

Water Right Number 1028-1

1. Considered 9-11, 19 74
2. Name of Applicant MARK X. TRASK
3. Post Office Address ELN. SPRINGS
4. Amount of Water claimed 10.5
5. Source of Water supply CHEYENNE RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 720
7. Water to be diverted and used in MEADE County
about 16N, 4 E miles of WASATA
8. Proof of Publication Received 9-4-74
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

ORIGINAL RECEIVED
6-27-74 @ 9:30am

RECEIVED
JUL 9 1974

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Form -- Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

Map No. B49-1 Water Division No. 1 ELK CREEK
No. 1028-1
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Mark X. Trask
Post-office address Elm Springs State S.D. 57736
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
3. Name of diversion work Spanish Five Cheyenne River Project #2
4. Amount of water claimed (cubic feet per second) 10.5
5. Source of water supply Cheyenne River
6. Location of point of diversion Between points 2790 ft. North of the SE Corner, Sec. 24,
and the SE corner, Section 25, T4N, R14E

County Meade
7. Annual period or periods during which water is to be used MARCH THROUGH NOVEMBER
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 740

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.
NW $\frac{1}{4}$ Sec. 24, T4N, R14E	32	NW $\frac{1}{4}$ Sec. 25, T4N, R14E	120
NE $\frac{1}{4}$ Sec. 24, T4N, R14E	136	NE $\frac{1}{4}$ Sec. 25, T4N, R14E	33
SW $\frac{1}{4}$ Sec. 24, T4N, R14E	82	SW $\frac{1}{4}$ Sec. 25, T4N, R14E	75
SE $\frac{1}{4}$ Sec. 24, T4N, R14E	75	SE $\frac{1}{4}$ Sec. 25, T4N, R14E	65

Attach sheet if more space is needed NW $\frac{1}{4}$ Sec. 36, T4N, R14E 12
NE $\frac{1}{4}$ Sec. 36, T4N, R14E 110
10. Time required to complete construction of water supply system five years. Additional time required to complete application of water to the proposed beneficial use Four years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sturgis Tribune, Sturgis, SD
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
Pumping from River, Sprinkling and flooding.
Pump

B. Works proposed to transport water to place of use.
Pump and pipe

C. Works proposed to apply water to beneficial use.
Sprinkler and flooding

Estimated Total Cost \$ 5,000.00

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 HAakon

I, MARK X. TRASK, 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 Mark X. Trask
Subscribed and sworn to before me this 6th day of July, 1974

Notary Public (or other qualified officer)

PLAT OF THE SPANISH FIVE CHEYENNE RIVER PROJECT

Located in Sections 2 and 11, Township 2 North, Range 14 East, Sections 26 and 35, Township 3 North, Range 14 East, and Sections 24, 25, and 36, Township 4 North, Range 14 East, BHM, in Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to Appropriate Water of Mark A. Trask, Elm Springs, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

