

No. 0521-1

Office State Engineer
DOCUMENT FILE

Name: Stephens, J.,
John M.

County: Meade

Date: Nov. 3, 1890

Location: Elk Creek

WATER LOCATION NOTICE.

Notice of Location of Water Right.

Know all men by these presents that I, the undersigned
Citizen of the United States and of the State of South Dakota, claim by
right of appropriation and use, for purposes of Irrigation (130) One
Hundred and Twenty miner's inches of this creek known as Elk Creek.
Said water to be taken from a point situate on the right bank of the
aforesaid creek and about (200) two hundred feet South and (100) One
hundred feet West of the centre of the $\frac{1}{4}$ of $\frac{1}{4}$ Section 8, Tp. 3 N.,
R. 7 E. P. M. H. K.

Dated this 32d day of November, A. D., 1890.

John H. Stevens, Jr.

Filed for Record Nov. 11th, 1890 at 1-15 P. M., and recorded
in Book 6, Page 140, Records of Meade County, S. D.

STATE OF SOUTH DAKOTA, COUNTY OF MEADE, SS.

Office of Register of Deeds.

I hereby certify that the above and foregoing is a full, true,
correct and complete transcript of the original record in this office.

Dated this 1st day of July, A. D., 1902.

Frank Smith
Register of Deeds.

CERTIFIED COPY.

Water Location.

John W. Stephens Jr.

Meade County.

E. K. C.

No. 0021-1

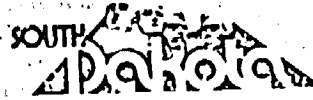
0531-1 John H. Hyde
8-20-8 M. W. Adams by [unclear]
[unclear]

100 [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]

Recep. Mc. [unclear] [unclear]
15 M.C. by [unclear]

Expend. [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
1-4 to 1-12 [unclear]

[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]
[unclear] [unclear] [unclear] [unclear]



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

November 14, 1978

Robert Ehrlich
Rt A, Box 9
Piedmont, SD 57717

Dear Mr. Ehrlich:

A copy of the "Water Location notice" No. 0521-1 is enclosed for your information. The original was located by John M. Stevens, Jr. on the 3rd day of November, 1890 and is on file in the Register of Deeds office of Meade Co., SD. Copies of letters are also enclosed which are in the file of this office.

In the letter from Cole N. Burton, he requested information on how he could renew or reinstate the water right which had been inoperative for several years. Mr. Dean Loucks, State Engineer at that time, replied by sending the necessary application forms and procedures. Mr. Burton must not have followed up on making the application as there is no indication of the application ever being submitted. The thinking of this office would be that of abandonment, since the water has not been put to beneficial use since the early 1940's.

Pursuant to section 46-5-36 of the South Dakota Compiled Laws: If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation."

The next section SDCL 46-5-37 indicates that 3 consecutive years of nonuse would constitute reversion to the public and then regarded as unappropriated public water.

Please advise this office of any further questions. Presently, this office is consulting with the Attorney General's office on proper procedures for handling these old unused "water location notices."

Very truly yours,

JIM WINTERTON
Water Resources Engineer

JW/gy

encl

RECEIVED

JUL - 9 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 0521-1

Date: July 7-09

I/We request that Water Right/Permit No. 0521-1 formerly owned by:

Robert L Ehrich be transferred to:

New Owner Name: Steven R Ehrich son of Robert Ehrich

Address: 5674 Elk Creek Rd

City, State, Zip Piedmont SD 57769 Telephone No. 605-787-5373

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

Sec. 8 Twp. 3 Rng. 7

Sec. 5 Twp. 3 Rng. 7

☒ I understand that the validity of Water Right/Permit No. 0521-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Steven R Ehrich, the new owner, certify that the above information is true and correct.

Steven R Ehrich
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/9, 2009

RECEIVED OF Ehrich Elk Creek Ranch LLC 5674 Elk Creek Rd Piedmont SD 57769

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>521-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04173

By [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 13, 2009

0521-1

Steven R Ehrich
5674 Elk Creek Rd
Piedmont SD 57769

Dear Mr. Ehrich:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership on Water Right Filing No. 0521-1. The transfer has been completed and the filing is now listed in your name.

Please be aware that simply transferring ownership of the filing does not change the possibility that Filing No. 0521-1 may have either been forfeited due to nonuse or abandoned or both. Back in 1978, your father was sent a letter from our program indicating the filing may have been abandoned or forfeited due to nonuse.

In order to determine whether the filing is valid, there are two options. First, you may seek a declaratory ruling from the Board and have them make a determination on the legal status of the water right. This method involves a notice published in the local county newspaper. Secondly, the Water Rights Program could schedule the filing for cancellation consideration by the Board which does not involve publication of a notice in the newspaper. If the board found that legal excuse existed for the years of nonuse, then the board would not take action to cancel the filing. In effect, the board would make a finding that the filing is valid. In either option, you have the opportunity to present evidence to the Board.

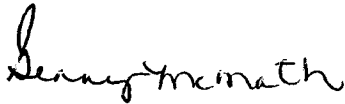
Aaron Tieman, a staff engineer in our regional office in Rapid City has had conversations with you about the water right filing and your intent to possibly seek approval for use of water from Elk Creek for hydropower. The use of water for hydropower will take a new application since the water right filing authorizes only irrigation use. An application form for non-irrigation water use is enclosed.

continued

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July 13, 2009
Steven R Ehrich

Please let us know what your intent is towards Water Right Filing No. 0521-1 and also your plans to use water for hydropower. You may contact our office here in Pierre for assistance or continue to work directly with Aaron in our regional office. His phone No. is 605 394-2229.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

c: Aaron Tieman, DENR Rapid City Regional Office (email)