman for Gill-Freeman

Remarks by State Engineer:

Water Division No. 3 Sioux River District
(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Gill Freeman (Kathryn Gill, Ellen Gill, Alice Freeman)

Postoffice address Elk Point, County Deuel, State South Dakota

I. If a corporation, xxxx

(a) Name of same xxxx

(b) Date and place of incorporation xxxx

(c) Amount of capital stock xxxx

(d) Amount paid in xxxx

(e) Names and address of directors: xxxx

(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) Direct labor by tenant

(b) Cash on hand, \$ xxxx (c) Treasury stock, \$ xxxx

(d) Bonds to be issued, \$ xxxx (e) Other resources, \$ 240 A excellent farm land with no indebtedness

2. Name of diversion work xxxx

3. Quantity of water claimed 1.8 cubic feet per second.

4. Source of water supply Big Sioux River

5. Location of point of diversion North-east corner of Sec. 25 T. 9N. R. 49E

on Right bank.
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used June-July-August

7. To be used for: Supplemental Irrigation

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 120 acres.

(b) Legal subdivisions to be irrigated. Appended in accompanying narrative.
(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.) Supplemental irrigation on described fields

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use Supplemental irrigation

(b) Amount of power to be generated xxxx horse power.

(c) Location of plant xxxx

(d) Method of developing power xxxx

(e) Point where water will be returned to stream xxxx

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.)

..... Appended narrative gives plan

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 of front (water) face; slope of back face; material used in construction
- (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

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

(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 ~~years~~ ^{few weeks}.

11. 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
..... ~~Leader-Courier, Elk Point, S. D.~~

STATE OF SOUTH DAKOTA

County of ~~Union~~

ss.

I, ~~Alton Freeman~~, being first duly sworn
on my oath depose and say: That my relation to the above described, undertaking is that of
~~Joint owner~~, that I have read the above and
(owner, manager, engineer.)
foregoing statement, and examined the map accompanying the same, and that I know of my own
personal knowledge that the matters herein stated and shown are true.

Signed

Subscribed and sworn to before me this day of ~~June~~ 19. ~~48~~

Notary Public (or other qualified officer.)

Clerk of Courts
Union County, S. D.

Remarks by State Engineer:

STATE OF SOUTH DAKOTA
County of HUGHES

} ss.

Pierre, South Dakota, July 26, 1948

This is to certify that the foregoing application was received at this office at 9:45 o'clock
A. m. upon the 4th day of JUNE, 1948 and that after examination it
was found to comply with the State Water Code, also duly advertised as required
and taken up for consideration by the State Engineer at his office on July 20, 1948.
A protest was received and filed from an adjacent land owner. The protest was
carefully considered as well as information presented by representatives of the
applicant who appeared at the State Engineer's Office on the above date.

Number of permit 47-2

DEAN W. LOUCKS, State Engineer.

Date of first receipt of application June 4, 1948

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

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

Date from which applicant may claim right June 4, 1948

Approved June 26, 1948, Recorded in Book 2 Page 592 and 593

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

- 1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before January 26, 1949
- 2nd. The whole of said work is to be completed on or before June 26, 1949
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 26, 1950
- 4th. The water appropriated shall be used for the purpose of irrigation of lands described in the application
- 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 1.8 cubic feet of water per second of time; 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 farther, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 26, 1950; said water to be used during the following described annual period:

June, July and August

Witness my hand this 26th day of July, 1948

Dean W. Loucks

State Engineer.

State Engineer, South Dakota

The proposed use for the water from the Sioux River is to pump water from the river into the slough which runs through the Gill Freeman farm. A low earth dam, possibly 2 feet in height, in this slough will retain the water. Water will be pumped from the slough for the supplemental irrigation. This project has been worked out under the supervision of Mr. Clyde Hicks and Mr. Vern Carter of the Soil Conservation Service.

The legal subdivisions to be irrigated are as follows:

NE $\frac{1}{4}$ of SW $\frac{1}{4}$	-	25- 91N- 49W	16.0 A
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	-	" " "	40.0 A
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	-	" " "	40.0 A
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	-	" " "	30.0 A
Total to be irrigated			126.0 A

Gill Freeman
Beek Point, S.D.

AFFIDAVIT OF PUBLICATION.

The Leader-Courier, Elk Point, S. D.

STATE OF SOUTH DAKOTA, }
County of Union } ss.

WM. J. RYAN, of Said County and State, being first duly sworn, on his oath says: That the Leader-Courier is a legal weekly newspaper of a general circulation, printed and published in Elk Point, in said County and State, and has been such legal newspaper during the time hereinafter mentioned, and that

I, Wm. J. Ryan the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit and that the advertising headed Appropriations Of Water

a printed copy of which is hereto attached, was printed and published in the said newspaper for four successive weeks, to-wit: The first publication being made on Thursday, the 17th day of June 1948 and the last publication on Thursday, the 8th day of July 1948 that the full amount of the fees charged for publishing the same, to-wit, the sum of \$ 12.50 insures solely to the benefit of the publisher of the Leader-Courier; that no agreement or understanding for any division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 14th day of July 1948

Notary Public
Clark of Courts
Union County. S. D.

(First Publication: June 17, 1948)
APPROPRIATION OF WATER

Office of State Engineer,
Pierre, So. Dak., June 11, 1948
Notice is hereby given that Gill Freeman (Kathryn Gill, Ellen Gill, Alice Freeman) whose postoffice address is Elk Point, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from the Big Sioux River through the Pumping Project, the point of diversion of which is to be located on the Right bank of said stream in the N.E. 1/4 of the S.W. 1/4 of Section 25 Twp. 91 N. Range 49 W. Said water to be used for the purpose of providing irrigation on the SW 1/4 of Section 25, Twp. 91 N., Range 49 W. in Union County.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 20th day of July, 1948, at 2:00 p. m. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing farther, the information presented.

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

DEAN W. LOUCKS, State Engineer.

June 17-27 July 1-8 - 4W - 41-44)

(First Publication 194.....)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., June 11, 1948

Notice is hereby given that Gill Freeman (Kathryn Gill, Ellen Gill, Alice Freeman) whose postoffice address is Elk Point, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from the Big Sioux River through the xxxx Pumping Project, the point of diversion of which is to be located on the Right bank of said stream in the N.E. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 25 Twp. 91 N Range 49 W Said water to be used for the purpose of providing irrigation on the SW $\frac{1}{4}$ of Section 25, T. 91 N, R 49 W in Union County

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 20 day of July, 1948, at 2:00 P. M All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

DWL:RE

Dean W. Loucks
State Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE No...47-3....

WHEREAS, On the 4th day of June A. D. 1948
Gill-Fraeman (Kathryn Gill, Ellen Gill Hougland, Alice Freeman)
 of Elk Point County of Union and State of
South Dakota duly made application (No. 47-3) to us for a permit to use 1.8
 cubic feet per second of the waters of the Big Sioux River
 County of Union, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 26th day of July A. D. 1948
 Permit No. 47-3 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 1st day of
September A. D. 1957 and for the application to beneficial use of said
 water on or before the 1st day of September A. D. 1957
 and,

WHEREAS, On the 31st day of October A. D. 1956
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.8
 cubic feet per second of said waters, as evidenced by our Certificate No. 47-3
 dated December 28, 1956 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 1.8 cubic feet per second of water, with date of
 priority of June 4, 1948 ~~xxx~~ ~~xxx~~

WHEREAS, On the 31st day of October A. D. 1956
 proof was duly made of the application to beneficial use of 1.8 cubic feet per second of said water;
126 acres in the SW 1/4, Sec. 25, T 91N, R 49W

STATE OF SOUTH DAKOTA

WATER LICENSE No. 47-3

WHEREAS, On the 4th day of June A. D. 1948
Gill-Freeman (Kathryn Gill, Ellen Gill Hougland, Alice Freeman)
 of Elk Point County of Union and State of
South Dakota duly made application (No. 47-3) to us for a permit to use 1.8
 cubic feet per second of the waters of the Big Sioux River
 County of Union, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 26th day of July A. D. 1948
 Permit No. 47-3 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 1st day of
September A. D. 1957 and for the application to beneficial use of said
 water on or before the 1st day of September A. D. 1957
 and,

WHEREAS, On the 31st day of October A. D. 1956
 the holders of said permit duly made proof of the completion of adequate works for the diversion of 1.8
 cubic feet per second of said waters, as evidenced by our Certificate No. 47-3
 dated December 28, 1956 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 1.8 cubic feet per second of water, with date of
 priority of June 4, 1948 ~~xxx~~ am

WHEREAS, On the 31st day of October A. D. 1956
 proof was duly made of the application to beneficial use of 1.8 cubic feet per second of said water;
126 acres in the SW 1/4, Sec. 25, T 91N, R 49W

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 Gill-Freeman (Kathryn Gill, Ellen Gill Hougland, Alice Freeman)
of Elk Point, South Dakota the holder # and owner # of said permit No. 47-3
a water right, dating from June 4, 1948 to the use of 1.8
cubic feet per second of the waters of the Big Sioux River
in the County of Union and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at the NE Corner, SW 1/4, Sec. 25,
T 91N, R 49W
and conducted to and upon the SW 1/4, Sec. 25, T 91N, R 49W

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 28th day of December A. D. Nineteen
Hundred and Fifty-six

