

1104-1

1. Considered 7-21 1976
2. Name of Applicant MERVIN OR LINDA VIKEN
3. Post Office Address NEWELL
4. Amount of water claimed 2.6
5. Source of water supply DRY CREEK & TRIBUTARIES
6. Water to be used for IRRIGATION
Acres to be irrigated 179.6
7. Water to be diverted and used in BUTTE county
about _____ miles _____ of _____
8. Proof of Publication
Received _____
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1104-1Map No. 915-1 Water Division No. 1 BELLE FOURCHE RIVER
(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 Mervin H. Viken or Linda J. Viken
 Postoffice address Newell State S. Dak.
 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 Mervin H. Viken Irrigation Project
4. Amount of water claimed (cubic feet per second) 2.6 cfs
5. Source of water supply Dry Creek & draws leading into it
6. Location of point of diversion (#1) S 180 23' E of SW cor. sec. 2, T8N R6E (169')
(#2) S4 09'01" E of W 1/4 Cor. Sec. 2, T8N R6E (1400') (#3) S2 02 41' E of W 1/4 Cor. Sec. 2, T8N R6E (355') (#4) S4 0 42' E of S 1/4 Cor. Sec. 2 County Butte T8N R6E (1365')
7. Annual period or periods during which water is to be used May June July Aug. & Sept
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, show the number of acres to be irrigated and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 SW 1/4 Sec. 2, T8N R6E	25.9	NW 1/4 NW 1/4 Sec. 11, T8N R6E	31.0
NE 1/4 SW 1/4 Sec. 2, T8N R6E	21.3	NE 1/4 NW 1/4 Sec. 11, T8N R6E	28.2
SW 1/4 SW 1/4 Sec. 2, T8N R6E	11.0	SE 1/4 NW 1/4 Sec. 11, T8N R6E	27.0
SE 1/4 SW 1/4 Sec. 2, T8N R6E	30.8	SW 1/4 NE 1/4 Sec. 11, T8N R6E	4.4

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Four years. Additional time required to complete application of water to the proposed beneficial use One years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication The Valley Irrigator (Newell)
12. Principal Features of the Proposed Water Supply System.

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

Install pumping dikes.

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

Pumps and pipe.

