

No. 933-2

Water Division No. 2 White River District _____
(Blank to be filled by the Engineer for the W. & 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 David Brest
Postoffice address Mundo, County Texas, State S. Dak.

- I. If a corporation _____
 - (a) Name of same _____
 - (b) Date and place of incorporation _____
 - (c) Amount of capital stock _____
 - (d) Amount paid in _____
 - (e) Names and addresses of directors _____

(NOTE--A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
 - (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Completed
 - (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 - (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Brest Diversion works
 3. Amount of water claimed 2.4 cubic feet per second
 4. Source of water supply White River
 5. Location of point of diversion N 43° 20' W, 1730' from SE corner Section 27, T 3 S, R 30 E on Left bank Texas County.
 6. Annual period or periods during which water is to be used April 1st to Nov. 1st
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity
 - (a) Number of acres to be irrigated 170 acres.
 - (b) Legal subdivisions to be irrigated See Attachment

(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.) None

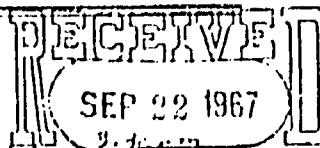
II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature or use None
Name any of the above uses claimed _____
- (b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
- (c) Location of plant _____
- (d) Method of developing power _____
- (e) Point where water will be returned to stream _____

See Map 158-2

No. 933-2

Water Division No. 2 White River District
(Blanks to be Filled by the Engineer for U.S. W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant David Brost
Postoffice address Miner, County Texas, State S. Dak.

I. If a corporation

- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Completed

- (b) Cash on hand, \$
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Brost Diversion Work

3. Amount of water claimed 2.4 cubic feet per second

4. Source of water supply White River

5. Location of point of diversion N 43° 20' W, 1730' from SE corner Section 27, T 35, R 30 E on Left bank Texas County.

6. Annual period or periods during which water is to be used April 1st to Nov. 1st

7. To be used for:

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

(a) Number of acres to be irrigated 170 acres.

(b) Legal subdivisions to be irrigated See Attachment

(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.) None

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

(a) Nature of use None
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

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

See Map 158-2

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Stock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

Pumping Plant & Ditches

II. Dimensions of works.

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

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet, heightfeet; Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	..... feet	..... feet	..... feet	..... feet
At Mile	..... feet	..... feet	..... feet	..... feet
At Mile	..... feet	..... feet	..... feet	..... feet
At Mile	..... feet	..... feet	..... feet	..... feet
At Mile	..... feet	..... feet	..... feet	..... feet
At Mile	..... feet	..... feet	..... feet	..... feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work *Completed* years.
 11. Time required for complete application of water to the proposed beneficial use years.
 12. Choice of newspaper for publication of notice of intention to appropriate *N.A.*

STATE OF SOUTH DAKOTA

County of *JONES* } ss.

I, *David Brest*, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed *David Brest*

Subscribed and sworn to before me this *19th* day of *September* 19*07*

Walter S. Brest
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

THIS WATER RIGHT COVERS PORTIONS OF AN OLD FILING #128-2 WHICH HAS BEEN CANCELLED

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, NOVEMBER 20, 1967

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

P.m. upon the 22ND day of SEPTEMBER 1967

State Water Resources Commission

By:

Aurton Jones
for Chief Engineer, Executive Officer

Number of permit 933-2

Date of first receipt of application SEPTEMBER 22, 1967

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1933, 19____

Approved NOVEMBER 8, 1967, Recorded in Book 10 Page 31

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

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ _____

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

COMPLETED, 19____

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2.4 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually WAH

and beneficially applied for irrigation on or before JUNE 30, 1955, said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 20TH day of NOVEMBER, 1967.

State Water Resources Commission

By:

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

Certificate of Construction Issued NOVEMBER 20, 1967

Water License Issued NOVEMBER 20, 1967

LANDS TO BE IRRIGATED

		<u>Acres</u>
Lot 5	Section 27	19.0
E $\frac{1}{2}$ NE $\frac{1}{4}$	Section 32	77.5
Lot 6	Section 32	41.5
Lot 1	Section 32	5.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	Section 32	5.0
Lot 5	Section 32	5.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	Section 33	10.0
Lot 1	Section 33	<u>7.0</u>
	TOTAL	170.0

All in T 35, R 30E

Permit No. 933-2

Water Division No. 2 WHITE RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That David Brost

of Murdo County of Jones, and State of

South Dakota, the holder of Vested right of Permit No. 933-2 issued upon Application

No. 933-2 bearing date of priority of 1933, authorizing the diversion of

2.4 cu. ft. per second of the waters of the White River

County of Jones, State of South Dakota, at a point N 40° 23' W,

1730 feet from the SE Corner, Section 27, T3S, R30E

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 ~~for~~ recognized as satisfactory

~~works~~ for diverting and conveying to the place of intended use 2.4 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: All in T3S, R30E

Section 27 Lot 5 19.0 Acres

Section 32 E½ NE¼ 77.5 Acres

Lot 6 41.5 Acres

Lot 1 5.0 Acres

SW¼ NE¼ 5.0 Acres

Lot 5 5.0 Acres

Section 33 SW¼ NW¼ 10.0 Acres

Lot 1 7.0 Acres

Total 170.0 Acres

Witness my hand this 20th day of November A. D. 1967

State Water Resources Commission

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

STATE OF SOUTH DAKOTA

WATER LICENSE No. 933-2

WHEREAS, On the 22nd day of September A. D. 1967 David Brost

of Murdo County of Jones and State of South Dakota duly made application (No. 933-2) to us for a Vested right permit to use 2.4 cubic feet per second of the waters of the White River County of Jones, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 20th day of November A. D. 1967 Vested Right Permit No. 933-2 was issued to said applicant... recognizing completion of the works of diversion therein described... and for the application to beneficial use of said water and,

WHEREAS, On the 22nd day of September A. D. 1967 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.4 cubic feet per second of said waters, as evidenced by our Certificate No. 933-2 dated November 20, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date of priority of 1933 and,

WHEREAS, On the 22nd day of September A. D. 1967 proof was duly made of the application to beneficial use of 2.4 cubic feet per second of said water; for irrigating 170 acres in portions of Sections 27, 32, and 33, T3S, R30E.