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

Count _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

Book _____ of _____ Page _____

Permit No. 47-3Water Division No. 3-Big Sioux Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that Gill-Freeman (Kathryn Gill, Ellen Gill Hougland, Alice Freeman)
of Elk Point, County of Union, and State of South Dakota, the holder S of Permit No. 47-3, issued upon Application No. 47-3, bearing date of priority of June 4, 1948, authorizing the diversion of 1.8 cu. ft. per second of the waters of the Big Sioux River County of Union, State of South Dakota, at Northeast corner of SW $\frac{1}{4}$, Sec. 25, T 91N, R 49W, 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 1.8 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: S $\frac{1}{2}$, Sec. 25, T 91N, R 49W ----- 30 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T 91N, R 49W ----- 16 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T 91N, R 49W ----- 30 acres
126 acres

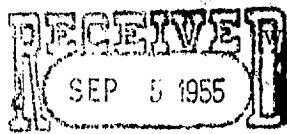
Witness my hand this 28th day of December A. D. 1956

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Remarks by State Water Resources Commission:



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

No. _____

Water Division No. _____ District _____
(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 Gill, Freeman (Karl)
Postoffice address Elk Point, County Union, State South Dakota

I. If a corporation XXXX

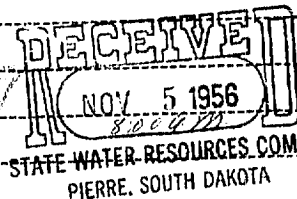
(a) Name of same XXXX

(b) Date and place of incorporation XXXX

(c) Amount of capital stock XXXX

(d) Amount paid in XXXX

(e) Names and addresses of directors XXXX



(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)

Direct labor by tenant

(b) Cash on hand, \$ XXXX

(c) Treasury stock, \$ XXXX

(d) Bonds to be issued, \$ XXXX

(e) Other resources, \$ 240.00 A excellent farm with no indebtedness

2. Name of diversion work XXXX

3. Amount of water claimed XXXX cubic feet per second

4. Source of water supply from proposed well, to be drilled

5. Location of point of diversion XXXX on XXXX bank XXXX County.

6. Annual period or periods during which water is to be used June, July, August

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? probably used to which we have been using successfully

(a) Number of acres to be irrigated 120 acres.

(b) Legal subdivisions to be irrigated Appended

(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.) Supplemental irrigation on described fields

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

(a) Nature of use XXXX

Name any of the above uses XXXX

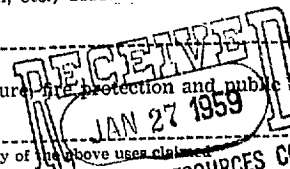
(b) Amount of power to be generated XXXX

Amount claimed for engine cooling XXXX

(c) Location of plant XXXX

(d) Method of developing power XXXX

(e) Point where water will be returned to stream XXXX



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

(b) Head gate, \$ _____
(c) Plumbing, \$ _____ (d) Canal earth, \$ _____
(e) Other structures \$ _____
Total, \$ _____

9. Description of diversion work:

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

II. Dimensions of work:

- (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 ^{time to drill well} _____ years.
11. 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 _____
_____ Leader-Courier, Elk Point, South Dakota
- STATE OF SOUTH DAKOTA }
County of Union } ss.

I, Alice Freeman
on my oath depose and say: That my relation to the above described undertaking is that ^{beneficial} 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 Alice Freeman

Subscribed and sworn to before me this 3rd day of September 19 55

Phyllis Blum
Notary Public (or other qualified officer.)

State Water Resources Commission, South Dakota

The legal subdivisions to be irrigated are as follows:

NE $\frac{1}{4}$ of SW $\frac{1}{4}$	25- 91N-	49W	16.0 A
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	" "	"	40.0 A
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	" "	"	40.0 A
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	" "	"	30.0 A
Total to be irrigated			126.0 A

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36", Depth 112'Type of casing Steel
(wood, concrete, steel, etc.)Size of casing 18", Thickness of casing 10 ga.Length of casing 70'. If collection gallery, length, size and depth of gallery —

(b) Screens

Type of perforated screen Shutter screen 3/8 x 3/4 openingsSize of perforated screen 12" (diameter), 30' (length)Thickness of gravel pack 9", length of gravel pack 112'

(c) Water Bearing Materials

Distance to water 16'. Character of water bearing materials 0-2 ft. top soil
2-6 yellow clay, 6-24 grey clay, 24-31 blue clay, 31-43 yellow
clay, 43-49 blue clay, 49-57 sand gravel md. + clasts clay, 57-6
sand gravel med. to coarse, 68-79 coarse sand & gravel rocks,
79-81 soil, 81-88 sand, gravel, rocks, 88-101 fine sand
101-102 coal, 102 sand, gravel, cobblesThickness of water bearing material —

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Berkley, size 14"Kind of motor belt drive from tractor
(gasoline, electric, diesel, etc.)Horsepower —, Name of Motor —

(e) Complete well

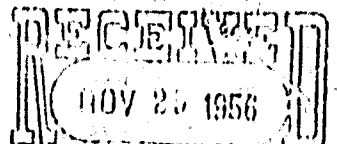
Capacity 1400 gal at drawdown of 7'6". Estimated cost \$3457.⁰⁰(f) Owner of land upon which well is located Gill-Freeman,
Name —Elk Point, S.D.
Address —

(g) Distance to nearest existing wells

On same owner's property no rods. On property owned by others 3 1/2 rods

Permit No. 47-3

Water Division No. Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Elk Point, South Dakota

(Date) June 4, 1956

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the _____ day of _____
10-56, at Elk Point, _____ County of Union, State of South Dakota,
before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)
of 1.8 cubic feet per second of the waters of the Big Sioux
_____ In accordance with the terms and conditions of Permit No. 47-3
heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are _____

Alice Freeman

2. The use to which said water has been applied is supplemental irrigation

3. The amount applied to beneficial use is 1.8 cu. ft. per second

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands ir-
rigated) NE 1/4 of SW 1/4 25-91 N-49W 16.0 A; SE 1/4 of SW 1/4 25-91 N-49W 40.0 A;
SW 1/4 of SW 1/4 25-91 N-49W 40.0 A; NW 1/4 of SW 1/4 25-91 N-49W 30.0 A.
Total to be irrigated 126.0 A

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

6. The right to take the water from such works is based upon permit No. 47-3

7. The source of supply from which such water is diverted is Big Sioux River

8. The date of priority which said user is prepared to establish is 9:45 AM 6-4-56

(Sign)

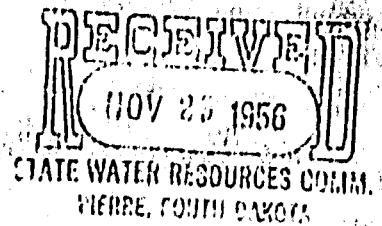
Alice Freeman

Permit No. 47-3

Water Division No. Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER



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

Ans. Gill- Freeman, by Alice Freeman ^{housewife} Elk Point, 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 number and date of permit, and date of priority you propose to establish under the permit.

Ans. 47-3 June 4, 1948 9:45 AM.

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

Ans. Big Sioux River, NE corner of SW 1/4 of Sec. 25, T. 91 N., R. 49 W., right bank.

Ques. 5. Describe your works of diversion, 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.

Ans. Water is pumped from the river into a ditch which leads to the fields

Ques. 6. State for what purport 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. Supplemental irrigation on: NE 1/4 of SW 1/4 25-91 N-49W 16.0 A; SE 1/4 of SW 1/4 25-91 N-49W 40.0 A; SE 1/4 of SW 1/4 25-91 N-49W 40.0 A; NW 1/4 of SW 1/4 25-91 N-49W 20.0 A.
Total of 126 A.

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. _____

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. _____

Copies for:
Office of State Engineer
Holder of Permit

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

Ans. Water was used for a few weeks during July- August in 1946, 1949, 1952, 1953, 1954, 1955 on the average corn acreage of 73 acres. In 1956 water was used on 68 acres.

(Sign.) *Albee Freeman - Gil P. Freeman*

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 _____, County of _____, State of South Dakota, on this _____ day of _____ A.D., 19 _____

Permit No. _____

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

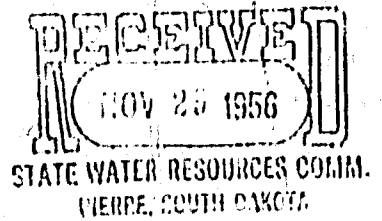
Received and filed _____

Permit No. 47-5

Water Division No. Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER



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

Ans. Gill- Freeman, by Alice Freeman ^{housewife} Elk Point, 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 number and date of permit, and date of priority you propose to establish under the permit.

Ans. 47-5 ; June 4, 1948 9:45 AM.

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

Ans. Big Sioux River, NE corner of SW $\frac{1}{4}$ of Sec. 25, T.91-N, R.49-W, right bank.

Ques. 5. Describe your works of diversion, 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.

Ans. Water is pumped from the river into a ditch which leads to the fields

Ques. 6. State for what purpost 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. Supplimental irrigation on: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91 N-49W 16.0 A; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91-N-49W 40.0 A; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91 N-49W 40.0 A; NW $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91 N-49W 30.0A.
Total of 126 A.

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.

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.

Copies for:
Office of State Engineer
Holder of Permit

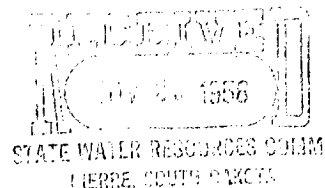
Permit No. **47-3**

Water Division No.

Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER



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

Ans. **Gill- Freeman, by Alice Freeman housewife Elk Point, 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 number and date of permit, and date of priority you propose to establish under the permit.

Ans. **47-3 ; June 4, 1948 9:45 AM.**

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

Ans. **Big Sioux River, NE corner of SW $\frac{1}{4}$ of Sec. 25, T.91 N, R.49 W, right bank.**

Ques. 5. Describe your works of diversion, 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.

Ans. **Water is pumped from the river into a ditch which leads to the fields**

Ques. 6. State for what purpost 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. **Supplimental irrigation on: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91 N-49W 16.0 A; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91-N-49W 40.0 A; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91 N-49W 40.0 A; NW $\frac{1}{4}$ of SW $\frac{1}{4}$ 25-91 N-49W 30.0A.
Total of 126 A.**

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.

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.

Copies for:
Office of State Engineer
Holder of Permit

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

Ans. Water was used for a few weeks during July- August in 1948, 1949, 1952, 1953, 1954, 1955 on the average corn acreage of 78 acres. In 1956 water was used on 58 acres.

(Sign.) Alice Freeman - Liel-Freeman

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 _____, County of _____, State of South Dakota, on this _____ day of _____ A.D., 19 _____

Permit No. _____

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

Permit No. 17-3Water Division No. 3Big Sioux River
Water District**Certificate of Examination of Works****Report of Examining Engineer**

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

Dear Sirs: I hereby certify that in accordance with your ~~XXXX~~ of authorization ~~XXXX~~ XXXX, I have ~~XXXX~~ made a thorough examination of the diversion works constructed by Gill-Freeman (Kathryn Gill, Ellen Gill Hougland, ~~or~~ Alice Freeman) of Elk Point Union County, South Dakota, holder S. of Permit No. 47-3, issued upon Application No. 47-3, bearing date of priority of June 4, 19 48, authorizing the diversion of 1.8 cu. ft. per second of the waters of The Big Sioux River Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A gravity irrigation system with 1200 feet of lateral and 1 mile of annals. The equipment consisted of a Barnes model 90 pump with a 6 inch inlet and outlet rated at 1500 g.p.m. Power was furnished by 44 Hp LeRoy engine. Parshell flumes are available for measuring flows.

and the system is in the following condition: Very good

The point of diversion is located 110 feet West and 20 feet South of the C $\frac{1}{2}$ Cor., Sec. 25, T. 91N., R. 49W.

The works are capable of diverting and conveying to the place of use 1.8 cu. ft. per second of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: S $\frac{1}{2}$ SW $\frac{1}{4}$, 30 ac in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ 16 ac in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T. 91N., R. 49W and 2-3 acres in the SE Cor NW $\frac{1}{4}$ of the same section.

comprising a total of 126 $\pm$ acres of land.
The domestic use intended comprises _____

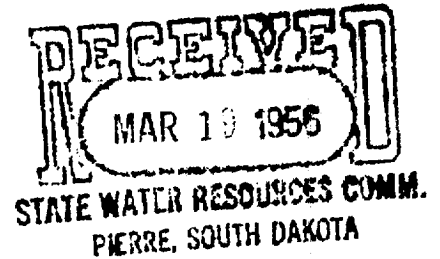
The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 31 day of October, A. D. 19 56.

—SEAL—

Les Wyborny
Examining Engineer.
Water Rights Engineer

Elk Point, South Dakota
March 16, 1956



Mr. J. W. Grimes, Chief Engineer
State Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

In accordance with your telephone conversation with Mr. Freeman on Wednesday March 14th, we have stopped the newspaper publication until further notice and are returning the forms.

What we wished to do, was to complete the establishment of the original river water right and have the option of using a well on our land as a source, in the event the river water became no longer available. I understand from Mr. Freeman, that if we return these forms with the explanation of this arrangement, you will supply us with new forms to be used in completing the present river water right. This would establish the priority date of the original 1948 application, and if we wished later to convert to a well the original priority date would be effective.

Thank you for your help.

Sincerely,

Alice Freeman

(Mrs. E. W.) Alice Freeman

AFFIDAVIT OF PUBLICATION.

The Leader-Courier, Elk Point, S. D.

STATE OF SOUTH DAKOTA, COUNTY OF UNION, ss.

WM. J. RYAN, of Said County and State, being first duly sworn on his oath says: That the Leader-Courier is a legal weekly newspaper of a general circulation, printed and published in Elk Point, in said County and State, and has been such legal newspaper during the time hereinafter mentioned, and that

I, Wm. J. Ryan the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, have personal knowledge of all the facts stated in this affidavit and that the advertising headed

Appropriation of Water

a printed copy of which is hereto attached, was printed and published in the said newspaper for One successive weeks, to-wit: The first publication being

made on Thursday, the 15th day of March 1956 and

the last publication on Thursday, the 15th day of March 1956

that the full amount of the fees charged for publishing the same, to-wit, the sum

of \$ 3.00 insures solely to the benefit of the publisher of the Leader-

Courier; that no agreement or understanding for any division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 15 day of June 1956

Phyllis Blumer

Notary Public.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. D., March 8, 1956.

Notice is hereby given that Gill-Freeman (Kathryn Gill, Ellen Gill, Alice Freeman) whose postoffice address is Elk Point, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from a new diversion point which is to be a well located in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25 Township 91N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land, which has received irrigation water:

Section 25, T. 91 N., R. 49 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of May, 1956, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time

has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: J. W. GRIMES,
Chief Engineer, Executive Officer

(Pub. Mar. 15-22-29 Apr. 5)

(First Publication Before April 5, 1956)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., March 8, 1956

Notice is hereby given that Gill-Freeman (Kathryn Gill, Ellen Gill, Alice Freeman) whose postoffice address is Elk Point S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.8 cubic feet of water per second of time from ~~the~~ a new diversion point which is to be through a well located in the, ~~the point of diversion of which is to be located on the~~ land of said stream on the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 25 Twp. 91N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land: **which has received irrigation water:**

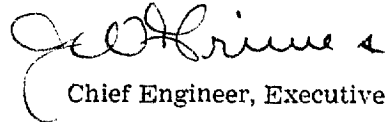
Section 25, T. 91 N., R. 49 W.
and for purpose

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7 day of May, 1956, at 2:00 p.m. All interested persons may appear and be heard.

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

State Water Resources Commission

By:



Chief Engineer, Executive Officer

cc: W. J. Ryan, Publisher

State of South Dakota }
County of Union } ss.

Hearing Before the State
Engineer of the State of
South Dakota.

In the Matter of the Application
Katheryn Gill, Ellen Gill and
Alice Freeman for the Right to
Appropriate Water from the Big
Sioux River in Union County,
South Dakota for Irrigation Pur-
poses, etc.-----

Protest and Objections
to the Granting of
the Petition Filed
with the State Engin-
eer of South Dakota.

To Dean W. Loucks, State Engineer of
the State of South Dakota:

Comes now J. P. Walsh of Union County, South Dakota
and protests against, and objects to, the granting of the
application and petition of Katheryn Gill, Ellen Gill and
Alice Freeman for permission and license and right to ap-
propriate water from the Big Sioux River in Union County,
South Dakota as asked in their application or petition and
as set forth in the notice of the hearing on the same as
published in the Elk Point Leader-Courier for the following
reasons to-wit:-

That this objector and other persons joining in this
protest will suffer injuriously in their prior rights and
that their prior rights would be injuriously and irrepara-
bly affected and that they would suffer serious and ir-
reparable damage to their land and property should said
application be granted and that the granting of said ap-
plication would be seriously ~~injurious~~ detrimental to
the public health and welfare because of the following
facts:

That this objector is the owner of land adjacent to and
adjoining that of applicants on the north, to-wit:- the Nor-
thwest Quarter (N.W. 1/4) of said Section 25, Township 91,
Range 49 in Union County, South Dakota and which said land
is owned by objector, up to the said Big Sioux River and
that objector is a riparian owner of said land and that any
pump line, waterway or ditch proposed to be used by ap-
plicants would have to pass through the land owned by this
objector and would have to be placed therein without the
consent and over the objections of this objector;

That the applicants are making this application at the
behest of their tenant on said land only and really do not
understand the details and consequences of the same; that
the projected plan of irrigation is the idea of said tenant,
one Charles Shearon, and not that of the applicants and is
entirely unnecessary in this territory and no land in this
territory is in need of irrigation but in truth and in fact
this particular land of the applicants and that of this ob-
jector is subject to overflow of the said Big Sioux River
and;

That there is a slough or pond located on the land of this
objector adjacent to that owned by the applicants a part of
which is located on the land of the applicants and that the
placing of the dike on the land of this objector is obstructing
the natural water course of the said river and its overflow
and would cause the land of this objector to be unreasonably
and unnecessarily covered by water much to the damage of this
objector and to the owners of other lands adjacent to that
of this objector because of the fact that the water so accumu-
lated by said overflow would not run off into the said river
but stay on said land and cause said slough or pond to be
much larger in area than it usually is and thus causing said

damage;

That the plan of applicants by their tenant who has talked them into said so called "foolish" project is to pump water from the said river into said pond over said dike which is approximately 4 rods long ~~along~~ and upon the land of this objector and from said pond into a ditch and eventually onto the land of said applicants for irrigation ~~for~~ purposes as they claim and which is not a public or private necessity and not the least bit beneficial to any land, which is not in need of irrigation;

That the said tenant seems to be doing this more to irk and annoy this objector than anything else because of the fact that he does not get along with this objector; that said tenant has injured the livestock of this objector without cause and has driven onto the grain crop of this objector with a tractor and damaging a good portion of one field of grain belonging to this objector;

That during the summer of 1947 said Charles Shearon, said tenant, pumped said pond dry and left therein great quantities of fish left to die and decay thus endangering the public health and especially that of this objector and owners of land adjacent thereto and that he is now engaged in pumping said pond or slough dry for no reason at all for the reason that no land is in need of any irrigation in this territory but with the mad idea that said irrigation would benefit his ~~xxx~~ crops which would be good if said tenant farmed said land correctly and according to the usual practice of husbandry. However, instead the said tenant is not only damaging the land and crops of this objector but is severely injuring the land of the applicants by unreasonably grading, ditching and in general tearing up said land;

That the past year, with all of his irrigation, this objector raised more corn on fifteen acres of his land than did the said tenant on the whole of the land he is farming, he occupying 160 acres of land which he is farming.

