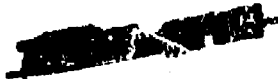
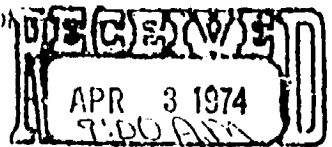


Water Right Number 1014-1

1. Considered 5-15, 19 74
2. Name of Applicant SPEARFISH VALLEY RANCH, INC.
3. Post Office Address SPEARFISH
4. Amount of Water claimed 19.23 (682 AC. FT. STORAGE)
5. Source of Water supply DRY DRAWS
6. Water to be used for IRRIGATION
Acres to be irrigated 1345.90
7. Water to be diverted and used in BUTTE County
about 20N 6E miles 10 of BELLE FOURCHE
8. Proof of Publication Received 10
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:


No. 1014-1
 Map No. 838-1 Water Division No. 1 BELLE FOURCHE RIVER
 (blank to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

STATE WATER RIGHTS COM. PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Spearfish Valley Ranch Inc.
 Post-office address Rt. #1, Spearfish State S.D. 57783
 If a corporation show date and place of incorporation Spearfish, S.D. April 1963
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Sprinkler Irrigation Facility #1-H
4. Amount of water claimed (cubic feet per second) 19.23 CFS
5. Source of water supply Deep well, 3 storage dams
6. Location of point of diversion Dam #1 - N64°30'W 690' from SE Corner, Sec. 33, T12N, R3E, BHM, Dam #2 - S71°30'E, 3110' from NW Cor. Section 33, T12N, R3E, BHM;
Dam #3 - N86°00'E 3070' from W½ Cor., Sec. 23, T12N, R3E, BHM, Well - N19°45'E, 695' from W½ Cor., Sec. 21, T12N, R3E, BHM;
7. Annual period or periods during which water is to be used May thru October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation - Stockwater
9. For irrigation use, Total number of acres to be irrigated 1345.9

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.
See Attachment			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 4 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Belle Fourche Daily Post
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Direct overhead sprinkling Facility (Self-Propelled) portable al pipe.

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

6" & 8" al pipe

C. Works proposed to apply water to beneficial use.

Electric motor 30-50 Hp
Over-Head Circula SprinklerEstimated Total Cost \$ 99,000.00
 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

County of Law
 I, Frank L. [Signature] 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 [Signature]Subscribed and sworn to before me this 2nd day of April 1974.

Notary Public (or other qualified officer)

SURVEYOR'S CERTIFICATE:

I, George G. Ross, Registered Land Surveyor do hereby certify that at the direction of the Spearfish Valley Ranch, Inc., I have surveyed the location of Well #1-H, and 3 dams, and the areas to be irrigated as shown hereon. All dimensions are true and correct.

George G. Ross
Registered Land Surveyor



ACKNOWLEDGEMENT OF SURVEYOR:

Be it remembered that on this 29th day of March, 1974, before me a Notary Public, personally appeared George G. Ross, known to me to be the person described in and who executed the foregoing certificate.

My commission expires August 15, 1975.

W. L. Sharp
Notary Public



Scale: 1" = 660'

LEGEND

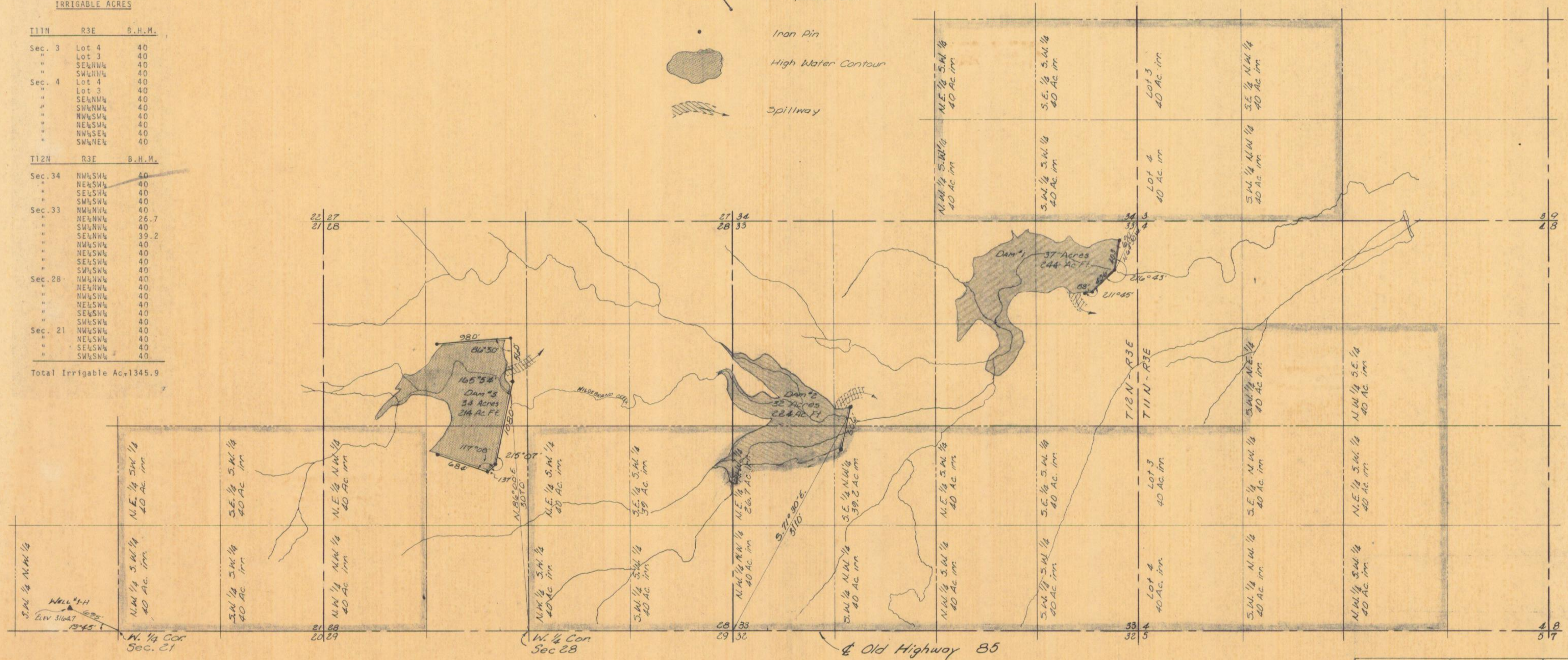
- Border of Land to be Irrigated
- Proposed Dam
- Iron Pin
- High Water Contour
- Spillway

IRRIGABLE ACRES

T11N	R3E	B.H.M.
Sec. 3	Lot 4	40
"	Lot 3	40
"	SE 1/4 NW 1/4	40
"	SW 1/4 NW 1/4	40
Sec. 4	Lot 4	40
"	Lot 3	40
"	SE 1/4 NW 1/4	40
"	SW 1/4 NW 1/4	40
"	NW 1/4 SW 1/4	40
"	NE 1/4 SE 1/4	40
"	SW 1/4 NE 1/4	40

T12N	R3E	B.H.M.
Sec. 34	NW 1/4 SW 1/4	40
"	NE 1/4 SW 1/4	40
"	SE 1/4 SW 1/4	40
"	SW 1/4 SW 1/4	40
Sec. 33	NW 1/4 NW 1/4	40
"	NE 1/4 NW 1/4	26.7
"	SE 1/4 NW 1/4	39.2
"	SW 1/4 NW 1/4	40
"	NW 1/4 SW 1/4	40
"	NE 1/4 SW 1/4	40
"	SE 1/4 SW 1/4	40
Sec. 28	NW 1/4 NW 1/4	40
"	NE 1/4 NW 1/4	40
"	SE 1/4 NW 1/4	40
"	SW 1/4 NW 1/4	40
Sec. 21	NW 1/4 SW 1/4	40
"	NE 1/4 SW 1/4	40
"	SE 1/4 SW 1/4	40
"	SW 1/4 SW 1/4	40