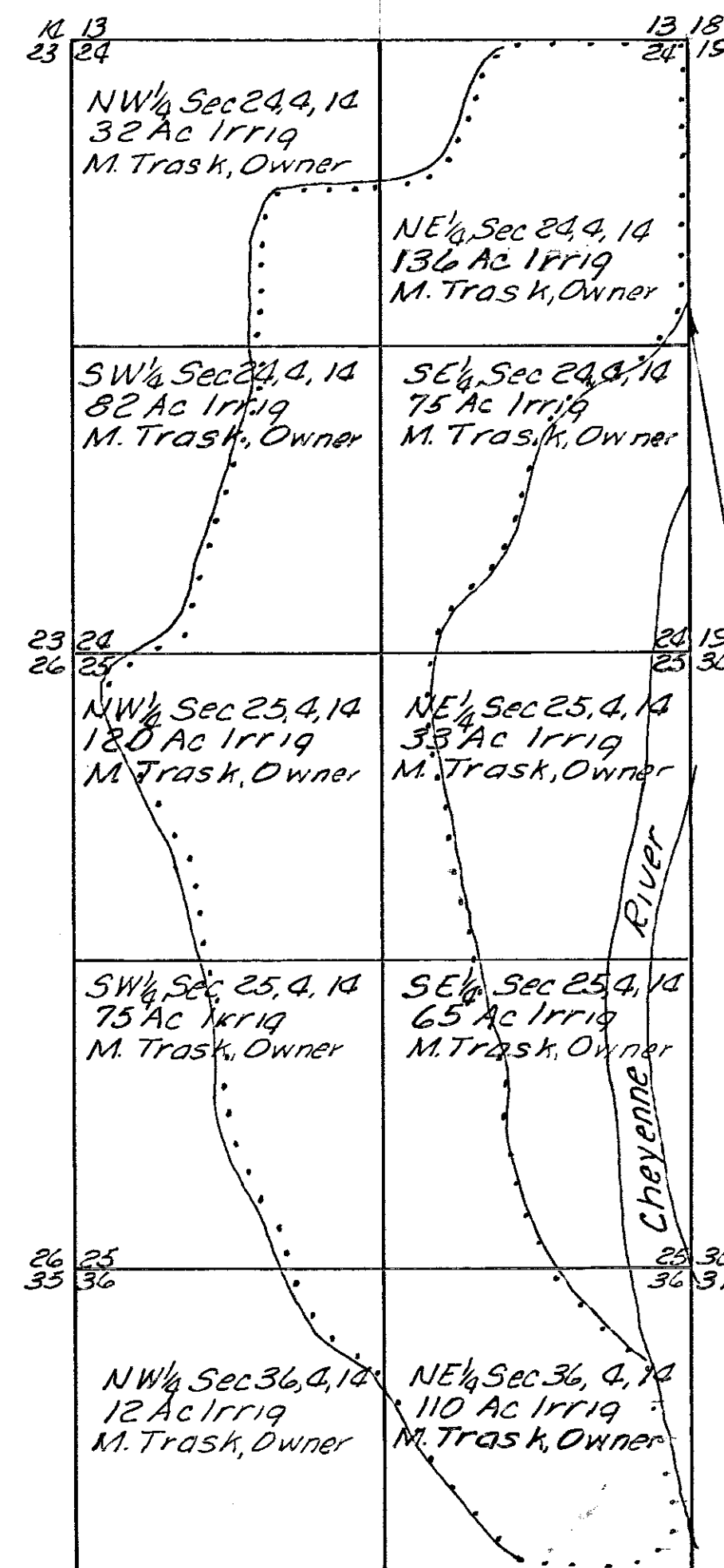
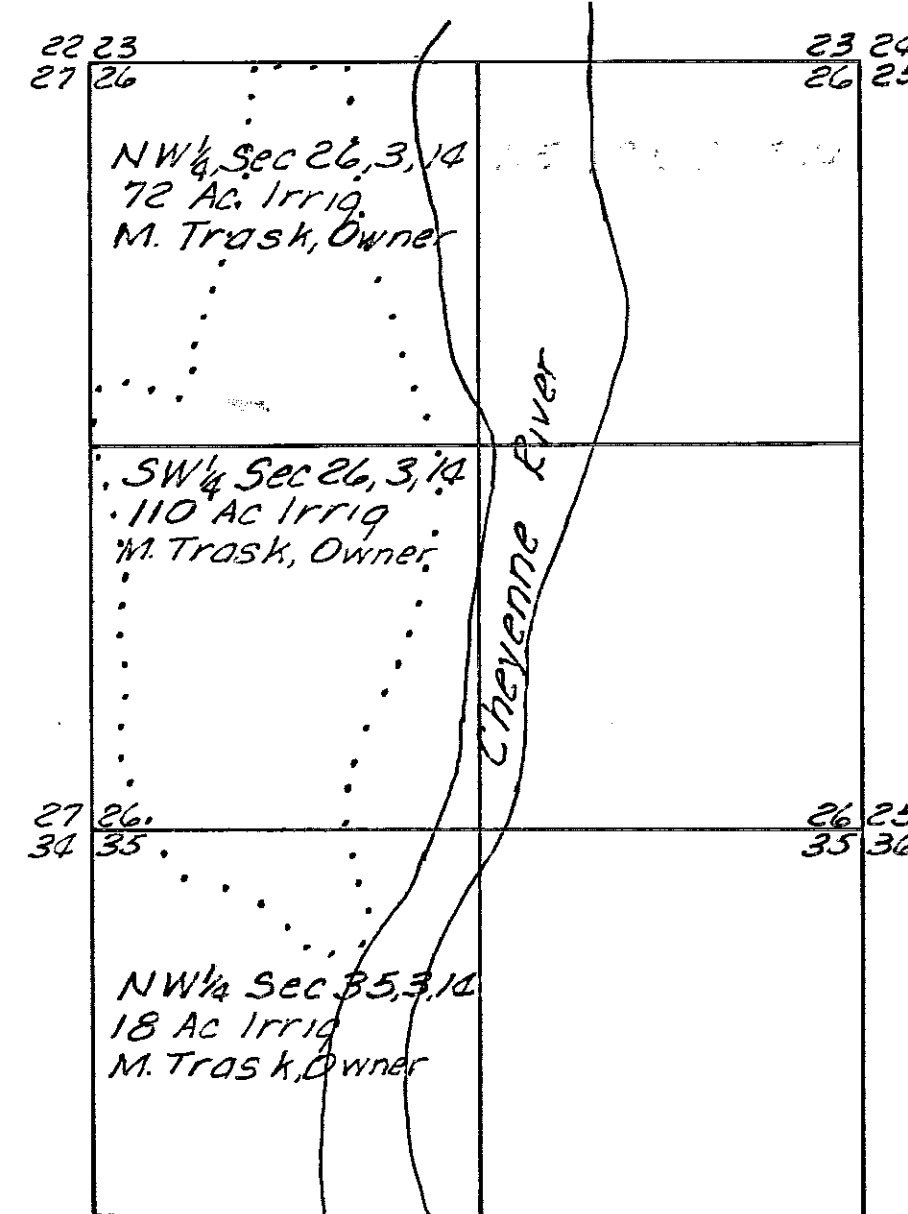
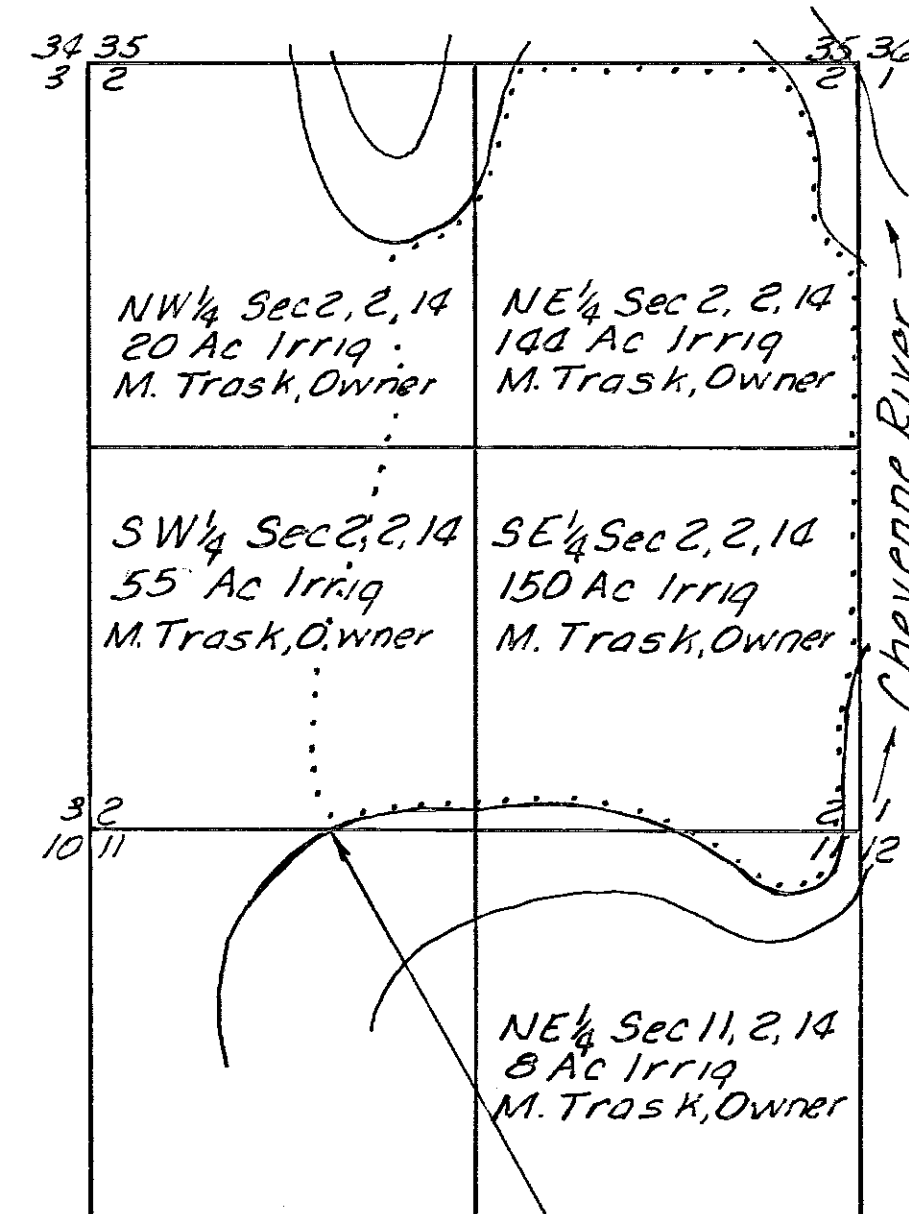
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Mark A. Trask, I have made a survey and have prepared this plat as a part of his application for a Permit to Appropriate Water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
William C. Brengle
Registered Land Surveyor #1517 (SEAL)