That if the application is granted the said pond or slough which is a natural one and of benefit to said land in its normal stage is likely to be again pumped dry and the situation of 1947 repeated to the damage of this objector and the other adjacent land owners.

That the topography of this land is such that the same, except in low places, generally slopes toward ~~to~~ the said river and is thus drained by the same but that said slough, having been so located for so many years, has become of a real benefit to this objector furnishing him with a place to water his stock etc. and, in its normal stage, is a benefit to this objector if it is not tampered with and this objector desires that the same be left alone and not tampered with, although a portion of said slough lies on the land of said applicants and naturally the water accumulated on the land of this objector would flow into the portion of the said slough located on the land of the applicants if that portion is pumped out as was done in 1947.

In short, this objector generally objects to the so-called project applied for for the above reasons and for the reason

that to permit such a travesty on water rights would cause this objector irreparable damage as well as damage to the owners of land to the north and west of that owned by this objector and would serve no useful purpose and is not a public or private necessity and would do no good to anyone;

That this objector objects to the construction of any ditch, waterway, pipe line or other means of conveying water from said river through his land or any part thereof and that should any such construction be attempted this objector will seek redress and take preventative measures through the Courts if necessary by writ of injunction, restraining order or suit for damages as may be necessary to prevent such a project from being carried out to the damage of this objector or to any other land owners in that vicinity.

Objector further alleges that he has lived and resided on said land all his life and that his father owned said land before him for many years and no such project was ever thought of or promoted in all those years nor has any of said land in that entire vicinity ever required irrigation, even through the dry years of 1934 and 1936, but that each farmer in that vicinity farmed their land in the usual manner and always raised good crops with few exceptions which were caused by the overflow of the said river, but that now a dike has been constructed over the objections of this objector thus obstructing the natural course of the flow of water into the said river.

That this objector has always been neighborly with all neighbors in that vicinity as was his father before him and would go out of his way to accommodate them in every way, but that he feels that he is now being imposed upon and wishes to stop such a foolish project which is not in any manner necessary or of benefit to anyone but which will cause said damage above set out.

This objector recognizes the right of any person to the use of the water in said river under proper conditions and when said use or the appropriation thereof will not cause damage to his land and that this proposed appropriation can, as planned by applicants be made only by construction a ditch or other waterway through the land of this objector and to which this objector seriously objects.

That, for the reasons above stated and the facts above mentioned, the prior rights of this objector would be seriously and injuriously affected if the said application is granted.

WHEREFORE, this objector asks that said application be denied on its merits.

WHEREFORE, this objector hereby objects to the said appropriation of said water as planned by applicants and asks that said application be denied entirely by the said State Engineer and that no permit for such appropriation of water be granted and for such other and further order as may be meet in the premises.

Dated this 11th day of July, 1948.

*Wm. E. ...
...
...*

J. P. Hall
Objector.

State of South Dakota)
County of Union } ss.

~~xxxRxxix~~

J. P. Walsh, being first duly sworn, on his oath deposes and says that he is the objector who subscribed the within objection to appropriation of water; that he has read the within and foregoing objection and protest and knows the contents thereof and that the facts and circumstances therein stated are true of his own knowledge, except those matters therein stated on information and belief and as to whose matters he believes said protest and objection to be true.

J. P. Walsh

Subscribed and sworn to before me this 11th day of July, 1948.

(SEAL)

R. W. Ellis
Notary Public.

We, the undersigned owners of land adjoining and adjacent to and in the vicinity of the lands described in the foregoing protest and objection to the granting of permit for applicants to withdraw water from the Big Sioux River in said Union County, South Dakota, hereby adhere to and join the said objector, J. P. Walsh and said objection and protest for all the reasons set forth in said objection and protest which we have read and believe to be true.

Dated this 11th day of July, 1948.

Richard Walsh

Ed Manning

Ray E. Lyle

Mrs. Lillian Michaud

Mrs. Sarah Murray

John P. Herrity

R. W. ELLIS
ATTORNEY AT LAW
FIRST NATIONAL BANK BUILDING
ELK POINT, SOUTH DAKOTA

July 12th, 1948.

Mr. Dean W. Loucks,
State Engineer,
Pierre, So. Dak.

Re:- Gill Water Rights Application.

Dear Sir:

Mr. J. P. Walsh, of this county, has asked me to prepare a protest against the application of the Gill girls for permit to withdraw water from the Big Sioux River in this county onto their land described in the notice published and I am herewith enclosing the same to be filed in your office in regard to said matter and the hearing on said application. I think the details of the objection are fully set forth in his protest and I do not have to elaborate on them here.

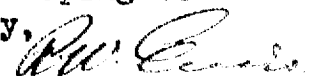
However, I will say that these people have caused to be constructed on the land of Walsh a dike which was without his consent and against his will and which tends to obstruct the natural flow of water from his land into the river and causes a flood condition when the river overflows which it does almost every spring. If his slough or pond is left alone, the depth of the water in the same is of benefit to Walsh as well as applicants. This slough also extends north and west to the lands of the other signers of the protest and they would suffer about the same damage.

It would be impracticable for all these witnesses to go to Pierre at the time of the hearing and I was thinking that perhaps someone from your office could come to Elk Point and conduct the hearing and also get first hand information and also an actual view of the situation and thus be able to decide the matter to the best interest of the State and all parties concerned. I would be glad to hear from you as to this also.

I am also enclosing a copy of the protest which you can send to the applicants, or return the same to me for service upon them. The statute does not seem to provide for such service but we wish that they be informed legally of the protest and thus be entitled to state their side of the question.

I would thank you for information on this and the acknowledgement of the receipt of the protest. Hoping to hear from you soon, I am,

Yours truly,



July 15, 1948

R. W. Ellis
Attorney At Law
First National Bank Bldg.
Elk Point, South Dakota

Re: Water Right Application 47-3
Union County

Dear Mr. Ellis:

This will acknowledge receipt of your letter of July 12 enclosing a written protest to the granting of a water permit to Alice Freeman and others, to appropriate water from the Sioux River for irrigation purposes.

I also note what you say relative to damage that would be caused by flood conditions and otherwise, by the project in question.

Relative to the matter of consideration of the application by this office, this will have to be done at the time and place as advertised. The State Engineer's Office, as at present constituted, consists of one man - the State Engineer and a Secretary. Therefore, it would not be possible for us to send a man to Elk Point as you have indicated. Therefore, I think it best that we handle this matter in the usual manner. My interpretation of Sec. 61.0124 is to the effect that the Code does not charge this office with a hearing in the nature of a court hearing but rather gives the applicant and the protestant an opportunity to discuss with the State Engineer any facts that would have a bearing on the case and thereby, if possible, prevent any court action. I believe that most people would rather not have court procedure, especially as between neighbors. I would, therefore, suggest that you and Mr. Walsh, and if you think necessary perhaps one other, appear at my office July 20 at 10:00 A.M. We will send a copy of your protest to the applicant and suggest that they appear in about the same number. You should bring any factual information such as maps and sketches of the property involved that would have a bearing on the information set forth in the protest. We will have a representative from the Attorney General's Office present if possible and the matter will be open for informal discussion in the presence of your party, the applicant, myself and the representative from the Attorney General's Office.

It has been our experience that much more can be accomplished in a small meeting of this kind than in a large meeting. Since there is only one protest which is common to several property owners, it should be possible for two or three men to represent the interests involved. I will, therefore, expect to see you at my office at Pierre on the above mentioned date.

Yours very truly,

DEAN W. LOUCKS
State Engineer

DWL:RW

R. W. ELLIS
ATTORNEY AT LAW
ELK POINT, S. D.

RECEIVED
JUL 20 1948

July 17th, 1948.

The Hon. State Engineer,
Pierre, So. Dak.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Dear Sir:

I have yours of the 15th and will say that I do not see how we can be present at Pierre on the 20th. My people are all engaged in combining small grain now and cannot get away. I hardly think the applicants will be present either.

We are therefore, as far as we are able, standing on the protest sent you and which contains all the evidence we can muster and is sworn to by the protestor.

I found out just today that the Isaac Walton League is also interested in this proposition because the pumping of this slough, or small lake, dry is unnecessarily killing a large number of good fish. This man, Shearon, is pumping this lake dry now. This lake, if not tampered with and kept on a constant level which it will be by letting surplus water drain into the river and which is filled by flood waters from the river and thus, if let alone, will continue to be a good small body of water and of benefit to the owners of the land affected thereby and is really a good fishing ground also.