C. Works proposed to apply water to beneficial use.

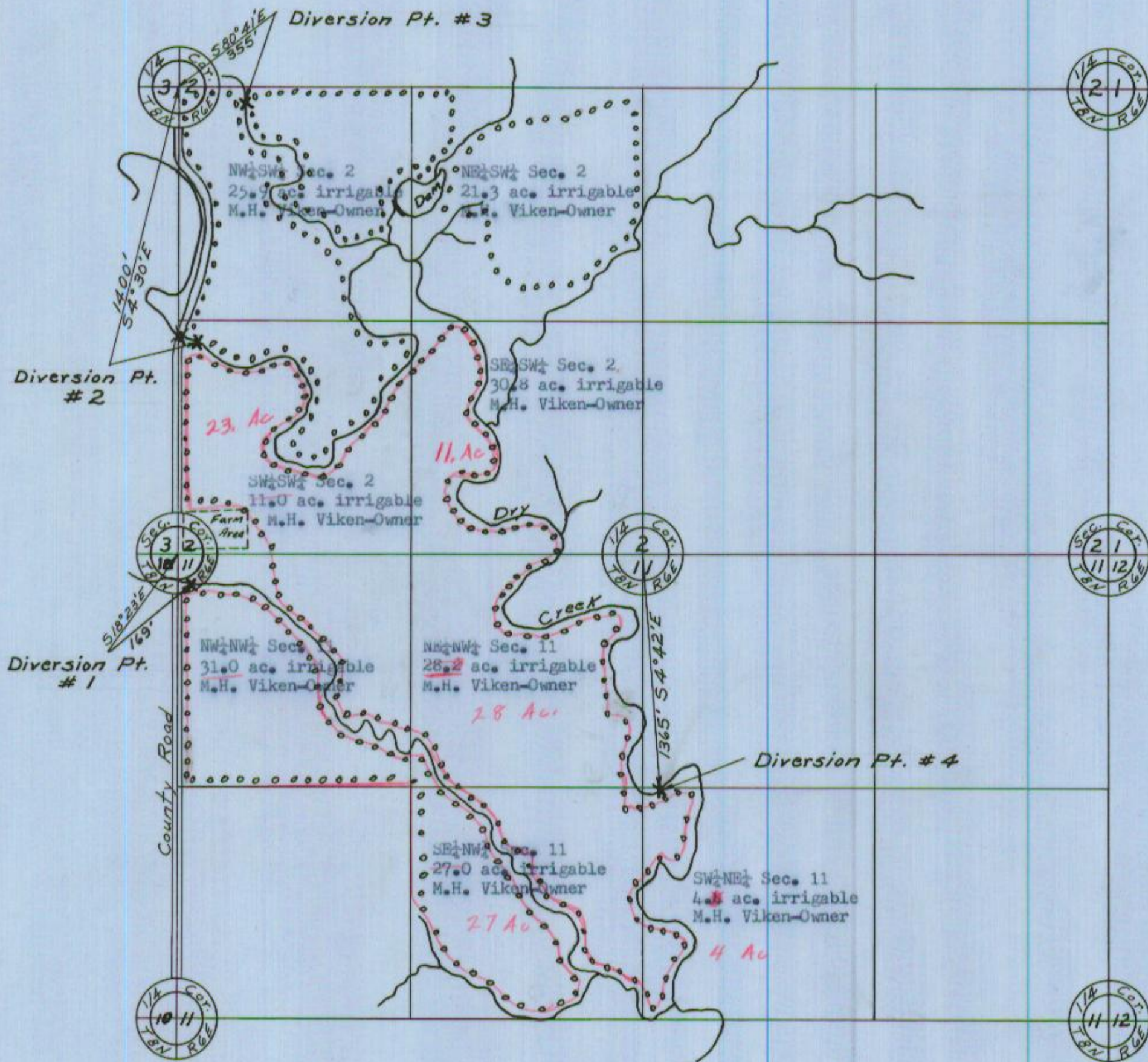
Spreader ditches and gravity flow.Estimated Total Cost \$ 6000Attachment: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation)

STATE OF SOUTH DAKOTA

County of ButteI, Linda J. Viken 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 Linda J. VikenSubscribed and sworn to before me this 30 day of June 1976Marion A. Mark, Newell, S.D. (Notary Public, other qualified officer)
My commission expires May 11, 1981

MAP OF

The Mervin H. Viken Irrigation Project located in Sections 2 & 11, T8N R6E, B.H.M., all in Butte County, South Dakota and covering lands owned by Mervin H. Viken of Newell, South Dakota



SURVEYOR'S CERTIFICATE

I, Earl T. McArthur, Jr., a Registered Professional Engineer and Land Surveyor in the State of South Dakota, do hereby certify that at the request of Mervin H. Viken, Newell, South Dakota, I have prepared this map of the areas depicted hereon for the purpose of furnishing the same with his "Application For Permit To Appropriate Water within the State of South Dakota". I further certify that the bearings and distances shown from the Government Land Survey Corners to the points of diversion are correct to the best of my knowledge and belief. In witness whereof, I have set my hand and seal this 24th day of June, 1976.

Earl T. McArthur, Jr.

Registered Professional Engineer and Land Surveyor # 2165

Subscribed and sworn to before me this 24th day of June, 1976.

Mary E. Beeching

Notary Public, My commission expires: 10/24/83

MAP N2915-1 Appc N21104-1

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1104-1

MERVIN OR LINDA VIKEN
(Applicant)

NEWELL
(Post Office Address)

SOUTH DAKOTA 57760
(State)

With the following modification:

Primarily, water available for this permit is return flows from the Belle Fourche Project. Such available flows may be reduced or changed by different water utilization by the project.