Subscribed and sworn to before me this 5th day of June, 1974.

Florence Brengle
Notary Public (SEAL)

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., S. DAK.
My Commission Expires Aug. 1, 1978



Point of Diversion Between



Scale: 1"=1320'

MAP N° 849-1 (APPL N° 1025-1)
(APPL N° 1026-1)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1028-1
MARK X. TRASK ELM SPRINGS
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57736 With the following modifications:
 (State)

DIVERSIONS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON SUPPLIES BEING FIRST AVAILABLE TO PRIOR WATER RIGHTS ON THE CHEYENNE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHEYENNE RIVER ARE DEFINITELY & RECOGNIZABLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST & SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS.

Date of first receipt of application JUNE 27 19 74
 Date of return to applicant for correction, amendments or changes required JULY 3 19 74
 Date of receipt of corrected application JULY 9 19 74
 Approved SEPTEMBER 11 19 74 Recorded in Book 13 Page 62

WATER RIGHT PERMIT NO. 1028-1

Water Rights Commission hereby grants and issues this Water Right Permit No. 1028-1 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 JUNE 27 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 11 19 77
3. The whole of said work is to be completed on or before SEPTEMBER 11 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 11 19 83
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 10.5 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 use 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-seventh (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 SEPTEMBER 11 19 83; said water to be used during the following described annual period: MARCH THRU NOVEMBER

Witness my hand this 13TH day of SEPTEMBER 19 74

WATER RIGHTS COMMISSION

By:

Donald L. Dinnell
 Chief Engineer, Executive Officer

Certificate of Construction Issued September 15 19 81
 Water License Issued September 15 19 81

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1020-1

(1) WHEREAS, On the 27th day of June, A.D. 1974
Mark X Trask

made Water Right Application No. 1020-1 for a permit to use 10.5 cubic feet per second of the water of the Choyenne River

County of Beade, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 11th day of September, A.D. 1974

Permit No. 1020-1, with a date of priority of June 27, 1974

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water

supply system therein described on or before the 11th day of September, A.D. 1975 and for the

application to beneficial use of said water on or before the 11th day of September, A.D. 1983

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.69 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:
 to irrigate the following lands all in T4N, R14E

Section 24:

Section 36:

SE¹/₄ SW¹/₄ (CD) 10 Acres

NE¹/₄ NE¹/₄ (AD) 28 acres

SW¹/₄ SE¹/₄ (DC) 2 "

NE¹/₄ NE¹/₄ (AA) 16 "

Section 25:

SW¹/₄ NE¹/₄ (AC) 9 "

NE¹/₄ NW¹/₄ (DA) 30 "

SE¹/₄ NE¹/₄ (AD) 36 "

NW¹/₄ NE¹/₄ (AB) 8 "

TOTAL 258 acres

SE¹/₄ NW¹/₄ (BD) 15 "

SW¹/₄ NE¹/₄ (AC) 10 "

NE¹/₄ SW¹/₄ (CA) 23 "

NW¹/₄ SE¹/₄ (DB) 23 "

SE¹/₄ SW¹/₄ (CD) 4 "

SW¹/₄ SE¹/₄ (DC) 16 "

(5) 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 Mark X Trask

_____ of Elm Springs, SD

the holder _____ and owner _____ of said permit No. 1028-1 a water right, dating from June 27, 1974

_____ to use of 3.69 cubic feet per second of the waters

of the Cheyenne River

in the County of Meade and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinafter mentioned, to be diverted ~~at~~ between point A, 300' west of E¹ corner, Section 36

(AD), and Point B, 1000' north of the SE corner, Section 24, both in T4N, R14E, (CA)

and conducted to and upon portions of lands in Sections 24, 25 & 36, all in T4N, R14E,
more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1028-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 15th day of September A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