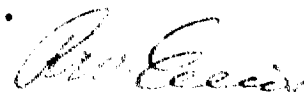
You may hear from some member of the Isaac Walton League in time for the hearing.

However, if it is necessary to appear to explain more in detail the matters involved we can probably do so if the hearing could be continued for some time.

I would certainly appreciate a word from you as to this and also, if action is taken, what the action and decision is.

I wish to thank you for the courtesy of your kind and informative letter and assure you that the persons interested appreciate the same.

Yours truly,



JULY 20, 1948

M E M O R A N D U M

Re: Water Application No. 47-3
Gill-Freeman
Union County
Sioux River

The above Water Application was received on June 4, 1948 at 9:45 A.M. It was duly advertised in the Leader Courier, an Elk Point publication. One protest was received from J. P. Walsh represented by Attorney R. W. Ellis. This protest was presented in writing and is on file under the above number. On the date set for the consideration of the application the following persons were present: Axel J. Beck - Counsel for the Applicant, Mr. V. L. Carter of the Soil Conservation, Mr. E. W. Freeman, Mrs. Alice Freeman, Ellen Gill, Asst. Attorney General Ray Drewry and L. V. Ausman - Secy. of Agriculture. No one appeared to represent the protestant but a letter from Mr. Ellis dated July 17 states in part as follows: "We are therefore as far as we are able, standing on the protest sent you and which contains all the evidence we can muster and is sworn to by the protestor".

The applicants furnished air maps showing the location of the old channel through which the water is being pumped to a section in the channel one foot lower, from which it is again pumped and distributed to an area as shown on the map filed with the application. Mr. Beck described the location of land ownership and stated that a small area of the N.W. $\frac{1}{4}$ of Sec. 25-91-49 adjacent to the Sioux River was traded several years back for other land further west, forming part of the Walsh property. Mr. Carter representing the Soil Conservation Service stated that the overflow channel was a well defined deep channel and does not overflow other land during ordinary stages of the river. It was stated that the intention of the irrigator was to pump into the old channel at the same rate that the water would be pumped out of the channel for use on the land.

A letter was shown which was written by Game Warden Bill Haliday and directed to Director Elmer Peterson in which he indicated that no particular damage to fish life had occurred through the present operation.

It was brought out by the State Engineer that the function of this office was to administer water as between appropriators and if unappropriated water was available and no other water users were interfered with and it was not detrimental to the public welfare, that this office was bound by the State Code to grant the application. It was also brought out that the granting of this application did not protect the applicant against claims for damage or payment of damage providing such damage could be proven and such action would be between the parties involved and would be a matter of civil court action.

The State Engineer's Office indicated to the parties present, and based on the information so far presented, that the application would be granted. Also it was indicated by the State Engineer and the Assistant Attorney General Drewry that we do not consider any continuing of the hearing as necessary.

MEMO - Page 2

July 20, 1948

Re: Water Application No. 47-3

The letter in the files from the President of the McCook Lake Chapter, Isaac Walton League was received after the time that the application was being considered. However, the contents of the letter are such that they would not change the action of the State Engineer relative to the approval of the application.

DWL:RW



Dean W. Loucks
State Engineer

McCOOK LAKE CHAPTER
Isaac Walton League of America, Inc.
DEFENDER OF WOODS, WATERS AND WILD LIFE

RECEIVED
JUL 20 1948



JEFFERSON, SOUTH DAKOTA

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

July 19, 1948

Mr Dean W. Loucks,
State Engineer,
Pierre,
So. Dakota.

Dear Sir:

In reference to the hearing on the application for water rights for the S.W. 1/4 Sec 25 9149 Union County to be held in your office on July 20, 1948 it is my wish to enter an objection to the granting of such rights on the grounds it will result in the complete destruction of all aquatic life in the slough or bayou from which the pumping operations are being carried out as it did in 1947.

The operation as it is being carried out at the present time consist of placing an earthen dam across the mouth or lower end of the slough and pumping from the Big Sioux River (a boundry stream) into the slough and then from the slough to the land to be irrigated.

These pumps are not being operated simultaneously in other words the slough is pumped almost dry before the pump is started at the river as a result when the river pump is started the fish follow the stream of fresh water in an effort to escape and when the pump is shut off are left stranded.

When I visited the project this morning in company with another club member we found a considerable number of dead fish in an advanced state of decomposition near the dam and the pump operatin from the slough had lowered the water level to less than one foot at the deepest point, and neither pump had an adequate fish screen in place, in spite of the fact the operator was warned in my presence, to install such screens before starting the pumps.

Thanking you in advance for any help you may be able to give us in putting an end to this fish destruction, I am,

Yours truly

J. J. Murphy
President McCook Lake Chapter
Isaac Walton League of America.

July 22, 1948

J. J. Murphy, President
McCook Lake Chapter
Isaac Walton League
Jefferson, South Dakota

Re: Water Application No. 47-3
Gill-Freeman
Union County
Sioux River

Dear Mr. Murphy:

This will acknowledge receipt of your letter of July 19th in behalf of the McCook Lake Chapter Isaac Walton League. This letter did not reach our office until after the time the matter was being considered. However, I believe the issues in your letter do not have any particular bearing on the question as it pertains to the jurisdiction of this office.

Our present function in connection with such applications is to determine whether or not there is adequate water available to satisfy the application and to determine whether or not other water rights have been granted with rights prior to that of the applicant and with which the applicant would interfere, if the application was approved. Our approval, of course, would not grant the applicant any privileges as to damage in connection with property of other land owners. This would be a matter of Civil Action between the parties in question and is not under the jurisdiction of the State Engineer's Office.

We appreciate your interests in the aquatic life in the old channel in question and believe that it can be worked out satisfactorily through the cooperation of all parties concerned. We were shown a letter written by the Game Warden in that area to the Director of his Department and it was my interpretation that the Warden did not consider that any serious damage was being done. Also it was my understanding from discussing the matter with the applicants that it was their intention that the pumps would be operated in such a manner that as far as possible the pond would be kept at a constant level.

I would recommend that friendly cooperation with the owners would perhaps accomplish the most in this direction although as stated above this phase of the matter is not under the jurisdiction of this office.

Yours very truly,

DEAN W. LOUCKS
State Engineer

DWL:FW

July 22, 1948

R. W. Ellis
Elk Point, South Dakota

Re: Water Application No. 47-3
Gill Freeman
Union County
Sioux River

Dear Mr. Ellis:

This will acknowledge receipt of your letter of July 17th and will inform you that the matter of the application for a water permit as referred to above was taken up at the State Engineer's Office on the date and place as advertised. The matter was considered in the presence of Mrs. Alice Freeman, Miss Ellen Gill and Mr. E. W. Freeman together with their Counsel and Mr. Ray Drewry from the Attorney General's Office.

You will note that Sec. 61.0125 of the S.D.C. 1939 provides and charges that the State Engineer shall endorse his approval upon such applications if he determines from the records and from any facts presented or available that there is unappropriated water available for the beneficial use of the applicant. According to my records there are no other applications for the use of water in this particular area and the records of the amount of flow in the Sioux River would indicate that the amount of unappropriated water available is more than adequate.

Our approval of the application, of course, as we explained to the applicant, does not in any way free the applicant from responsibility if it should be proven that he has caused damage to another property owner. This damage would be a matter of Civil Action and would not be under the jurisdiction of this office.

This would also be true of the matter discussed in a letter received after the time set for considering the application from the President of the McCook Lake Chapter of the Isaac Walton League.

Therefore, after carefully considering the points set forth in your protest and those in the above letter, we find no other course open than to approve the application since as stated above there is adequate water available in the Sioux River and as far as we are able to tell there is no conflict with any existing recorded water rights.

Yours very truly,

DWL:RW

DEAN W. LOUCKS
State Engineer

R. W. ELLIS
ATTORNEY AT LAW
ELK POINT, S. D.

July 26th, 1948.

RECEIVED
JULY 28 1948
PIERRE, S. DAK.

Mr. Dean W. Loucks,
State Engineer,
Pierre, So. Dak.

Re:- Freeman-Gill Water App.

Dear Mr Loucks:

I received yours the other day in regard to the application of the Gills for water rights etc. and thank you very much for the same and for the information therein contained.

I do not see how you could do otherwise but we wished to file the protest and show up some of the facts if possible as a foundation for other proceedings etc.

I think Mr. Walsh should have a more up-to-date survey of his line so he may know exactly how he stands for sure. This has been considered for years the line between the farms, the one claimed at present, but it would not be much of a job to definitely locate it in an up-to-date manner and thus definitely fix the line so there can be no question about it.

Can you recommend some engineer or surveyor near here who could do this work so we can get in touch with him? We used to depend on an old surveyor here and one in Vermillion, but they are both dead now. Could a Sioux City surveyor qualify for this work?

Will appreciate any information or suggestions from you.

Your decision was anticipated because there is plenty of water in the Sioux River and they could not take enough to hurt, but we object to the pumping of this pond dry which has been done.

Thanking you for an early reply, I am,

Yours truly,

R. W. Ellis

Form No. 25

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Engineer
Pierre, South Dakota

July 6, 1953

(date)

Dear Sir: -

I hereby request that an extension of time to September 1, 1957

_____ be granted me for the completion of works to be done under Permit No. 47-3 and that the time for proof of beneficial use of water be extended to September 1, 1957

Said works are located in Union County and are described as follows:-

Location of headworks: In the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$
of Section 25 Township 91N Range 49W
E., B.H.M.