Total Irrigable Ac. 1345.9



Brady Engineering Co., Consulting Engineers Spearfish, South Dakota	Acct. No. <u>WRS-70</u> Drawn By: <u>PWM</u> Checked By: <u>GBR</u>	Scale: 1" = 660' Date: <u>3/28/74</u> Sheet <u>1</u> of <u>1</u>
---	---	--

MAP NO 838-1 (APPL NO 1014-1)

1012020

Melvin E. Delzer

1063-1

Melvin E. Delzer

Priority Date of August 3, 1964

Priority date of April 3, 1974

1014-1

Melvin E. Delzer

Map # 838-1
Appl. # 1014-1

App'l. # 1014-1

These Three 40 Ac. Ares

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1014-1
SPEARFISH VALLEY RANCH, INC. RT. #1 SPEARFISH
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57783 With the following modifications:
 (State)

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE
 OF 682 ACRE FEET OF WATER ANNUALLY.
 APPROVAL OF THIS PERMIT DOES NOT AUTHORIZE
 CONSTRUCTION OF THE PROPOSED WELL.

Date of first receipt of application APRIL 3, 19 74
 Date of return to applicant for correction, amendments or changes required ---, 19 ---
 Date of receipt of corrected application ---, 19 ---
 Approved MAY 15, 19 74, Recorded in Book 13 Page 20

WATER RIGHT PERMIT NO. 1014-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1014-1 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 APRIL 3, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 15, 19 76
3. The whole of said work is to be completed on or before MAY 15, 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 15, 19 82
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 19.23 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 is actually and beneficially applied for irrigation on or before MAY 15, 19 82; said water to be used during the following described annual period: MAY THRU OCTOBER

Witness my hand this 20TH day of MAY, 19 74

WATER RESOURCES COMMISSION

By: Donald Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued ---, 19 ---

Water License Issued ---, 19 ---

IRRIGABLE ACRES

<u>T11N</u>	<u>R3E</u>	<u>B.H.M.</u>
Sec. 3	Lot 4	40
"	Lot 13	40
"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
"	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
Sec. 4	Lot 4	40
"	Lot 13	40
"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
"	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
"	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40

<u>T12N</u>	<u>R3E</u>	<u>B.H.M.</u>
Sec. 34	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
Sec. 33	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
"	NE $\frac{1}{4}$ NW $\frac{1}{4}$	26.7
"	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40
"	SE $\frac{1}{4}$ NW $\frac{1}{4}$	39.2
"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
Sec. 28	NW $\frac{1}{4}$ NW $\frac{1}{4}$	40
"	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40
"	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
Sec. 21	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
"	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40

Total Irrigable Ac+1345.9

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 8-5/8, Depth 4250
 (2) Casing, Type Steel Diameter 7" inside Thickness 3/8"
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type No, Diameter _____, Length _____
 (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Madison lime

Depth to top of water bearing material Madison Lime 4200'

Depth to bottom of water bearing material 4350'

Thickness of water bearing material 150'

Depth to water (ground surface to water level) May Flow

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property None rds. On property owned by others 8 miles rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

	DAM #1	DAM #2	DAM #3
Height	= 20.5	21.4	19.7
Max. Water Depth	= 16.5	17.4	15.7
Surface Acres	= 370	32.2	34.0
Acre Feet	= 244	224	214

Frank Carr
 Signature of Applicant

No. 1014-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Laurence Weyler hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Belle Fourche Daily Post

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Belle Fourche

County of Butte and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 30, 1974

April 27, 1974

May 4, 1974

May 11, 1974

Laurence Weyler
(Signature)

Publisher
(Title)

May 11, 1974
(Date Signed)



No. 1014-1

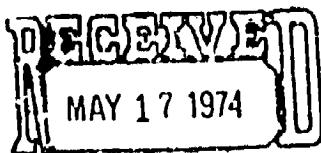
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
April 15, 1974
Notice is hereby given that
Spearfish Valley Ranch, Inc.,
whose post office address is
Spearfish, South Dakota, has
made an application in accord-
ance with the provisions of
the water laws of South Da-
kota for a permit to appro-
priate for beneficial use 19.23
cubic feet of water per second
of time from dry draws with
682 acre feet of storage through
the Sprinkler Facility K-1, the
point of diversion of which is to
be located in the SW 1/4 NE 1/4,
Section 28, SW 1/4 NE 1/4,
Section 33, and SE 1/4 SE 1/4
of Section 33, all in Twp. 12N,
Range 3E. Said water to be
used for the purpose of pro-
viding irrigation on all or por-
tions of the following described
land: SW 1/4, Section 21;
N 1/2 NW 1/4, SW 1/4, Section
28, W 1/2, Section 33; SW 1/4,
Section 34; all in T12N, R3E;
NW 1/4, Section 3; NW 1/4,
SW 1/4 NE 1/4, N 1/2 SW 1/4
and NW 1/4 SE 1/4, Section
4, all in T11N, R3E.

This application No. 1014-1
will be considered by the Water
Rights Commission at their
office at Pierre upon the 15th
day of May, 1974, at 2:30 P.M.
All interested persons may
appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones
Water Rights Specialist
414/20-27-(5)-4-11



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

1014-1

Publish first publication, on or before May 2, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 15, 19 74

Notice is hereby given that Spearfish Valley Ranch, Inc.

whose post office address is Spearfish, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 19.23 cubic feet of water per second of time from the dry stream with 682 acre feet of storage through the Sprinkler Facility H-1, the point of diversion of which is to be located in the _____

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, and SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 33 all in Twp. 12N, Range 3E. Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$, Section 21; NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 28, NE $\frac{1}{4}$, Section 33; SW $\frac{1}{4}$, Section 34; all in T12N, R3E; NW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, all in T11N, R3E

This application No. 1014-1 will be considered by the Water ^{Rights} ~~Commission~~ Commission at their office at Pierre upon the 15th day of May, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RIGHTS COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Frank Carr, Secretary, Spearfish Valley Ranch, Inc., Route #1, Spearfish, S.D. 57783

[illegible]

Henry Parkhurst, c G103929.

Motor G.E. Model 5 K625-88 400

15.4P. $\Delta_{\text{rel}}^{\text{F}} \text{FK}$ 16.15.583

at home Gladly I sing & move

1/2 5725

1. The first thing I noticed when I
 stepped out of the plane was the
 fresh air. It felt like I had been
 breathing stale air for years.

10-7191. *Alchornea*. West. 1000 ft. SE. SP
 10-7192. *Alchornea*. 5000 ft. SE. SP
 10-7193. *Alchornea*. 1000 ft. SE. SP
 10-7194. *Alchornea*. 1000 ft. SE. SP
 10-7195. *Alchornea*. 1000 ft. SE. SP
 10-7196. *Alchornea*. 1000 ft. SE. SP
 10-7197. *Alchornea*. 1000 ft. SE. SP
 10-7198. *Alchornea*. 1000 ft. SE. SP
 10-7199. *Alchornea*. 1000 ft. SE. SP
 10-7200. *Alchornea*. 1000 ft. SE. SP

East Hamp. to W. B. D. D. D. D. D.