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

Permit No. 1028-1

Water Diversion No. 1 Upper Cheyenne Water District
10120111

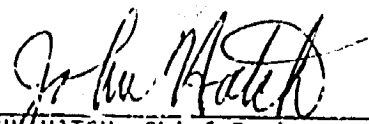
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mark X Trask

_____ the holder _____ of
Permit No. 1028-1, issued upon Application No. 1028-1, bearing date of priority of _____
June 27, 1974 authorizing the diversion of 10.5 cu. ft. per second of the waters of _____
the Cheyenne River County of Meade, State of South Dakota ~~xx~~ _____
between point A, 300' west of RA corner, Section 36 (AD), and Point B, 1000'
north of the SE corner Section 24, both in T4N, R14E (CA)
_____ for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 7.78 cu. ft. per second of water.

Date September 15, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

No. 1028-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Teresa Shoun hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Sturgis Tribune

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

R. H. Publishers of Sturgis

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

Aug 21, 28

Teresa Shoun
(Signature)

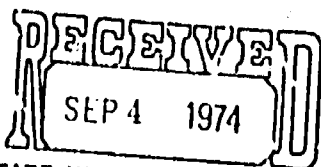
Bookkeeper
(Title)

Aug 29, 1974
(Date Signed)

No. 1028-1
Publish first publication,
on or before August 29, 1974
NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 575
August 12, 1974

Notice is hereby given that
Mark X. Trask whose post
office address is Elm
Springs, 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 10.5 cubic feet of water
per second of time from the
Cheyenne River through the
Spanish Five Cheyenne
River Project No. 2, the
point of diversion of which is
to be located between points
in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36,
and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 24, Twp. 4N, Range
14E. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land:
NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section
36; NW $\frac{1}{4}$, W $\frac{1}{2}$, NE $\frac{1}{4}$, W $\frac{1}{2}$
SE $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 25;
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$ and
SW $\frac{1}{4}$, Section 24, all in T4N,
R14E

This application No. 1028-1
will be considered by the
Water Resources Com-
mission at their office at
Pierre upon the 11th day of
September, 1974, at 2:00 p.m.
any person desiring to
be heard thereon must
appear at that time and
place.



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

~~1028-1~~

Publish first publication, on or before ~~August 29~~, 19 ~~74~~

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

~~August 12~~, 19 ~~74~~

Notice is hereby given that Mark X. Trask

whose post office address is Elm Springs, 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

10.5 cubic feet of water per second of time from the Cheyenne River through the

Spanish Five Cheyenne River Project #2, the point of diversion of which is to be located in the
between points in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 24, Twp. 4N, Range 14E. Said water to be used for the purpose
of providing irrigation ~~of~~ the following described land:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 36; NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 25; SE $\frac{1}{4}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$, SE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 24, all in T 4 N, R14E

This application No. 1028-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 11th day of September, 19 74, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Mark X. Trask, Elm Springs, S.D. 57736

Permit No. 1028-1Water Division 1 Elk Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Mark X Trask
 of Elm Springs, South Dakota 57736 holder
 of Permit No. 1028-1, bearing date of priority of June 27, 1974
 authorizing the diversion of 10.5 cu. ft. per second of the waters of Cheyenne River
 for Irrigation purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor Lincoln Elec. 30 H.P. 1765 RPM, Ser # 2056527
 Pump Gorman Rupp Ser # 642913, Model 610L20-B.
 Pumping 3500 gpm

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

1000 ft. 12" Alum. Pipe
 1300 ft. 10" Gated pipe

C. Works used to apply water to beneficial use.

Gated Pipe - Flood Irrigation

The system is in the following condition: Good

The point of diversion is located Between Pt "A" - 300' W of E 1/2 Cor Sec. 36 and
Pt "B" 1000' N of the SE Cor Sec. 24, T4N R14E

The works are capable of diverting and conveying to the place of use 7.78
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: The following in Sec. 24, T4N R14E

SE 1/4 SW 1/4 - 10 AC., SW 1/4 SE 1/4 - 2 AC., The following in Sec. 25, T4N R14E.
NE 1/4 NW 1/4 - 30 AC., NW 1/4 NE 1/4 - 5 AC., SE 1/4 NW 1/4 - 33 AC., SW 1/4 NE 1/4 - 10 AC.
NE 1/4 SW 1/4 - 23 AC., NW 1/4 SE 1/4 - 23 AC., SE 1/4 SW 1/4 - 4 AC., SW 1/4 SE 1/4 - 26 AC.
The following in Sec. 36, T4N R14E NW 1/4 NE 1/4 - 25 AC., NE 1/4 NE 1/4 - 16 AC.
SW 1/4 NE 1/4 - 9 AC., SE 1/4 NE 1/4 - 36 AC.

comprising a total of 258 acres of land.