The water is to be used for the purpose of irrigating corn and possibly
other crops during periods of insufficient rainfall.

The extension of time for the completion of these works is requested for the following reasons: The Engineer appointed to inspect the completed work and to make the beneficial use inspection was Mr. William Edgington, a licensed Engineer in the State of South Dakota, but who resides in Lincoln, Nebraska. It was not practical for him to make a special trip during one of the few times the irrigation system was in use during the past two or three years.

Gill - Freeman by Alice Freeman

Holder of Permit No. 47-3

APPROVED:-

~~July~~ 14, 1953

Clayton L. Smith
State Engineer

October 13, 1955

Mrs. E. W. Freeman
Elk Point
South Dakota

Dear Mrs. Freeman

From your Application for Permit, which was transmitted to this office with your letter of August 31, 1955, it seems apparent that you plan to irrigate the same lands covered by your uncompleted water permit action initiated June 4, 1948 (No. 47-3). Your new plan of irrigation, as I understand it, is to pump the water for irrigation of this land from a well instead of from the Big Sioux River. Your new application, then, is an amendment to your prior application (47-3), and you may protect the priority date of June 4, 1948, under Sections 61.0129 and 61.0128 of the Session Laws of 1955, since you are changing the point of diversion of the water only. For your information these sections have been indicated in red pencil on page 514 of the enclosed copy of the water laws.

In order to process your application, some additional information is needed about your proposed well and the changes in your irrigation system that may be required to use the well instead of the pumping station on the bank of the Big Sioux River. Please fill in the enclosed form 2A - Wells, and send both copies to me. Under separate cover, by registered mail, I am sending the tracing of the map which shows your irrigation plan. Please revise this map to show the location of your proposed well, with reference to a land section corner and the changes that you propose to make in your irrigation system. The tracing of the map and one print should be returned to me. The photostat copy of the map, which you sent with your application, is returned also.

I suggest that both you and I put forth every effort to accomplish expeditiously the procedural steps toward issuance of your final Water Permit. Until this is done, your right to use the water is open to question.

Mrs. E. W. Freman

Page 2

October 13, 1955

Since it has been some time since you submitted your prior Application for Permit, and since South Dakota's new Water Laws became effective July 1, 1955, you may find use for the enclosed Instructions to Applicants when working up the material which is requested on the various forms to be submitted.

Sincerely yours,

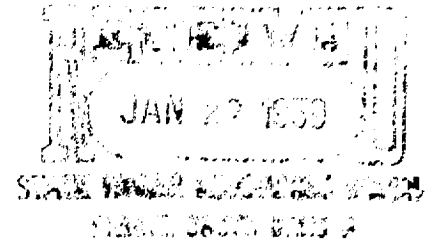
J. W. GRIMES
Chief Engineer and
Executive Officer

JWG:rs

Enc: 4

Elk Point, South Dakota

January 25, 1959



Mr. J. W. Grimes, Chief Engineer
State Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

Re: Our letter to you 3-16-56
Application # 47-3

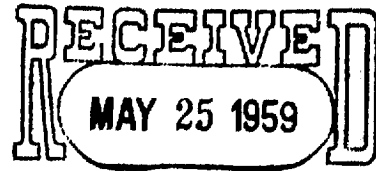
We have completed the well on our farm. We would appreciate you sending us the new forms so that the water right covering usage from the well can be completed, and we will have the priority status of the original application which was 6-4-48.

Sincerely

(Mrs.E.W) Alice Freeman for
Gill- Freeman

Elk Point, South Dakota

May 19, 1959



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Mr. J. W. Grimes, Chief Engineer
State Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

Re: Application # 47-3

We are enclosing the Form 2A- Wells (Suppliment to Form 2).

We have retained our river pump and equipment in working order and would like to have the option of using either one, as required.

Thank you for your help.

Sincerely,

A handwritten signature in cursive script that reads "Alice Freeman".

(Mrs. E.W.)

Alice Freeman for
Gill-Freeman

January 14, 1960

Mrs. E. W. Freeman
Elk Point, South Dakota

Dear Mrs. Freeman:

We are in receipt of your letter of January 10, relative to a change in point of diversion on your Water Right 47-3.

With Mr. Wyborny's death some confusion existed, and your application for change of diversion point falls in that category. If satisfactory with you, we would like to visit your project as soon as it is expedient after the irrigation season starts. This way we could get an accurate picture of the system. I feel that this could be considered as a final inspection, the change then advertised and acted upon by the Commission, and your final Water License issued. This plan would in no way affect your priority or right to use the water, but rather, I believe, would result in a better water right record for you.

If this meets with your approval, I will schedule a trip to your system as soon as possible after May 1.

Sincerely,

Burton F. Jones
Water Rights Specialist

BFJ:ls

47-3

October 8, 1970

Mrs. E.W. Freeman
Elk Point
South Dakota 57025

Dear Mrs. Freeman:

Enclosed are duplicate forms completed to show that you have a vested right for well diversion for your irrigation on the SW $\frac{1}{4}$ of Section 25, T91N, R49W. You already have a Water License No. 47-3 to irrigate this land by diversion from the Sioux River. The enclosed forms indicate that the Sioux River is now a standby source of water for this irrigation.

If you want to apply to have this Vested Right record, recorded in this office and receive a Water License for such Vested Right, you should sign all four copies of the enclosed forms before a Notary Public and return them to this office with the required fee of \$10.00.

This application will be considered by the Water Resources Commission on November 4, 1970 and it is anticipated that after that date you will be issued a new Water License No. 47-3 which will replace and supplement that Water License No. 47-3 issued on December 28, 1956.

Sincerely,

DONALD DRISCOLL
Deputy Chief Engineer

DD/bw
Encl: As stated

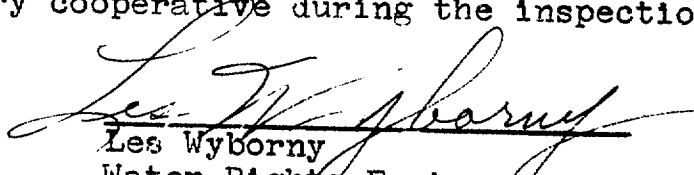
Observations during the field inspection on October 31, 1956, of the Gill-Freeman (Kathryn Gill, Ellen Gill Houghland, Alice Freeman) Water Right No. 47-3 at Elk Point, Union County, South Dakota.

Water is diverted from the Big Sioux River 110 feet West and 20 feet South of the C $\frac{1}{2}$ Cor Sec 25, T 91N, R 49W. This is a gravity irrigation system consisting of 1200 feet of Laterals and 1 mile of Annuals.

The equipment consisted of a Barnes Model 90 pump with a 6 inch inlet and outlet and a direct hookup. The pump is rated at 1500 gpm. Power is furnished by a 44 Hp LeRoy engine. Parshell flumes are available for measuring flows. The general condition of the equipment was very good.

There was a suction lift of approximately 6 feet and the head to the ditch was about 15 feet. The acreages compared very closely to that shown on map No. 30-3 and there was good evidence that the field had been irrigated the past season. An additional 2-3 acres in the SE Corner of the NW $\frac{1}{2}$ of Sec 25 was also irrigated.

The Freeman's were very cooperative during the inspection.


Les Wyborny
Water Rights Engineer
December 28, 1956

Attention: John Hatch

My sister, Alice Freeman, has asked me to take care of all the business regarding our farm (Hill - Freeman)

My address is P. O. Box 1, Lake Preston, I. D. 57249. Our winter address however is Box 1014, Donna, Texas 78537.

Gene and Gladys Streeter are our neighbors and friends in L. Preston so we hear about you occasionally. Thank you.

Ellen Hargland.



Department of Water & Natural Resources

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

March 23, 1987

ELLEN GILL HAUGLAND, OPERATOR
PO BOX 1
LAKE PRESTON, SD 57249

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 47-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 47-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

A handwritten signature in black ink, appearing to read "John Hatch".

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

South Dakota Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

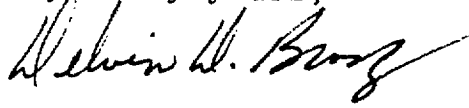
Gill-Freeman
%Ellen Haugland
PO Box 1
Lake Preston SD 57249

Dear Ms. Haugland:

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). 47-3 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

 **Department of
Water & Natural Resources**

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

May 2, 1989

Pat Walsh
Rt 1, Box 88
Elk Point, SD 57025

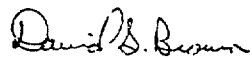
Dear Pat:

Enclosed is a copy of Vested Right Claim No. 47-3 as you requested on March 18, 1989. As you recall, the purpose of my inspection was to determine the extent of irrigation taking place under Vested Right Claim No. 47-3. Currently, our office is inspecting all Vested Right claims on file with this office.

When all (6 total) the Vested Right claims for Union County have been inspected, a hearing will be scheduled before the Water Management Board for Validation of the Vested Right claims. You will be notified when the hearing is scheduled.

If I may be of further assistance to you, please give me a call.

Sincerely,



David S. Brown
Natural Resources Engineer
DWNR, Water Rights Division
605 773-3352

enclosures





GREAT FACES. GREAT PLACES.