The use of water under this permit is contingent upon water supplies being available to prior water rights.

Land described in this permit which receive water from the Belle Fourche Project may not receive water under this permit at the same time water is being obtained from the Belle Fourche Project.

Date of first receipt of application JULY 1 19 76
Date of return to applicant for correction, amendment, or changes required 19
Date of receipt of corrected application 19
Approved JULY 22 19 76 Recorded in Book " 15 Page 287

WATER RIGHT PERMIT NO. 1104-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1104-1 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 JULY 1 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 22 19 78
3. The whole of said work is to be completed on or before JULY 22 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22 19 81
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 2.6 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 JULY 22 19 81 said water to be used during the following described annual period: MAY THRU SEPTEMBER

Witness my hand this 9TH day of AUGUST 19 76

WATER RIGHTS COMMISSION

John H. Helt
Chief Engineer, Executive Officer

Certificate of Construction issued 19

Water License Issued 19

NOTICE OF INTENT TO APPROPRIATE WATER

Notice is hereby given that Mervin and Linda Viken whose post office address is Newell, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.4 cubic feet of water per second of time from Dry Creek and dry draws through the Mervin Viken Irrigation Project, the point of diversion of which is to be located between points in the NW 1/4 SW 1/4 Section 2 and in the SW 1/4 NE 1/4 of Section 11, Twp. 8N, Range 6E, Sal. water to be used for the purpose of providing irrigation on the following described land: portions of SW 1/4, Section 2, SW 1/4 NW 1/4, SE 1/4 NW 1/4, W 1/2 NE 1/4, Section 11, 8N, R6E.

This application No. 1104-1 will be considered by the Water Rights Commission at the Court House at Winner, S.D., upon the 21st day of July, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COM.

Dated this 21st day of June 1976.

Rosemary M. Allison
Butte County A. Officer
Publ June 30 & July 7



STATE OF SOUTH DAKOTA)

COUNTY OF BUTTE) ss

Vernon J. Allison

of said county being first duly sworn, on oath says that he is the publisher or of THE VALLEY IRRIGATOR, a weekly newspaper published in NEWELL, said COUNTY OF BUTTE, and has full and personal knowledge of all the facts herein stated, that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is published wholly or in part in an office maintained at said place of publication; that the Notice of Intent to Appropriate Water - Mervin Viken

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

July 7	197 6	197
July 14	197 6	197
	197	197
	197	197
	197	197

that the full amount of the fees for the publication of the annexed notice is \$ 11.20

[Signature]

Subscribed and sworn to before me this 1st day of August, 197 6

[Signature]
Notary Public
County of Meade South Dakota

Form 6. - Notice () Intent to Appropriate Water ()

No. 1104-1

Publish first publication, on or before

July 8, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierce, South Dakota 57501

July 1, 1976

Notice is hereby given that Mervin & Linda Viken

whose post office address is Nowell, South Dakota, ^{have} ~~have~~ made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.6 cubic feet of water per second of time from ~~the~~ Dry Creek and dry draws through the

Mervin Viken Irrigation Project, the point of diversion of which is to be located ~~xxxxxx~~

between points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2 and in the SW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 11, Twp. 8N, Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

SW $\frac{1}{4}$, Section 2; N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 11, T8N, R6E

1104-1

This application No. _____ will be considered by the Water Rights

Commission at the Court House at Winner, S.D.

upon the 21st day of July, 1976 at 10:00 A. M. All interested persons may hear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Mervin Viken, _____, S.D. 57760