3.69 cfs

Total 7.78 cfs

Date Sept. 17, 1980
L. R. J. Menough
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8459

September 11, 1961

PIERRE, _____, 19____

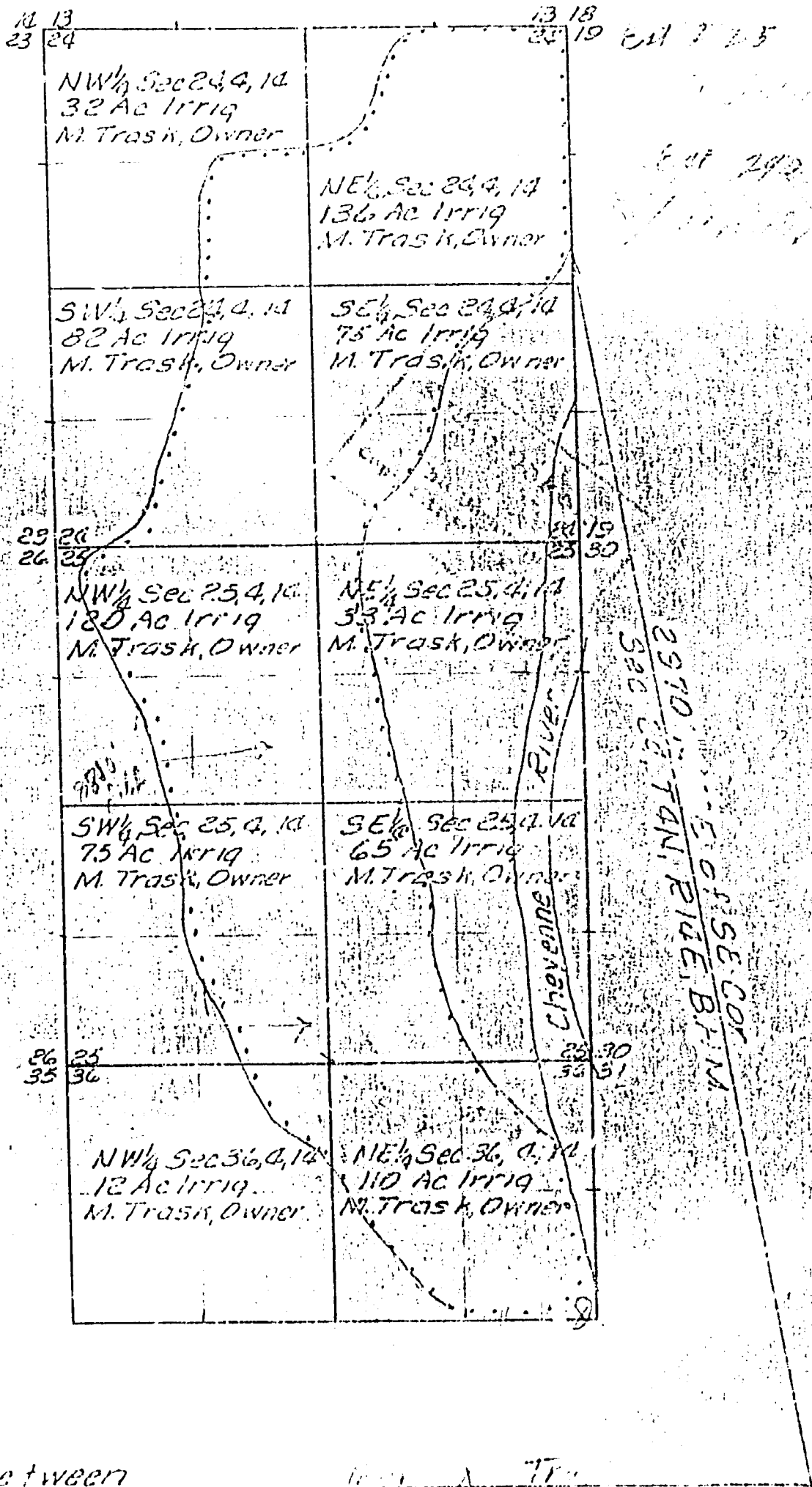
RECEIVED OF Mark X Trask, Elm Springs, SD 57736