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 David Bront

of Murdo the holder and owner of ^{Vented Right} permit No. 935-2

a water right dating from 1933 to the use of 2.4 cubic feet per second of the waters of the White River

In the County of Jones and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point N40°23W, 1730 ft. from the SE corner, Section 27, T38, R30E.

and conducted to and upon portions of Sections 27, 32 and 33, T38, R30E, more specifically described in the Certificate of Completion of Works.

for the purpose of ~~irrigation~~ irrigation, subject to any limitations listed in the Permit to appropriate water, and

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 26th day of November A. D. Nineteen Hundred and sixty-seven

State Water Resources Commission

By:

J.W. GRIMS
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. -----

To -----

Source of Supply -----

County -----

Ac't ----- c. f. s.

Point of Diversion -----

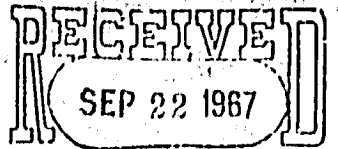
Place of Use -----

Purpose -----

Date of Priority -----

Recorded -----

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

Location No. 933-2Water Division No. 2 White River Water DistrictSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. David Brost, Murdo, S. Dak.

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. N/A

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. 1933

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

Ans. White River, Div. Pt. N43°20'W, 1730' from
SE corner Section 7, T 35, R 30E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Auger type pump driven by electric motor
with approximately 7000 feet of ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation on 170 acres as listed
in permit.

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

Ans. None

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

Ans. 2.4 cfs

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. Same

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

Ans. TO MY KNOWLEDGE WATER HAS BEEN DIVERTED FROM MUDDE RIVER FOR IRRIGATION SINCE 1933 WITH NO PERIOD OF NONE USE THAT EXCEEDS TWO YEARS.

(Sign) *Daniel Root*

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 *Munda*, County of *Jones*

State of South Dakota, on this *19th* day of *September* A. D. 19*67*

Witnesses. *Dallas E. Root*
Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designate in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

STATE OF SOUTH DAKOTA

County of Jones } ss.

Personally appeared Orvin Sletto
who being first duly sworn, upon his oath deposes and says:

I was employed by Mr. Martin Johnson of Jones County,
State of South Dakota, during each year from 1933 through
1938. Martin Johnson diverted water from the White River
during each of those years for the purpose of irrigation.

Subscribed and sworn to before me this

19th day of September

A. D. 1967.

Dallas E. Brosi
Dallas E. Brosi

Orvin Sletto
Orvin Sletto

Notary Public
in and for said County and State.

My Commission expires: 9/24/72.

**South Dakota Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

David Brost
HCR 74, Box 77
Murdo SD 57559

Dear Mr. Brost:

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) 933-2 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,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-2352



#933-2

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 17, 1989

David Brost
HCR 74, Box 77
Murdo, SD 57559

Dear Mr. Brost:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

933-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DAVID BROST
HCR 74 BOX 77
MURDO SD 57559

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 933-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 933-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on U.S. mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
 - 2. Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to: " 935-2

DAVID BROST
HCR 74 BOX 77
MURDO SD 57459

4a. Article Number
P 006 560 049

- 4b. Service Type
- Registered
 - Insured
 - Certified
 - COD
 - Express Mail
 - Return Receipt for Merchandise

7. Date of Delivery
2-1-93

5. Signature (Addressee)
David Brost

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



933-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-318

February 22, 1993

933-2

David Brost
HCR 74 Box 77
Murdo, SD 57559

Dear Mr. Brost:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 933-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaire was received in our office prior to the Water Management Board meeting, your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

933-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2350-2 FOR IRRIGATION

Date of Receipt of Claim December 13, 1995.

Date of Validation February 20, 1996.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2350-2 for David B. Ost, HCR 74, Box 77, Murdo SD 57559 irrigation purposes for with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2350-2 appropriates 4.0 cubic feet of water per second from the White River located in the SE 1/4 SE 1/4 Section 29, NW 1/4 SE 1/4 Section 32 and NW 1/4 SW 1/4 Section 33; all in T3S-R30E for irrigation of 279 acres located in the SW 1/4 SW 1/4 Section 28, SE 1/4 SE 1/4 Section 29, E 1/2 NE 1/4, N 1/2 SE 1/4 Section 32, W 1/2 NW 1/4, SE 1/4 NW 1/4, N 1/2 SW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4, NW 1/4 SE 1/4 Section 33; all in T3S-R30E. The applicable portions of Vested Right Claim No. 933-2 are incorporated into Vested Water Right No. 2350-2 with the abandoned portions of No. 933-2 cancelled.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - November 1.
3. The priority date of the Vested Water Right is January 1, 1933.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

JUL 2 1996

date