H. C. Adams & Company

75 H.P. 1758 P.M. 6.4 P.M. 1806:2451

Wanda Lohrman

1. *Chlorophyll a* (Chl *a*)

valley in the ...

21. 81 70' 1/2" 10' 10" 3.11.2.

240. 6774

GF 100 H.P. Model 1110313
100 H.P. 1770 R 100
for 1110313

Heavy jacket for 1110313

Draw 161 H.P. Model 1110313
Dry or 1110313

Valley C.P. Model 1110313
for 1110313

April 12, 1974

TO: Don Driscoll
From: Merle Shelburn, D.C.
SCS, Belle Fourche, S.D.

Subject: Soils information concerning Spearfish Valley
lands in Butte being planned for irrigation.
This land was soil surveyed on the basis
of it remaining in its present use - Rangeland.
I have requested the assistance of
David Mollard or Travis J. Allila to check
the soils on these lands from the viewpoint
of using them for irrigation purposes. These
gentlemen are both Soil Scientists with
the Soil Conservation Service. They plan to provide
this assistance on April 17 or April 19.

Merle A. Shelburn
District Conservationist
Soil Conservation Service
Belle Fourche, S.D.

Report of Laboratory Soil Analysis, University of Wyoming

Lab. No. 10 - 19

Date February 8, 1974

Name Spearfish Valley Ranch Inc.

Address 2340 West Main

City/State Rapid City, South Dakota 57701

Copies to: Crook County

These samples are accepted and reported on as received basis by a non-regulatory agency. Although the best care and techniques available are employed in these analyses, a "warranty" of content of the original sampled material cannot be implied from these results. These results cannot be used in publication without the expressed permission of the University of Wyoming. If you have any questions, please contact your County Agent.

1 Area No.	2 Soil Texture	3 Organic Matter	4 Avail- able P	5 pH		6 Soluble Salts	7 Special Analyses		8 Intended Crop	9 Fertilizer Recommendations:		
				paste	1:5		Lime	Other		lbs./A	lbs./1000 sq. ft.	Other
West of C	CL	5.1	12	6.7		.3	Slight					
"	CL	3.7	11	7.2		.3	Slight					
East Side	CL	3.7	11	7.4		.5	Slight					
"	CL	3.0	8	7.5		.4	Slight					
Hot Sage	CL	4.3	5	7.2		.5	Slight					
W of Nation CL	CL	5.4	31	7.0		.4	Slight					
Dam-side	CL	7.2	39	6.6		.3	Slight					
Well-side	CL	2.7	16	7.4		.5	Slight					
"	CL	3.8	35	7.1		.5	Slight					
"	CL	3.6	5	7.8		.3	Slight					

Comments: Corn 140-60 lbs N/acre on samples having less than 10 lbs P apply 45 lbs P/acre. Alfalfa: On samples having less than 10 lbs P/acre apply 150 lbs P/acre, from 10-20 lbs P/acre apply 125 lbs P and more than 20 lbs P/acre apply 100 lbs P/acre.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6484

PIERRE July 10, 1978

RECEIVED OF Gloria Deizer, 4013 Falls Drive, Rapid City, SD 57701
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____	
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use and issuing Water License No. _____	
Fee for issuing Location Certificate-Dry Draw, No. _____	
Fee for filing _____ transfer of Water Right Permit No. 1014-1	2 50
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH 97

Form 20.

No. 1014-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: June 27, 1978

This is to notify you that title to the lands described as follows:

SW $\frac{1}{4}$ Section 21; N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ Section 28; W $\frac{1}{2}$, Section 33; SW $\frac{1}{4}$, Section 34;

all in 12N-3E; NW $\frac{1}{4}$ Section 3; NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4,
all in 11N-3E

formerly owned by Spearfish Valley Ranch, Inc.

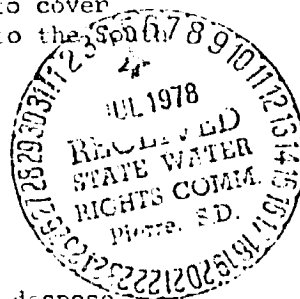
has been transferred to ~~Melvin E. Delzer~~ Delzer Construction Co., Inc.

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1014-1 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission as
evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover
filing fees as required under Section 61.0159 of the 1960 Supplement to the
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Pennington)



I, Melvin E. Delzer being first duly sworn on my oath despose
and say: That my relation to the above described undertaking is that of Owner,
that I have read the above foregoing statement, and I know of my own personal
knowledge that the information herein stated is true.

Melvin E. Delzer
(Signed)

Subscribed and sworn to before me this 28 day of June

19 78.

Elmer M. Pringle
(Notary Public)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1014-1

July 5, 1984

Delzer Construction Company, Inc.
2040 W. Main
Rapid City, South Dakota 57701

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1014-1 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

DWNR-814 8/83

1012020

Melvin E. Delzer

1063-1

Melvin E. Delzer

Priority Date of August 3, 1964

Priority date of April 3, 1974

1014-1

Melvin E. Delzer

Map # 838-1
Appl. # 1014-1

Appl. # 1014-1

These Three 40 Ac. Ares

SURVEYOR'S CERTIFICATE:

I, George G. Ross, Registered Land Surveyor do hereby certify that at the direction of the Spearfish Valley Ranch, Inc., I have surveyed the location of Well #1-H, and 3 dams, and the areas to be irrigated as shown hereon. All dimensions are true and correct.

George G. Ross
Registered Land Surveyor



ACKNOWLEDGEMENT OF SURVEYOR:

Be it remembered that on this 29th day of March, 1974, before me a Notary Public, personally appeared George G. Ross, known to me to be the person described in and who executed the foregoing certificate.

My commission expires August 15, 1975.

W. L. Sharp
Notary Public



Scale: 1" = 660'

LEGEND

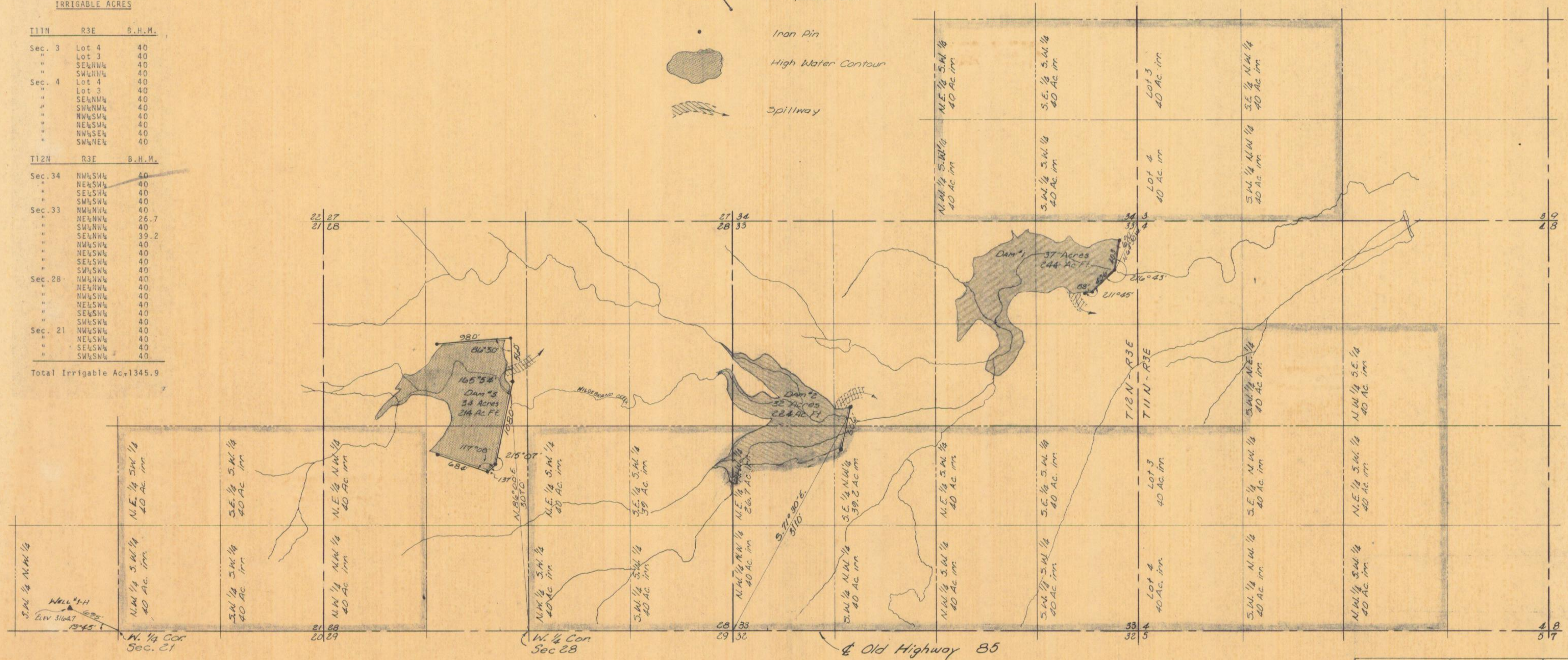
- Border of Land to be Irrigated
- Proposed Dam
- Iron Pin
- High Water Contour
- Spillway