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) _____	1035-1	
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____	57736	50.00
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____	1770-1025-1	
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL		50.00

WATER RIGHTS COMMISSION

By (W. J. Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / (bE)



Between

100 A Tr

100 A Tr

1028-1

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

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

March 26, 1987

Mrs. Mark Trask
Box 27
Elm Springs, SD 57736

Dear Mrs. Trask:

Enclosed are the 1986 irrigation questionnaires for Water Right Nos. 1024-1, 1026-1 and 1028-1. Please complete these and return them to our office as soon as possible.

Also enclosed are partially completed transfer forms for transferring the above mentioned water rights. They are currently listed in the name of Mark X Trask. The forms should be completed, signed and notarized before returning them to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please contact me if you have any questions.

Sincerely,

Genny McMATH

GENNY MCMATH
Water Resources Analyst

encl

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

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

March 23, 1987

MARK X TRASK
BOX 27
ELM SPRINGS, SD 57736

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s) 1028-1, 1025-1, 1024-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 1028-1, 1025-1, 1024-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

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

South Dakota
Department of
Water & Natural Resources

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

April 13, 1987

1024-1
1025-1
~~1028-1~~

Mrs. Mark Trask
Box 27
Elm Springs, SD 57736

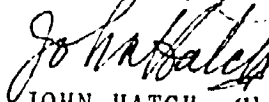
Dear Mrs. Trask:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1024-1, 1025-1 and 1028-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

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

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

September 18, 1987

Second Notice
Water Right Nos. 1024-1
1025-1
1028-1

Mrs. Mark Trask
Box 27
Elm Springs, SD 57736

Dear Mrs Trask:

On March 26, 1987, notice was sent to you concerning the transfer of Water Right Nos. 1024-1, 1025-1 and 1028-1 in the name of Mark X Trask. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed are additional forms. Please sign, have notarized and return the forms to our office with the required filing fee of \$2.50 each (total of \$7.50). The water rights can then be transferred to your name. If you are not the present owner of the land covered under these water rights, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit Water Right to appropriate water to be filed with this office in ninety days.

If you have any questions, please contact us.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

enclosure

NO. 1028-1

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Sept 21, 1987

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

258 Acres - SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 25,
NE $\frac{1}{4}$ Section 36, T4N, R14E.

formerly owned by Mark X. Trask

has been transferred to Winifred E Trask, Box 27, Elm Springs, SD 57736

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1028-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board 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 SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Deuel) ss.

I, Winifred E. Trask 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 I know of my own personal knowledge that the information herein stated is true.

Mark X Trask Estate
Winifred E. Trask, Executrix
(Signed)

Subscribed and sworn to before me this 21 Day of Sept, 1987

George H. Hunsaker
(Notary Public)

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410996

Pierre, September 22, 1987

RECEIVED OF Winifred E. Trask, Executrix Mark X Trask Estate, Box 27, Elm Springs, SD
the following amount in fees for services rendered as provided for by law: 57736

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. _____		
Fee for Filing Transfer Form ~~57736~~ 1623-1 _____	2	50
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	2	50

By John Hatch
Chief Engineer JOHN HATCH 

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

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

WATER RIGHTS DIVISION
(605) 773-3352

September 24, 1987

Winifred E. Trask, Executrix
Mark X. Trask Estate
Box 27
Elm Springs, South Dakota 57736

Dear Mrs. Trask:

Enclosed are receipt Nos. 410996, 410997 and 410998 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1028-1, 1025-1 and 1024-1.

Our records now show Winifred E. Trask as the owner of these Water Rights.

Sincerley,

Maxine Stirling
Secretary

ms/
Enc. 3

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

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

January 18, 1990

517-1
1024-1
1025-1
1028-1
1779-2

Winifred E Trask
Box 27
Elm Springs, SD 57736

Dear Ms. Trask:

Thank you for the return of your 1989 irrigation questionnaires. At your request, enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 517-1, 1024-1, 1025-1, 1028-1 and 1779-2.

Please check over the forms and have them signed by the new owner in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$12.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

Elm. H. D. 57736

Nov. 28-1984

Dept of Water & Natural Resources
Pierre, S.D.