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Est 2.071.779

Est 1.000 9.000

Est 1.000

1104.1 1104.1 1104.1 1104.1

Est 1.000 1.000

Est 500.000.000

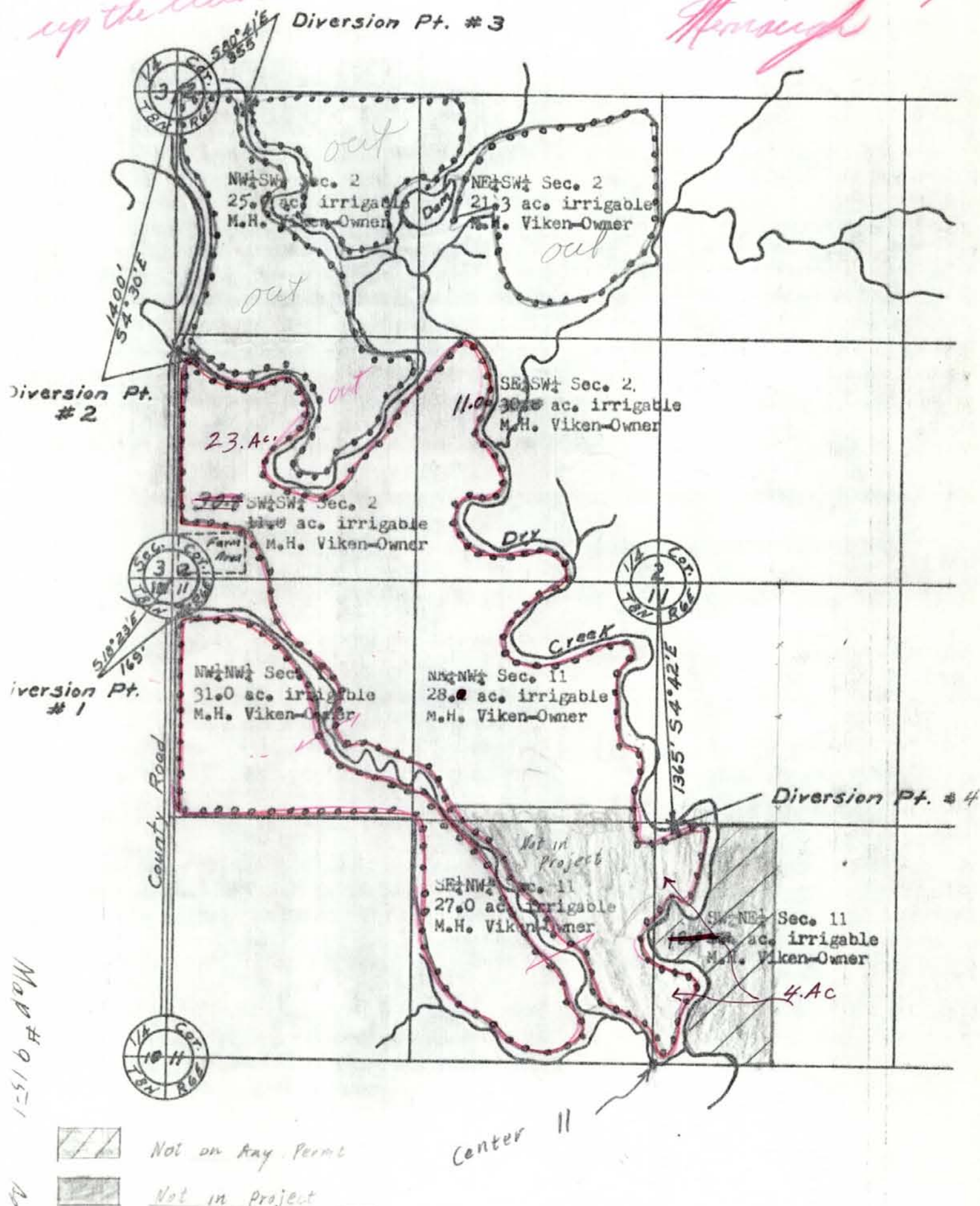
1104.1 1104.1 1104.1 1104.1

Est 1.000 1.000

The Mervin H. Viken Irrigation Project located in Secti B.H.M., all in Butte County, South Dakota and covering Mervin H. Viken of Newell, South Dakota