IRRIGABLE ACRES

T11N	R3E	B.H.M.
Sec. 3	Lot 4	40
"	Lot 3	40
"	SE 1/4 NW 1/4	40
"	SW 1/4 NW 1/4	40
Sec. 4	Lot 4	40
"	Lot 3	40
"	SE 1/4 NW 1/4	40
"	SW 1/4 NW 1/4	40
"	NW 1/4 SW 1/4	40
"	NE 1/4 SE 1/4	40
"	SW 1/4 NE 1/4	40

T12N	R3E	B.H.M.
Sec. 34	NW 1/4 SW 1/4	40
"	NE 1/4 SW 1/4	40
"	SE 1/4 SW 1/4	40
"	SW 1/4 SW 1/4	40
Sec. 33	NW 1/4 NW 1/4	40
"	NE 1/4 NW 1/4	26.7
"	SE 1/4 NW 1/4	39.2
"	SW 1/4 NW 1/4	40
"	NW 1/4 SW 1/4	40
"	NE 1/4 SW 1/4	40
"	SE 1/4 SW 1/4	40
Sec. 28	NW 1/4 NW 1/4	40
"	NE 1/4 NW 1/4	40
"	SE 1/4 NW 1/4	40
"	SW 1/4 NW 1/4	40
Sec. 21	NW 1/4 SW 1/4	40
"	NE 1/4 SW 1/4	40
"	SE 1/4 SW 1/4	40
"	SW 1/4 SW 1/4	40

Total Irrigable Ac. 1345.9



Brady Engineering Co., Consulting Engineers Spearfish, South Dakota	Acct. No. WRS-70 Drawn By: PWM Checked By: GBR	Scale: 1" = 660' Date: 3/28/74 Sheet 1 of 1
---	---	---

MAP No 838-1 (APPL No 1014-1)

State of South Dakota

Water License No. 1014-1

(1) Spearfish Valley Ranch
of Rt 1, Spearfish SD
made Application No. 1014-1, April 3, 1974 for a water permit to appropriate
19.23 cubic feet per second of water from one well and three storage dams
Butte County, South Dakota for Irrigation purposes.
Permit No. 1014-1, with a priority date of April 3, 1974
was approved May 15, 1974 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 15, 1978 and for the application to beneficial use of said
water on or before May 15, 1982

On July 5, 1978, Water Permit No. 1014-1 was transferred to Dalzer Construction Co, Inc, Rapid City, South Dakota,

On November 26, 1984, Water Permit No. 734-1 was transferred to Dalzer Construction,

The applicable portions of Water Permit No. 734-1 are being incorporated into this Water License No. 1014-1, with priority dates of 3.44 cubic feet per second (CFS) of water from August 3, 1964 and 5.76 cfs from April 3, 1974,

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 9.2 cubic feet per second of water for beneficial use. The location of the diversion point(s) is are Dam #1 - N64°30'W 630' from the SE corner Section 33; Dam #2 - S71°30'E 3110' from the NW corner Section 33; Dam #3 - N86°00'E 3070' from the W½ corner Section 28, all in T12N, R3E

NOTE: Total amount of storage authorized is 477 acre feet - Dam #1 - 86 acre feet, Dam #2 - 156 acre feet and Dam #3 - 235 acre feet.

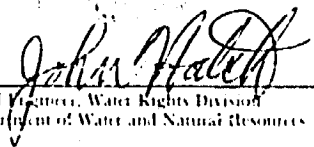
and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, (see attachment)

(4) Pursuant to §16-5-30.1 Delzer Construction Co., Inc.
of 2040 W Main, Rapid City, South Dakota 57701

the holder(s) and/or owner(s) of Water Permit No. 1014-1, is issued a license to appropriate water, the right to use 9.2 cubic feet per second of water from three storage dams on dry draws with a priority date 3.44 cfs from August 3, 1964 of and 5.76 cfs from April 3, 1974 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1014-1 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

November 30, 1984

L

ATTACHMENT A

1014-1

Delzer Construction Co., Inc.

Priority Date

April 3, 1974

August 3, 1964

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 21, T12N, R12E	29 ac	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	35 ac	
SW $\frac{1}{4}$ SE $\frac{1}{4}$ "	2 ac	
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 28, T12N, R12E	29 ac	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	35 ac	
NW $\frac{1}{4}$ NE $\frac{1}{4}$ "	2 ac	
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "		28 ac
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "		11 ac
NW $\frac{1}{4}$ SW $\frac{1}{4}$ "		40 ac
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "		22 ac
SW $\frac{1}{4}$ SW $\frac{1}{4}$ "		9 ac
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "		8 ac
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 33, T12N, R12E		24 ac
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	4 ac	25 ac
NW $\frac{1}{4}$ SW $\frac{1}{4}$ "	7 ac	27 ac
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	39 ac	
SW $\frac{1}{4}$ SW $\frac{1}{4}$ "		2 ac
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	3 ac	
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "		1 ac
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 34, T12N, R12E	33 ac	
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	33 ac	
SW $\frac{1}{4}$ SW $\frac{1}{4}$ "	34 ac	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	34 ac	
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 3, T11N, R3E	12 ac	25 ac
NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	30 ac	7 ac
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	21 ac	6 ac
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	21 ac	6 ac
TOTAL	403 ac	+ 241 ac = 644 ac

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9728 -

Pierre, August 1 19 84

RECEIVED OF Delzer Construction Co. Inc., 2040 W. Main, Rapid City, SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1014-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms

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

I have this day made a thorough examination of the water use system constructed by Delzer Construction Co., Inc.

Permit No. 1014-1 for 17-23 '75, bearing the priority of April 3 1974, authorizing

for Irrigation purposes, in Butte County.

See reverse side of this form for Storage dums.

12" diameter Pipe from North dam to detention type spreader system. Has controls in the pipe.

One detention type system with controls on the dikes

See Attached Sheet.