February 1, 1991

ELLEN GILL HOUGLAND, OPERATOR
PO BOX 1
LAKE PRESTON SD 57249

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 47-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 47-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

cc: Alice Freeman, 600 S Franklin, Elk Point SD 57025

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:
Ellen Gill Hougland
Po Box 1
Lake Preston SD 57249

4. Article Number
P 694 057 537

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee
☒ Ellen Hougland

6. Signature — Agent
X

7. Date of Delivery
2-5-91 PM

8. Addressee's Address (ONLY if requested)

LAKE PRESTON SD 57249
FEB 5 1991
USPS



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 12, 1991

47-3

Ellen Gill Hougland
PO Box 1
Lake Preston, SD 57249

Dear Ms. Hougland:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Vested Water Right Claim No. 47-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

47-3

Vested Right No. 47-3Big Sioux Water District

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

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

I have this day made a thorough examination of the water use system constructed by Ellen Gill Houghland of PO Box 1, Lake Preston, SD 57249 holder of Permit No. 47-3, bearing the priority of June 4, 1948 (River) and December 6, 1949 (well) authorizing the diversion of 1.8 cu. ft. per second of the waters of Big Sioux River and the Missouri Aquifer for irrigation purposes, in Union County.

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

A. Work used to divert the water:

One well - 112' deep with 70' of 18" steel casing and 30' of 18" steel screen. Well has a Berkeley pump, Model No. 1203 2, 3 stages, 8", 1400 GPM @ 40 PSI with Continental Motor, Model No. R906622, 30 HP; Big Sioux River has a Fairbanks, Morse, centrifugal pump, Model unknown, 8", 1000 GPM @ 30 PSI with John Deere PTO, 140 HP

B. Works used to transport water to place of use:

40' of 10" and 18' of 8" Aluminum pipe

C. Works used to apply water to beneficial use:

1980' of gated pipe, 3" diameter with 36" gate spacing

The system is in the following condition fair. The point of diversion is located Well - 1320'E and 1372'N and River - 1300'E and 2074'N both from the SW corner of Section

25-T91N-R49W. The works are capable of diverting and conveying to the place of use 5.33

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 25-T91N-R49W:

NW1/4 SW1/4 - 30 acres

SW1/4 SW1/4 - 40 acres

NW1/4 SW1/4 - 16 acres

SE1/4 SW1/4 - 40 acres

comprising a total of 126 acres of land and the license should be issued for 1.8 cfs.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None Date 9/9/92

Gregory C. Johnston
Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

STATE OF SOUTH DAKOTA
MICROFILM CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10:04:01 AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.
REDUCTION RATIO 1:25
ROLL NUMBER U-26
DATE MICROFILMED 1-5-94
CAMERAMAN OPERATOR SIGNATURE *Chas. S. McCar*

47-3

REPORT ON INSPECTION OF VESTED RIGHT 47-3

DATE 9/9/92

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: Well is located 1320'E and 1372'N; and the Big Sioux River diversion point is 1300'E and 2074'N both from the SW corner of Section 25-T91N-R49W

WELL INFORMATION: Well Drilling Firm Unknown

No. of Wells 1 Depth(s) 112

a) Casing: 1) diameter 18 inches

2) length 70 feet

3) type steel

c) Pump

b) Screen: 1) type shutter screen

2) length 30 feet

1) make Well - Berkeley/ River - Fairbanks

Morse centrifugal

d) Static Water Level 16 feet

2) model 1203 2/unknown

e) Motor:

3) size 8/8 inches

1) make Well - Continental, River -PTO

4) capacity 1400/1000 GPM

2) model No. R906622/John Deere

5) turbine pump - No. of stages 3

3) horsepower rating 30/140 hp

6) operating pressure 40/30 PSI

DISTRIBUTION LINES OR CANALS:

a) type Aluminum b) size 10/8 inches c) length 60/18 feet

System Type:

d) Gated pipe:

1) length 1980 feet

2) diameter 3" inches

3) spacing of gates 36 inches

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

STATE OF SOUTH DAKOTA
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 1:25
 REDUCTION RATIO
 U-26
 ROLL NUMBER
 1-5-94
 DATE MICROFILMED
 CAMERA OPERATOR SIGNATURE
 [Signature]

47-3

File No. 47-3

Water Rights Division -DENR

Conversation or File Documentation

NAME OF PERSON OR FILE: Ellen Gill Houghland (Pat Walsh,
Operator)

ADDRESS: RT.1, Box 38 Elk Point, SD 57025 COUNTY: Union

DATE: 1/28/93 TELEPHONE: 356-2762

RE: Vested Right No. 47-3

COMMENTS:

Vested Right No. 47-3 appropriates 1.8 cfs to irrigate 126 acres from one well and a Big Sioux River diversion point in the SW1/4 of Section 25-T91N-R49W in Union County, SD. Upon inspection of the Vested Right Claim, I found that 12 additional acres located in the NE1/4 SW1/4 of Section 25-T91N-R49W are being irrigated by the system under No. 47-3, but are not covered by Vested Right No. 47-3 or any other Permit. Irrigation Questionnaires for 47-3 indicate that 138 acres have been irrigated for several years. I called and spoke to Mr. Pat Walsh and told him that those acres would need to be applied for and would be assigned a new priority date. I also found that 1400 GPM were being diverted from the well to irrigate the 138 acres. I told Mr. Walsh he would have to limit the diversion rate to 1.8 cfs (810 GPM) for the 126 acres covered under WC. 47-3 from both the well and river diversions. The diversion point from the Big Sioux River is capable of diverting an additional 1000 GPM, but is only used occasionally.

In addition, the well was drilled several years ago and there is no well completion report available. I have used the supplemental information and information provided by Mr. Walsh to complete the Vested Right License for 47-3.

Gregory C. Johnston
Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

STATE OF SOUTH DAKOTA

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REDUCTION RATIO 1:25

ROLL NUMBER U-26

DATE MICROFILMED 1-5-94

CAMERA OPERATOR SIGNATURE *Gregory C. Johnston*



SEP 20 1993

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

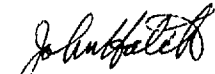
Ellen Gill Houghland
PO Box 1
Lake Preston SD 57249

Dear Ms. Houghland:

The Water Management Board has validated the enclosed Vested Water Right No. 47-3. 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.

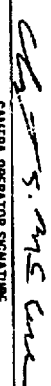
Very truly yours,


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

enclosure

cc: Pat Walsh, Operator, Rt 1, Box 88, Elk Point SD 57025

47-3

STATE OF SOUTH DAKOTA
THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE COMMENCED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10:04:01 AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.
REDUCTION RATIO 1:25
ROLL NUMBER U-26
DATE MICROFILMED 1-5-94
CAMERA OPERATOR SIGNATURE 

SOUTH DAKOTA

VESTED WATER RIGHT NO. 47-3 FOR IRRIGATION

Date of Receipt of Claim October 19, 1970.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 47-3 for irrigation purposes for Ellen Gill Houghland, PO Box 1, Lake Preston SD 57249 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 47-3 appropriates 1.80 cubic feet of water per second from groundwater and the Big Sioux River both located in or adjacent to the NE 1/4 SW 1/4 Section 25 to irrigate 126 acres located in the SW 1/4 Section 25; all in T91N-R49W.
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 1 - October 31.
3. The priority dates of the Vested Water Right are:
June 4, 1948 - Sioux River diversion point
December 6, 1949 - groundwater diversion point
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.

QUALIFICATION

Vested Right No. 47-3 authorizes use of water from a well and the Sioux River, with the well being the main source and the river diversion system used on a stand by basis only.

WATER MANAGEMENT BOARD

By: John H. Hatten
Chief Engineer

SEP 20 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA
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REDUCTION RATIO 1:25
ROLL NUMBER U-26
DATE MICROFILMED 1-5-74
CAMERA OPERATION SIGNATURE Chas. S. McCar

MICROFILM CERTIFICATE OF AUTHENTICITY



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 16 1994

5814-3

Ellen Gill Hougland
Pat Walsh, Operator
Rt 1, Box 88
Elk Point, SD 57025

Dear Ms. Highland:

Enclosed is Partial Vested Water License No. 5814-3 and Receipt No. 414282 for \$50.00 which was assessed for an inspection and issuance of the license.

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 Division
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Vested Water Right No. 4-3 have been incorporated into this Partial Vested Water License No. 5814-3.