Series - took this
photo after you wrote
up the license. The

The acres are on the original linen map



SURVEYOR'S CERTIFICATE

I, Earl T. McArthur, Jr., a Registered Professional Engineer and Land Surveyor do hereby certify that at the request of Mervin H. Viken, Newell, South Dakota, the areas depicted hereon for the purpose of furnishing the same with his "Appl Appropriate Water within the State of South Dakota". I further certify that th shown from the Government Land Survey Corners to the points of diversion are co knowledge and belief..In witness whereof, I have set my hand and seal this 24th



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No.

December 6, 1985

Mervin H & Linda J Viken
Newell,
South Dakota 57760

Dear Mr. & Mrs. Viken:

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. 1104-2 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 46-5-20.1 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,

KAREN SCHLAAF
Administrative Aid

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

 **Department of
Water & Natural Resources**

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

SECOND NOTICE

February 25, 1986

Permit No. 1104-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Mervin & Linda Viken
Newell, South Dakota 57760

Dear Mr. & Mrs. Viken:

December 6, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 1104-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,



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

S508.WR

Permit No. 1104-1Belle Fourche River Water District 10120202**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Mervin H. Viken or
Linda J. Viken a Newell, S.D. holder of
 Permit No. 1104-1, bearing the priority of July 1 1976 authorizing
 the diversion of 2.6 cu. ft. per second of the waters of Dry Creek & Draws
 for Irrigation purposes, in Butte County.

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

A. Works used to divert the water:

Pump. Berkeley Model T-1, 832 RM - CCW. Ser # 2354
Tractor Power Take off. Pumps 750 gpm

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

Aluminum Pipe 800 ft of 8" and 7" diameter.

C. Works used to apply water to beneficial use:

Spreader Ditches and Gravity Flow

The system is in the following condition Good

The point of diversion is located Pt #1 = 169' S 18° 23' E of SW Cor Sec. 2; Pt #2 = 1400' S 4° 30' E
of W 1/4 Cor Sec. 2; Pt #4 = 1765' S 4° 42' E of S 1/4 Cor Sec. 2. All in T8N R6E

The works are capable of diverting and conveying to the place of use 1.67cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows. All in T8N R6E

SW 1/4 SW 1/4 Sec. 2 = 2.3 Ac. : SE 1/4 NW 1/4 Sec. 11 = 2.7 Ac.

SE 1/4 SW 1/4 " 2 = 11 Ac. : SW 1/4 NW 1/4 " 11 = 4 Ac.

NW 1/4 NW 1/4 " 11 = 31 Ac.

NE 1/4 NW 1/4 " 11 = 2.8 Ac.

comprising a total of 12.4 acres of land and the license should be issued for 1.57 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date August 15, 1985

Larry J. Mernagh
 (signature)

State of South Dakota
Water License No. 1104-1

(1) Mervin H. or Linda J. Viken
of RR#1, Box 64, Newell, South Dakota 57760
made Application No. 1104-1, July 1, 1976 for a water permit to appropriate
2.6 cubic feet per second of water from Dry Creek and draws
Butte County, South Dakota for irrigation purposes.
Permit No. 1104-1, with a priority date of July 1, 1976
was approved July 22, 1976 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before July 22, 1980 and for the application to beneficial use of said
water on or before July 22, 1981.

and

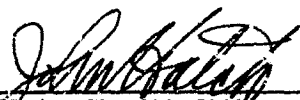
(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.67 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are #1-169'S 18°23'E of the SW Corner
of Section 2; #2-1400'S 4°30'E of the W $\frac{1}{4}$ Corner Section 2; #4-1365'S 4°42'E of the
S $\frac{1}{4}$ Corner of Section 2, all in T8N, R6E