5.7% CFS from April 1970

Exceptions to compliance are: _____ Date Apr. 24, 1954

OVER

LeRoy J. Menough
(signature)

Storage Dam Information

Dam #3. North Dam

Height 20 ft, Water depth = 16.5 ft, Surface Ac = 28.5 Ac
 $16.5 \times 28.5 \times .5 = 235$ A.F. Storage

Top width = 12 ft. 4:1 & 2:1 slopes, Length 3500 ft
4.0 ft Freeboard

Dam #2 Middle Dam

Height = 21 ft, Water depth = 17 ft, Surface Ac. = 23 Ac.
 $17 \times 23 \times .4 = 156$ A.F. Storage

Top width = 12 ft, 4:1 & 2:1 slopes. Length. 650 ft.
4.0 ft. Freeboard

Dam #1 South Dam.

Height = 19.5 ft, Water Depth = 15.5 ft. Surface Ac. = 14 Ac.
 $15.5 \times 14 \times .4 = 86$ A.F. Storage

Top width = 12 ft, 4:1 & 2:1 slopes, Length 900 ft
4.0 ft Freeboard.

Form 12 Delzer Construction Co., Inc.

Attachment A

Area Irrigated

#1014-1	Priority	Date	April 3, 1974	August 3, 1964
SW $\frac{1}{4}$ SW $\frac{1}{4}$	Sec. 21, T12N R12E		29 Ac.	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	" 21 "	"	= 35 Ac.	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	" 21 "	"	= 2 Ac.	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	" 28 "	"	= 29 Ac.	
NE $\frac{1}{4}$ NW $\frac{1}{4}$	" 28 "	"	= 35 Ac.	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	" 28 "	"	= 2 Ac.	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	" 28 "	"		= 28 Ac.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	" 28 "	"		= 11 Ac.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	" 28 "	"		= 40 Ac.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	" 28 "	"		= 22 Ac.
SW $\frac{1}{4}$ SW $\frac{1}{4}$	" 28 "	"		= 9 Ac.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	" 28 "	"		= 8 Ac.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	" 33 "	"		= 24 Ac.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	" 33 "	"	= 4 Ac.	= 25 Ac.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	" 33 "	"	= 7 Ac.	= 27 Ac.
NE $\frac{1}{4}$ SW $\frac{1}{4}$	" 33 "	"	= 39 Ac.	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	" 33 "	"		= 2 Ac.
SE $\frac{1}{4}$ SW $\frac{1}{4}$	" 33 "	"	= 3 Ac.	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	" 33 "	"		= 1 Ac.
NW $\frac{1}{4}$ SW $\frac{1}{4}$	" 34 "	"	= 33 Ac.	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	" 34 "	"	= 33 Ac.	
SW $\frac{1}{4}$ SW $\frac{1}{4}$	" 34 "	"	= 34 Ac.	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	" 34 "	"	= 34 Ac.	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	" 3 T11N R3E		= 12 Ac.	= 25 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$	" 3 "	"	= 30 Ac.	= 7 Ac.
SW $\frac{1}{4}$ NW $\frac{1}{4}$	" 3 "	"	= 21 Ac.	= 6 Ac.
SE $\frac{1}{4}$ NW $\frac{1}{4}$	" 3 "	"	= 21 Ac.	= 6 Ac.
Totals			403 Ac.	+ 241 Ac. = 644 Ac.

Attachment B

Delzer Construction Co., Inc.

Pump and Center Pivot Information for Form #12.

#1014-1 From North Dam = #3

North Center Pivot = Valley, Model. 2011, Ser # 13201.

Motor. GE Model 5K6267 X 1A., 100 HP. 1770 RPM. Ser # LKJ1106129.

Pump = Peerless Turbine. Size G105909-1, Pumps 1000 gpm Est.

West of 3 pumps = for C.P. that has been permanently removed.

Motor, GE Model 5K6258 X 1A., 75 HP. 1775 RPM

Ser # FK1603473, Standby Pump

Pump = Peerless Turbine Size G103907, Pump 1000 gpm Est.

East of 3 Pumps Standby Pump

Motor = Model 5K6267 X 1A. 100 HP, 1770 RPM Ser # LKJ11106134

Pump - Peerless Turbine - Pumps 1000 gpm Est.

From Middle Dam #2.

Center Pivot Valley Model Same as Above C.P.

Motor. GE Model 5K6258 X 1A., 75 HP. 1775 RPM, Ser # FKJ605475

Pump Peerless Turbine. Pumps 1000 gpm Est

From South Dam #1.

Center Pivot Valley Model (Same as above) NE of Dam #3

Motor = GE Model 5K6258 X 1A., 75 HP, 1775 RPM Ser # FKJ619451

Pump = Peerless Turbine Ser # G106241. Pumps 1000 gpm Est.

Center Pivot Valley Model (Same as above) SE of Dam #3.

Motor Model 5K6258 X 1A., 75 HP, 1775 RPM. Ser # FKJ605474.

Pump Peerless Turbine Ser # G103907-6. Pumps 1000 gpm Est.

No. 1014-1

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

December 4, 1984

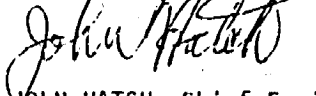
Delzer Construction Co., Inc.
2040 W Main
Rapid City SD 57701

Dear Sir:

Enclosed herewith is, Water License No. 1014-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

Enclosures

NOTE: The applicable portions of Water Permit No. ⁷³¹784-1 are being incorporated into this Water License No. 1014-1, with priority dates of 3.44 cubic feet per second (cfs) of water from August 3, 1964 and 5.76 cfs from April 3, 1974.

WNR-817 3/83
Transmittal of Water License



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 24, 2001

1014-1

Ross or Barbara Delzer
HC 71 Box 5
Newell, SD 57760

Dear Mr. & Mrs. Delzer:

I am contacting you in regard to ownership of land described in Water Right No. 1014-1. Gloria Delzer notified us that the water right, currently listed in the name of Delzer Construction, should be transferred to your names.

I am enclosing a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership form. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I am including a copy of the water right for your records. If you have any questions concerning the water right or completion of the transfer form, please get in touch with me.

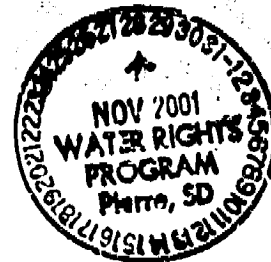
Sincerely,

Genny McMath

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



No. 1014-1

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

Date: 11-21-01

I/We request that Water Right No. 1014-1

formerly owned by: Delzer Construction Company

be transferred to: (name & address) Ross O. or Barbara Delzer
HC 71 Box 5 Newell SD 57760 Telephone No. 605-456-2225

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

644 acres - S 1/2 SW 1/4, SW 1/4 SE 1/4 Sec 21, W 1/4, NW 1/4 NE 1/4 Sec 28, S 1/2 NW 1/4, SW 1/4, NE 1/4 SE 1/4 Sec 33, SW 1/4 Sec 34, T12N, R12E; and NW 1/4 Section 3, T11N, R3E

I/We understand that the validity of Water Right No. 1014-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Butte)

I/We Ross O. Delzer being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ross O. Delzer
(Signature of new owner)

Subscribed and sworn to before me this 22 day of Nov, 2001.