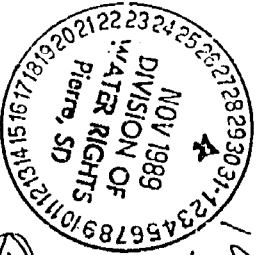
Att. Henry Mott or Leo Brey

I am enclosing three water irrigation permits for my & also want to my children water permits to my land - as well as keeping the land - as well as

freedom.
1028-1 }
1774-2 }
Native ~~Land~~
Bar 19
E. D. 57736

1025-1 = 6
Farm ~~Land~~
H. D. 86- Box 28
Elm. H. D. 57736

1024-1 }
517-1 }
Very Dear
Elm. H. D. 57736
H. D. 86- Box 28



Please ~~notify~~ me when I need to do - Thank you
Bernice E. Deak

NOTICE OF TRANSFER OF OWNERSHIP



1028-1

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: February 8, 1990

I/We request that Water Right/Right No. 1028-1

formerly owned by: Winifred Trask

be transferred to: (name & address) Patrick X. Trask
Box 19 Elm Springs SD (telephone No.) 728-5413

Title to the following described land(s)/property has been transferred as described above:
SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 24, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 25, NE $\frac{1}{4}$ Sec 36, T4N, R14E

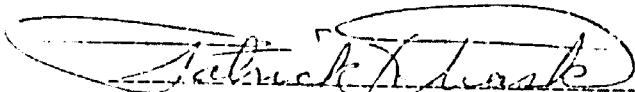
I/We understand that the validity of Water Right/Right No. 1028-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

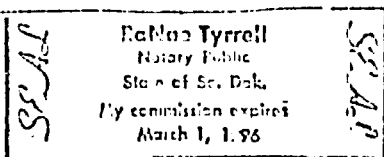
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
Mende PXT)
County of Pennington)

I/We Patrick X. Trask 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.


(Signed)

Subscribed and sworn to before me this 8th day of February, 1990.




(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 water 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

412088

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 15, 1990

RECEIVED OF Winnie Trask, Box 27, Elm Springs, SD 57736
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. _____	2	50
Fee for Filing Transfer Form _____ Water Right No 1028-1		
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	2	50

By John H. Hatcher
Chief Engineer

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 28, 1990

1028-1
1779-2

Patrick X. Trask
Box 19
Elm Springs, SD 57736

Dear Mr. Trask:

Enclosed are Receipt Nos. 412088 and 412087 in the amount of \$2.50 each which you paid for transfer of Water Right No. 1028-1 and Vested Water Right Claim No. 1779-2.

Our records now reflect you as the owner of this Water Right.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

Appl. # 1028-1

-See # 1025-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: PATRICK X TRASK
18166 SMITHVILLE RD
WASTA SD 57791

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1028-1

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

1028-1

PATRICK X TRASK
18166 SMITHVILLE RD
WASTA SD 57791

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: PATRICK X TRASK
18166 SMITHVILLE RD
WASTA SD 57791

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1028-1

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.

RECEIVED

NOV 05 2020

WATER RIGHTS
PROGRAM

p. 1 of 2

1028-1

11-5-2020
Pat Trask
Wastai SD

Dear DNR, (as to permits 1028-1 & 129-1)
Today, Nov 5, we are once again
scheduled for the wiring completion
of our new Cornell 10YB centrifugal
flood irrigation pump on the Cheyenne
River @ the mouth of Elk Creek for
resuming our desperately needed
watering.

inf. There are brats in Bureau of Rec.
office who sat @ 73% of full in ^{August}
the spring of 2019 & 2 wks after the
ice normally goes out, they opened
the gates & multiplied the devastation
"ice out" by 2 or 3 X's & destroyed our
pump & everything along the river!

We took the destroyed unit to
Cincinnati where S.P.S. factory
builds the written pole electric
motors for duplication.

All summer we have anguish
calling to expedite delivery!

Big fault lies w/ the Cornell
dealership in California who
promised repetitively relative to
timely performance of their
"committed" delivery of a completed
pump!
over.

Today Kilowatt Electric will complete ^{P. 2018} the wiring & energization which has had 2 postponements due to storms & huge busy schedules.

We did not previously irrigate in 2020 tho we desired to.

Please have Mercy & come for a scenic & esthetic field tour on your Cheyenne River hosts
The Trasks

Sincerely

Pat Trask

RECEIVED

NOV 05 2020

WATER RIGHTS
PROGRAM