(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, to irrigate the following land all in T8N-R6E

Section 2	SW $\frac{1}{4}$ SW $\frac{1}{4}$	23 Acres	(CC)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	11 Acres	(CD)
Section 11	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31 Acres	(BB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	28 Acres	(BA)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	27 Acres	(BD)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4 Acres	(AC)
	TOTAL	124 ACRES	

(4) Pursuant to §46-5-30.1 Mervin H. or Linda J. Viken
of RR#1, Box 64, Newell, South Dakota 57760
the holder(s) and/or owner(s) of Water Permit No. 1104-1 is issued a license to appropriate water, the right to use
1.67 cubic feet per second of water from Dry Creek and draws with a priority date
of July 1, 1976 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. 1104-1 and subject
to South Dakota State Law.


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

JOHN HATCH

DEC 1 1986

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

RECEIVED OF Mervin L. Vinton, PE 1004 1/2, 1004 1/2, 1004 1/2 Pierre, 1916
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 _____	50 00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form _____	
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 Hatcher
Chief Engineer

JOHN HATCHER

South Dakota
**Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1104-1

DEC 1 1986

Mervin H. Viken
RR 1, Box 64
Newell, South Dakota 57760

Dear Mr. Viken:

Enclosed herewith is, Water License No. 1104-1. 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:ms

Enclosures

 **Department of
Water & Natural Resources**

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

January 29, 1988

MERVIN/LINDA VIKEN
RR #1 BOX 64
NEWELL, SD 57760

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

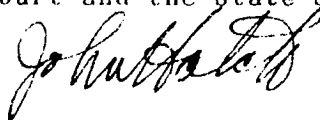
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1104-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given 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 9:00 am, March 2, 1988 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). 1104-1 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 March 2 hearing date, your name will be deleted from the agenda for the hearing.

 **Department of
Water & Natural Resources**

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

February 23, 1988

1104-1

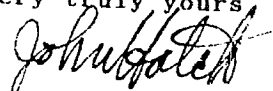
Mervin & Linda Viken
RR 1, Box 64
Newell SD 57760

Dear Mr. & Mrs. Viken:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1104-1 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours



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



1104-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 1993

Mervin Viken
RR 1, Box 64
Newell SD 57760

Dear Mr. Viken:

This letter is in response to our phone conversation on April 20, 1993, concerning the number of acres covered by Water Right No. 1104-1. Enclosed are copies of the original application, the inspection report, the water license, and two maps prepared by Mr. Mernaugh, former staff engineer.

The original application was for irrigation of 179.6 acres from Dry Creek and draws leading into Dry Creek. During completion of an inspection, Leroy Mernaugh found 124 acres being irrigated that were within the 179.6 acre area described on the original application. The area outlined in red on MAP 1 is the 124 acre area. Mr. Mernaugh also prepared a second map (MAP 2) which has an area shaded in red in the SW1/4 NE1/4 section 11 that was not covered by the original application for No. 1104-1. This red shaded area is approximately 18 acres according to the map. Mr. Mernaugh wrote at the bottom of MAP 2 that the map was prepared for an application to add the land in the SW1/4 NE1/4 section 11 and to change the area in the S1/2 section 2. The note on the bottom of the map further states that this application was never filed.

I do not know why an acreage change was needed for the S1/2 of section 2 and I do not understand why the area in yellow says "not in project" when MAP 1 includes the same area as being irrigated. Perhaps you could explain what this means.