[Signature]
(Notary Public)

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416991

Pierre, November 28, 2001

RECEIVED OF ROSS O. or Barbara Delzer, BELL 71 Box 5, Newell, SD 57760
the following amount in fees for services rendered as provided for by law: (Delzer Construction Co.)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form 1014-1

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By Darland Eichele
Chief Engineer



November 28, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1014-1

Ross O or Barbara Delzer
HC 71 Box 5
Newell, SD 57760

Dear Mr. & Mrs. Delzer:

Thank you for following up on the ownership change for Water Right No. 1014-1. The transfer has been completed and the water right formerly held by Delzer Construction Company is now listed to your names.

Enclosed is your Receipt No. 416991 in the amount of \$2.50, which you paid for filing the ownership change. You may keep this for your records.

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

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3304
email: genny.mcmath@state.sd.us

enclosure



1014-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2003

508-1
1014-1

Ross & Barbara Delzer
19481 US Hwy 85
Belle Fourche SD 57717-3100

Dear Mr. & Mrs. Delzer:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to HC 71 Box 5, Newell, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 5, 2005

1014-1

Ross Delzer
19481 US Hwy 85
Belle Fourche SD 57717

Dear Mr. Delzer:

Thank you for visiting with me about water rights held by Gloria Delzer. I reviewed the file again for Water Permit No. 1650-1 (one for the feedlot) and found it was already listed in Gloria's name.

You indicated during our conversation that the water right listed in your name will need to be transferred to the new owner(s) on completion of the sale. I have included a copy of the water right and a partially completed "Notice of Transfer of Ownership" form. I did not list the legal descriptions on the transfer form because I didn't know if the land was being sold as one parcel or if perhaps more than one owner would be involved. If the land is divided and sold in different parcels, go ahead and make a copy of the form for each new owner so they can complete an ownership change for the portion they own.

The form will need to be completed and signed by the new owner(s). A filing fee of \$2.50 is required for each transfer filed. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1014-1

Date: 4-14-05

I/We request that Water Right No. 1014-1

formerly owned by: Ross O or Barbara Delzer

be transferred to: (name & address) Ronald Steineke 25319-464
Avenue Hartford S. Dak 57033

Telephone No. 605. 528-3883

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

I/We understand that the validity of Water Right No. 1014-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Ronald Steineke, the new owner, certify that the above information is true and correct.

Ronald Steineke
(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.

RECEIVED
APR 21 2005
WATER RIGHTS
PROGRAM

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ronald Steineke, 25319 464th Ave, Hartford SD 57033

DATE: April 25, 2005

TELEPHONE: 605 528-3883

RE: Transfer of Water Right No. 1014-1

COMMENTS:

On April 21, 2005, a "Notice of Transfer of Ownership" was received from Mr. Steineke for changing ownership on Water Right No. 1014-1. No legal description of the property was included on the transfer form.

In a conversation with Ross Delzer, the previous owner, the land was up for sale but it may be sold in pieces and therefore not all to one person. I called and spoke with Mr. Steineke to find out what portion he had purchased and he indicated he bought the entire place.

The water right can be transferred in its entirety. Mr. Steineke said he would not be irrigating this coming year and it was still uncertain as to whether or not he would be irrigating in the future.

Send him excerpts on water laws and Water Management Board Rules dealing with maintaining a water right. If he decides not to irrigate, the water right should be re-licensed for domestic use from the three storage dams.



Genny McMath
Water Rights Program

Reported Water Use

04/25/2005

1014-1

Permit No	Year	Name		Not Irrig	Not Constr
1014-1	1983	DELZERCONSTRUCTION CO			
1014-1	1984	DELZERCONSTRUCTION CO			
1014-1	1985	DELZERCONSTRUCTION CO			
1014-1	1986	DELZER CONSTRUCTION CO		X	
1014-1	1987	DELZER CONSTRUCTION CO		X	
1014-1	1988	DELZER CONSTRUCTION CO			
1014-1	1989	DELZER CONSTRUCTION CO			
1014-1	1990	DELZER CONSTRUCTION CO	Drought	X	
1014-1	1991	DELZER CONSTRUCTION CO	Drought	X	
1014-1	1992	DELZER CONSTRUCTION CO	Drought	X	
1014-1	1993	DELZER CONSTRUCTION CO	Lots of rain	X	
1014-1	1994	DELZER CONSTRUCTION CO	(no comment)	X	X
1014-1	1995	DELZER CONSTRUCTION CO	Sufficient rains	X	
1014-1	1996	DELZER CONSTRUCTION CO	No Comment	X	
1014-1	1997	DELZER CONSTRUCTION CO	No Comment	X	
1014-1	1998	DELZER CONSTRUCTION CO	Sufficient rain	X	
1014-1	1999	DELZER CONSTRUCTION CO	Sufficient rain	X	
1014-1	2000	DELZER CONSTRUCTION CO	Not enough water	X	
1014-1	2001	ROSS O & BARBARA TDELZER	Not enough water	X	
1014-1	2002	ROSS O & BARBARA TDELZER	Drought	X	
1014-1	2003	ROSS O & BARBARA TDELZER	Drought	X	
1014-1	2004	ROSS O & BARBARA TDELZER	Drought	X	

4-25-2005: Spoke with new owner of property. He indicated he may not irrigate this year and was unsure if he would be irrigating in the future. I explained the three year use-it-or-lose-it plan and indicated I would send him excerpts on water laws and Water Management Board rules on maintaining a water right. A review of the file found the land has not been irrigated in many years but the irrigator has always indicated they had drought conditions or had ample rainfall and irrigating was not necessary. The comments typed on the chart above were taken from irrigation questionnaires submitted by Delzers since 1990.

Genny

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 21, 2005

RECEIVED OF Ronald Steineke, 25319 464th Ave., Heftford SD 57C33

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	2	50
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>1614-1</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	2.50

No.

0070.4

By

Darlene Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 2005

1014-1

Ronald Steineke
25319 464th Ave
Hartford SD 57033

Dear Mr. Steineke:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for transferring Water Right No. 1014-1. The transfer has been completed. The water right, formerly listed in the name of Ross O or Barbara Delzer is now listed in your name.

As a new water right holder, I wanted to take this opportunity to send you some information on maintaining the water right. One of the requirements for maintaining the water right is to put the water to beneficial use. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years unless legal excuse exists. Enclosed are excerpts of the water laws and Water Management Board Rules dealing with legal excuse.

Another requirement for South Dakota irrigators is to complete and return the annual irrigation questionnaire. I have included a sample copy of the form and some examples on how to fill the form out. These forms are mailed out every October and are due back the first week in December.

You indicated during our phone conversation that you may or may not irrigate in the future. If you make a decision not to irrigate, your water right could be modified to remove the irrigation component and issue a license for domestic use only. This would eliminate the need to submit an annual questionnaire but would maintain your right to store water in the three dams for domestic stock watering purposes.

Enclosed is your Receipt No. 002084 in the amount of \$2.50 which you paid for filing the ownership change. If you have any questions concerning the enclosed materials, please give me a call.

Sincerely,

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

enclosures



1014-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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January 24, 2006

NOTICE

TO: RONALD STEINEKE, 25319 464TH AVE, HARTFORD, SD 57033

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 1014-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1014-1 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.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



1014-1

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RONALD STEINEKE
25319 464TH AVE
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www.state.sd.us/denr

February 22, 2006

1014-1

Ronald Steineke
25319 464th Ave
Hartford SD 57033

Dear Mr. Steineke:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. I completed a questionnaire for you based on our telephone conversation.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 1014-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
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PMB 2020
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www.state.sd.us/denr

January 26, 2007

NOTICE

TO: RONALD STEINEKE, 25319 464TH AVE, HARTFORD, SD 57033

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 1014-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1014-1 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.