STATE OF SOUTH DAKOTA

MICROFILM CERTIFICATE OF AUTHENTICITY

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85-1

4-27

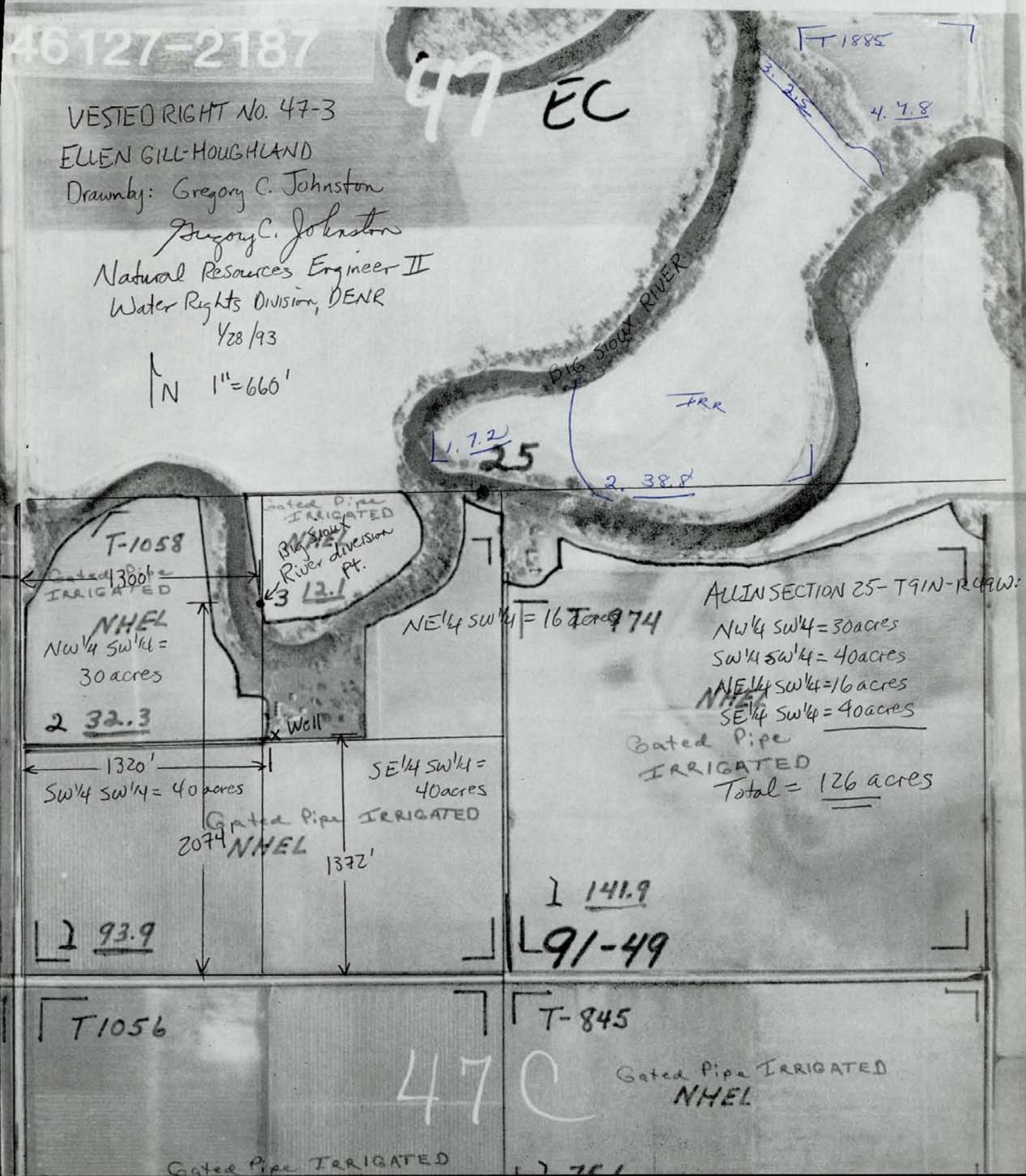
8/13/95

David R. Kemp

DEPUTY DIRECTOR

46127-2187

Y28 / 93

$$|N| = 660$$


J.P. Walsh

Water Buildings



W.S. Pherson

19 years

Scale 1" = 200'

SURVEYORS CERTIFICATE

LAND TO BE IRRIGATED

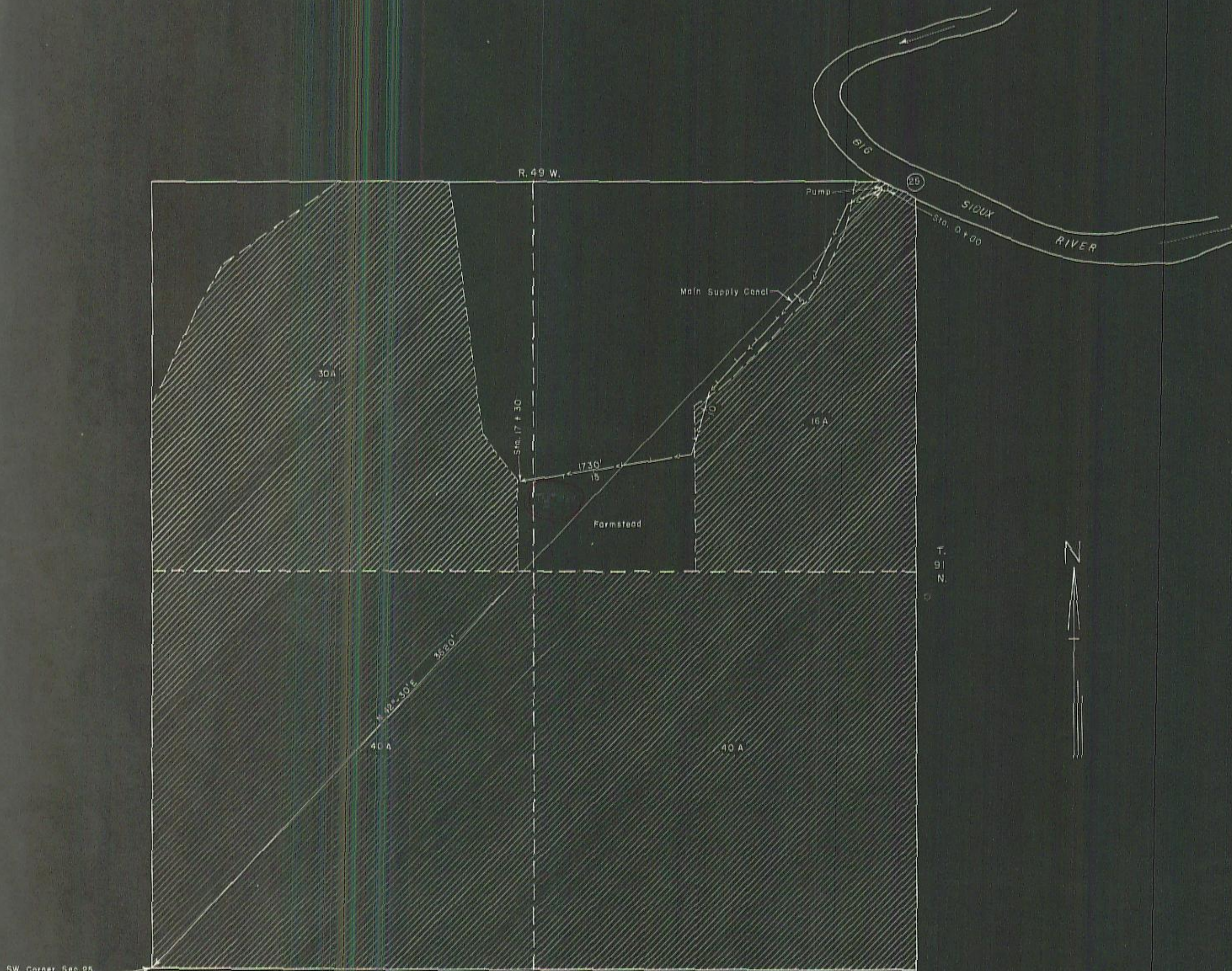
Location	Sec.	Twp.	Rge.	Acres
NE ⁴ of SW ⁴	25	91-N	49-W	16.0
SE ⁴ of SW ⁴	25	91-N	49-W	40.0
SW ⁴ of SW ⁴	25	91-N	49-W	40.0
NW ⁴ of SW ⁴	25	91-N	49-W	30.0
Total to be irrigated				126.0

I, W.R. EDGINGTON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR NO. 298, STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT A CAREFUL SURVEY OF THE ELLEN GILL, IRRIGATION PROJECT, UNION COUNTY, SOUTH DAKOTA WAS MADE UNDER MY DIRECTION BY V.L. CARTER AGRICULTURAL ENGINEER, SOIL CONSERVATION SERVICE, AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME, WITNESS MY HAND AND SEAL THIS 8th OF April 1948 A.D.

William R. Edgington
REGISTERED PROFESSIONAL
ENGINEER & LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC THIS 5th DAY OF April 1948 A.D.

R.E. Boswell
NOTARY PUBLIC



SW Corner Sec. 25,
T. 91 N. - R. 49 W.

Scale 1" = 200'

LAND TO BE IRRIGATED

Location	Sec.	Twp.	Rge.	Acres
NE ⁴ of SW ⁴	25	91-N	49-W	16.0
SE ⁴ of SW ⁴	25	91-N	49-W	40.0
SW ⁴ of SW ⁴	25	91-N	49-W	40.0
NW ⁴ of SW ⁴	25	91-N	49-W	30.0
Total to be irrigated				126.0

SURVEYORS CERTIFICATE

I, W. R. EDGINGTON, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR NO. 298, STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT A CAREFUL SURVEY OF THE ELLEN GILL, IRRIGATION PROJECT, UNION COUNTY, SOUTH DAKOTA WAS MADE UNDER MY DIRECTION BY V. L. CARTER AGRICULTURAL ENGINEER, SOIL CONSERVATION SERVICE, AND THAT THE MAP HEREON IS A TRUE AND CORRECT REPRESENTATION OF THE SAME, WITNESS MY HAND AND SEAL THIS 8th OF April 1948 A.D.

William R. Edgington
REGISTERED PROFESSIONAL
ENGINEER & LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME A NOTARY PUBLIC THIS 5th DAY OF April 1948 A.D.

W. H. Russell
NOTARY PUBLIC

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
H. H. Thompson, Chief
APRIL 2, 1948
LAWRENCE, KANSAS

ALICE FREEMAN & MISS ELLEN GILL
APPLICATION NO.
UNION COUNTY, SOUTH DAKOTA

Map No. 30-3
(App. No. 47-3)