Please contact me concerning this matter if you have any questions 605 773-3352. If the area shaded in red on MAP 2 is being irrigated, then an application will need to be filed for this area.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enc



1104-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 11, 1994

No. 1104-1

Everett Good
Rt 1, Box 64
Newell, SD 57760

Dear Mr. Good:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1104-1. The water right is currently listed in the name of Mervin/Linda Viken.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

1104-1 NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1104-1

Date: March 10, 1994



I/We request that Water Right No. 1104-1 formerly owned by: Mervin/Linda Viken, RR 1, Box 1BB-1, Newell SD 57760

be transferred to: Everett or Taffy Good

RR 1 Box 64 Newell, SD 57760

(605) 456-2645

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

SW1/4	SW1/4	section 2-T8N-R6E	23 acres
SE1/4	SW1/4	"	11
NW1/4	NW1/4	section 11-T8N-R6E	31
NE1/4	NW1/4	"	28
SE1/4	NW1/4	"	27
SW1/4	NE1/4	"	4
Total acres			124

I/We understand that the validity of Water Right No. 1104-1 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

County of Butte

(We) Everett or Taffy Good, 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.

Everett Good Taffy Good
(Signed)

Subscribed and sworn to before me this 16th day of March, 1994.

Deo Black
Notary Public
My Commission Expires
March 26, 2000

Deo Black
(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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1104-1
414103

Pierre, March 21, 1984

RECEIVED OF Everett or Taffy Good, RR 1 Box 64, Newell, SD 57160
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 _____		
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>Water Right No. 1104-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Hatcher
Chief Engineer



1104-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

March 23, 1994

No. 1104-1

Everett or Taffy Good
RR 1, Box 64
Newell, SD 57760

Dear Mr. and Ms. Good:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1104-1.

Our records now show you as the owner of Water Right No. 1104-1.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

1104-1

November 1, 2002

The land that this water permit is issued for has been sold to Noel and Linda Hartman. I would like to request that the application form for transferring this permit to them be mailed to Noel or Linda Hartman, Rt. 1, Box, 64, Newell S.D. 57760.

Thank You

Everett Good

RECEIVED
NOV 04 2002
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 5, 2002

1104-1

Noel or Linda Hartman
RR 1 Box 64
Newell SD 57760

Dear Mr. & Mrs. Hartman:

Enclosed, as we discussed, is a copy of Water Right No. 1104-1, currently listed in the names of Everett or Taffy Good. You may keep this for your records.

In South Dakota, a water right for irrigation goes with the land. Since you now own the land, the water right should be transferred to your names. Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Please review the form for accuracy and complete the portion titled "to be transferred to...". Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the filing fee can be made payable to the Water Rights Program.

Also enclosed is the 2002 irrigation questionnaire pertaining to the water right. Each year, irrigators report how much water was used from a particular water source, how many acres were irrigated, and if chemicals or fertilizer were applied through their irrigation system. The information supplied each year is one of the tools used to help manage the water resources of the state and develops a history of water use in South Dakota.

I am including a postage paid envelope for your convenience in returning the transfer form, filing fee and the irrigation questionnaire. The questionnaire will need to reach us on or before December 2, 2002.

If you have any questions, 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

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

RECEIVED
NOV 13 2002
WATER RIGHTS
PROGRAM

No. 1104-1

Date: _____

I/We request that Water Right No. 1104-1

formerly owned by: Everett & Taffy Good

be transferred to: (name & address) Noel H. & Linda L. HARTMAN
RR1 Box 64 Newell SD 57760

Telephone No. 605-456-1398

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

124 acres - S 1/2 SW 1/4 Section 2 and N 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 Section 11, T8N, R6E

I/We understand that the validity of Water Right No. 1104-1 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 Noel & Linda Hartman, the new owner, certify that the above information is true and correct.

Noel H. Hartman
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date NOVEMBER 13, 20 02

RECEIVED OF Noel Hartman Jr., RR 1 Box 64, Newell SD 57760

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>1104-1</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. 000210

By Darland Ebele

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 14, 2002

1104-1

Noel H (Jr) & Linda L Hartman
RR 1 Box 64
Newell SD 57760

Dear Mr. & Mrs. Hartman:

I am writing to acknowledge receipt of the 2002 irrigation questionnaire and the transfer form and filing fee for Water Right No. 1104-1. The transfer has been completed. The water right, formerly listed in the names of Everett and Taffy Good is now listed in your names.