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1014-1

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RONALD STEINEKE
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Waiver of Signature ☐ YES ☐ NO

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March 9, 2007

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Ronald Steineke, 25319 464th Ave, Hartford SD 57033

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 1014-1

On March 7, 2007, the Water Management Board amended Water Right No. 1014-1 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for failure to return the 2006 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

A review of your water right shows the land was last irrigated in 1989. In April, 2005 you visited with Genny McMath with our program concerning use of water as described in Water Right No. 1014-1. If the irrigation portion of the water right is no longer used, the license could be reissued for the three dams for domestic livestock watering purposes. If this is done, you would retain a priority date for storage of water and no longer be required to report annual water use for irrigation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 9, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 2007 regarding Board action concerning irrigation questionnaire violations addressed as stated below:

Nos. 400-2, 401-2, 1714-2, 2063-2 Melvin Brassfield Box 24 Caputa SD 57725	No. 672-1 Edward Patrick Henry PO Box 11 Whiteclay NE 69365-0011	Nos. 1766A-1, 1082-1 Charles F Pfeifer 180 E 79 th St Apt 18B New York NY 10021
No. 3937-3 Wendell Schubloom 20608 Hwy 25 DeSmet SD 57231	No. 1802-1 Lyle Sprague 18864 Stonelake Rd Nisland SD 57762	No. 4226-3 Ferdy Tesch 45336 174 th St Watertown SD 57201-7650
No. 2241-3 Jeffrey A Kreber 31015 421 st Ave Tabor SD 57063	No. 3646-3 Steven R Null 1510 12 th Ave S St Cloud MN 56301 Steven R Null 29278 460 th Ave Centerville SD 57014	No. 431-1 Robert Parsons 1615 Cedar St Sturgis SD 57785
No. 1014-1 Ronald Steineke 25319 464 th Ave Hartford SD 57033	No. 1693A-3 Calvin Frank Anderson 25518 411 th Ave Mitchell SD 57301	Nos. 1473-2, 1502-2 Randy Bachelor HC 78 Box 60A White River SD 57579
No. 1632-2 Chris Horlock 5471 Hidden Valley Ln Rapid City SD 57702	No. 4648-3 Mark Rasmussen, 28639 458 th Ave Hurley SD 57036	

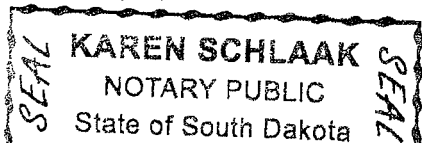
Ed. F. Zachman

Gail Jacobson
Water Rights Program

[illegible]

Sworn to, before me, this 12th day of March, 2007.

Karen A. Melnick
Notary Public



My Commission Expires
April 1, 2007



1014-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: RONALD STEINEKE, 25319 464TH AVE, HARTFORD, SD 57033

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1014-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1014-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1014-1 in accordance with applicable provisions of SDCL 46-1-12;
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.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1014-1

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RONALD STEINEKE
25319 464TH AVE
HARTFORD SD 57033

Waiver of Signature ☐ YES ☐ NO

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February 7, 2008

1014-1

Ronald Steineke
25319 464th Ave
Hartford SD 57033

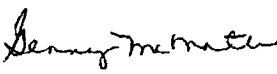
Dear Mr. Steineke:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1014-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On the questionnaire you indicated that the use of water had been abandoned. If you no longer intend to irrigate, the water right could be "reissued" for domestic use since there are three dams in place that I assume are used for livestock. The "reissued" license would remove the irrigation component and authorize the storage dams for domestic use.

Please get in touch with me regarding the water right so we can determine what is necessary to update your water license.

Sincerely,


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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Ronald Steineke, 25319 464th Ave, Hartford SD 57033

DATE: February 11, 2008

TELEPHONE: 605 528-3883

RE: Status of Water Right No. 1014-1

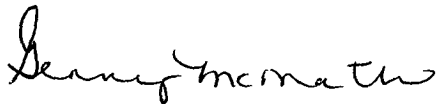
COMMENTS:

Mr. Steineke called concerning my February 7th letter to him requesting information on whether or not he had discontinued irrigation. He stated he did not think irrigation had ever been done on the property. A system does not exist and no irrigation is being done.

We discussed the storage dams on the property and Mr. Steineke thought there were around 30 of them but they never had any water in them. The three larger ones were listed on the water right and are used for domestic use.

He was agreeable to having the water right reissued for domestic use from the three storage dams and have the irrigation component removed from the water right.

After discussions with staff, the irrigation portion of the water right must be brought before the Board for cancellation consideration. Once that issue is taken care of, the water right will be reissued for domestic use for the storage dams.



Genny McMath
Water Rights Program



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May 20, 2008

NOTICE OF CANCELLATION

TO: Ronald Steineke, 25319 464th Ave, Hartford SD 57033

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of the irrigation portion of Water Right No. 1014-1

Water Right No. 1014-1 authorizes diversion of water from three dry draw storage dams located in Butte County, South Dakota for irrigation purposes. On February 11, 2008, Genny McMath with our program spoke with you about your use of water as described in the water right. Our understanding is that the storage dams are still in place and used for domestic purposes, however the land is not irrigated. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation portion of Water Right No. 1014-1 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation portion of Water Right No. 1014-1 at 10:00 a.m., July 2, 2008 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later than 10:00 am*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1014-1 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by June 23, 2008. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

May 20, 2008
Ronald Steineke
Page 2

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by June 23, 2008.

Prior to June 23, 2008, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by June 23, 2008.



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RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 1014-1

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning the irrigation portion of Water Right No. 1014-1.

The Chief Engineer is recommending cancellation of the irrigation portion of Water Right No. 1014-1 due to abandonment and/or forfeiture. The water right authorizes irrigation from three dry draw storage dams with a combined capacity of 477 acre feet. The water right holder has indicated that the dams are still present and store water for domestic use; however the land is no longer irrigated.

A handwritten signature in black ink, appearing to read 'Ron Duvall'.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
May 20, 2008

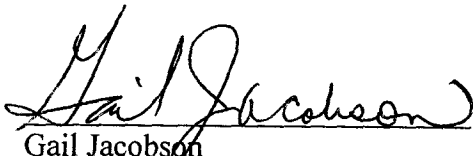
Note:

Cancellation of the irrigation portion of the water right does not prohibit an application for a new water permit to irrigate in the future. If the irrigation portion is cancelled and removed from the water right, the water right holder still has the authority to impound water in the three storage dams for domestic use.

CERTIFICATION

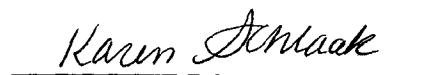
I hereby certify that on May 20, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 20, 2008 regarding cancellation notices addressed as stated below:

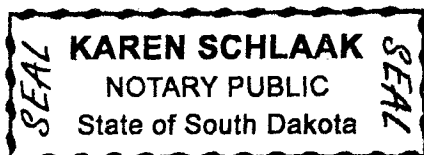
Brian Minish, SDAPV Dairy Development Inc., PO Box 66, Canton SD 57013 #6385-3
Wayne A & Astrid K Farries, 29342 192nd St, Onida SD 57564 # 4743-3
Harvey & Andrea Sheehan, 19395 288th Ave, Pierre SD 57501 # 4743-3
Ronald Steineke, 25319 464th Ave, Hartford SD 57033 # 1014-1
Larry or Melvin Holzworth, 29614 164th St, Gettysburg SD 57442 # 5721-3
Lynn Sanderson, 41017 152nd St, Conde SD 57434 # 4371-3
Tom & Lela Bowen, PO Box 187, Vale SD 57788 # 807-1