'Enclosure' is your Receipt No. 000346 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) 773-3352
email: genny.mcmath@state.sd.us

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2010

1104-1

Noel H (Jr) & Linda L Hartman
13395 194th St
Vale SD 57788-6335

Dear Mr. & Mrs. Hartman:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 18796 Youngberg Rd, 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,

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

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

enclosures

RECEIVED

NOV 24 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1104-1

Date: _____

I/We request that Water Right No. 1104-1formerly owned by: Noel H (Jr) and Linda L Hartman

be transferred to: (name & address) NW Ranches LLC
PO box ~~578~~ 66
Pierre, SD 57501 Telephone No. _____

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

124 acres - S 1/2 SW 1/4 Section 2; N 1/2 NW 1/4, SE 1/4 NW 1/4 and SW 1/4 NE 1/4 Section 11,all in T8N, R6E

I/We understand that the validity of Water Right No. 1104-1 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 Fifty Dollars (\$50.00) 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 NW Ranches LLC, the new owner, certify that the above information is true and correct.

NW Ranches LLC: Neal Wanless
Manager
Neal Wanless
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/24, 20 10

RECEIVED OF Meade Co Title Co NW Ranches ~~PO Box 578~~ ~~Pierre SD 57501~~

1855 Ballpark Rd Sturgis SD 57785
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1104-1</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. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04677

By

Maial Erhale

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2010

1104-1

William Van Camp
NW Ranches LLC
PO Box 66
Pierre SD 57501-0066

Dear Mr. Van Camp:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee submitted for transferring Water Right No. 1104-1. The ownership change has been completed. The water right formerly held by Noel H (Jr) and Linda L Hartman is now listed in the name of NW Ranches LLC.

Meade County Title Company paid the required filing fee of \$50.00. Receipt No. 04677 is being forwarded to them by copy of this letter.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'.

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

c: Meade County Title Company
1855 Ballpark Rd
Sturgis SD 57785

1104-1



DEPARTMENT of AGRICULTURE and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: NW RANCHES LLC, WILLIAM M VAN CAMP, PO BOX 66, PIERRE, SD 57501 0066

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1104-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 910A-1, 1913-1 & 1924-1 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** 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) 910A-1, 1913-1 & 1924-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1104-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 questionnaires are received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: HHKEXW**

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.



1104-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 8, 2022

William Van Camp
PO Box 66
Pierre SD 57501

RE: NW Ranches LLC – irrigation questionnaires

Dear Mr. Van Camp:

I am writing to acknowledge receipt of the 2021 irrigation questionnaires for NW Ranches LLC.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 910A-1, 1104-1, 1913-1 and 1924-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 19, 2024

NOTICE

TO: NW RANCHES LLC, WILLIAM M VAN CAMP, PO BOX 66, PIERRE, SD 57501 0066

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire has not been submitted for Permit No(s) 1104-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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 **Wednesday, March 6, 2024 at 9:30 am (Central Time)** 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) 1104-1 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 before the **March 6, 2024** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: NMDCBR**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 13, 2024

1104-1

NW Ranches LLC
c/o William M Van Camp
117 E Capitol Ave
Pierre SD 57501

Dear Mr. Van Camp:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1104-1. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



1104-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: NW RANCHES LLC, PAULA FITZSIMMONS, 401 E 8TH ST, SUITE 319, SIOUX FALLS, SD 57103 0066

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire has not been submitted for Permit No(s) 1104-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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 on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** 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) 1104-1 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 before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JPGXJW**

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.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 10, 2026

1104-1

NW Ranches LLC
C/O Paula Fitzsimmons
401 E. 8th St, Suite 319
Sioux Falls, SD 57103

Dear Ms. Fitzsimmons,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us