Gail Jacobson
Secretary
Water Rights

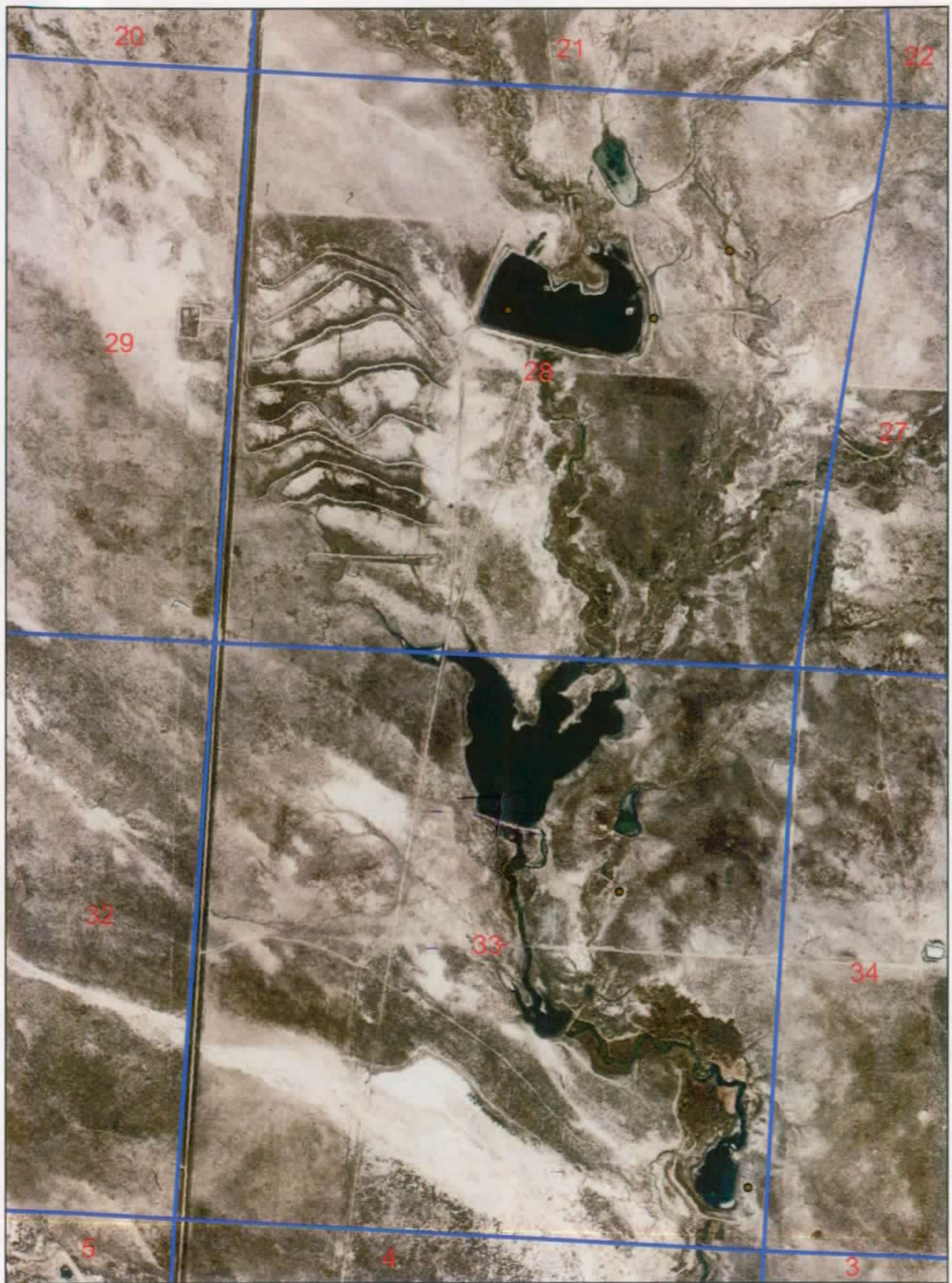
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of May, 20 08.


Karen Schlaak
Notary Public
My Commission expires April 1, 2013



2006 FSA Shows dam - my guess is after this year it is full.



NAME: Ronald Steineke, 25319 464th Ave, Hartford SD 57033

DATE: July 9, 2008 **COUNTY:** Butte

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

HISTORY:

Water Right No. 1014-1 authorized diversion of water from three dry draw storage dams (477 acre feet total capacity) to irrigate 644 acres in portions of Sections 21, 28, 33 and 34, T12N, R3E and Section 3, T11N, R3E.

On February 11, 2008, the water right holder confirmed the land is not irrigated however the storage dams are still used for stock watering purposes.

On July 2, 2008, the Water Management Board took action to cancel the irrigation portion of Water Right No. 5721-3 due to abandonment and/or forfeiture.

RECOMMENDED ACTION

Based on the above, it is recommended that the water license be reissued for stock watering.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 24 2008

1014-1

Ronald Steineke
25319 464th Ave
Hartford SD 57033

Dear Mr. Steineke:

Enclosed is your Reissued Water License No. 1014-1. The license authorizes impoundment of 477 acre feet of water annually to be used for domestic livestock watering purposes.

Water Right No. 1014-1 originally authorized diversion of water from the storage dams for irrigation purposes. On July 2, 2008, the Water Management Board cancelled the irrigation portion of the water right.

Based on the Board's action to remove the irrigation component from the water right, the license has been reissued to allow impoundment of water for domestic purposes. 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.

Sincerely,

A handwritten signature in black ink, which appears to read "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1014-1

(1) Delzer Construction Company Inc., Rapid City SD was issued Water License No. 1014-1, November 30, 1984 for a water right to divert 9.20 cubic feet of water per second from three dry draw storage dams (capacity 477 acre-feet), in Butte County, South Dakota for irrigation purposes. Water License No. 1014-1, with priority dates of April 3, 1974 and August 3, 1964 was issued to the permit holder for diversion of water with construction of the described water supply system and the application of water to beneficial use completed.

On April 21, 2005, Water Right No. 1014-1 was transferred to Ronald Steineke, 25319 464th Ave, Hartford, SD.

On July 2, 2008, the Water Management Board cancelled the irrigation portion of the water right due to abandonment and or forfeiture. The dams are still in place and being used for domestic stock watering purposes.

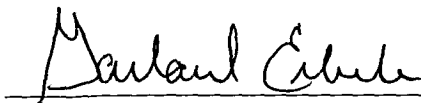
Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use and is entitled to impound 477 acre feet of water annually for beneficial use. The storage dams are located as follows:

- **Dam # 1:** SE ¼ SE ¼ Section 33 with water impounded in the E ½ SE ¼ and NW ¼ SE ¼ Section 33, T12N, R3E (86 acre feet capacity);
- **Dam # 2:** SE ¼ NW ¼, SW ¼ NE ¼ Section 33 with water impounded in the E ½ NW ¼ and W ½ NE ¼ Section 33, T12N, R3E (156 acre feet capacity);
- **Dam # 3:** SE ¼ NW ¼, SW ¼ NE ¼ Section 28 with water impounded in the W ½ NE ¼ and E ½ NW ¼ Section 28, T12N, R3E (235 acre feet capacity).

(3) Pursuant to South Dakota Water Law 46-5-30.1 Ronald Steineke, 25319 464th Ave, Hartford, SD, 57033 the holder and/or owner of Water Right No. 1014-1 is issued a license to impound 477 acre feet of water annually from three dry draw storage dams with a priority date of April 3, 1974 from the locations specified in (2) of this license for domestic livestock watering purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1014-1.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 24 2008

date

