



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 9, 2003

1109-1

Paula Walker
Butte County Register of Deeds
839 5th Ave
Belle Fourche SD 57717

Dear Ms. Walker:

I am contacting you in regard to land ownership for acreage described in a water right we have on file. The legal description of the land is as follows:

T9N, R6E	Section 23	SW ¼ NE ¼ NW ¼ SE ¼ NE ¼ SE ¼
T9N, R6E	Section 24	SW ¼ SW ¼ SE ¼ SW ¼
T9N, R6E	Section 26	SW ¼ NW ¼

I would appreciate any information you have as to ownership of the land and a current mailing address of the owner(s).

Thank you in advance for your help.

Sincerely,

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

23-9-6
SW 1/4 NE 1/4

23
NW 1/4 SE 1/4

23
NE 1/4 SE 1/4

24
SW 1/4 NW 1/4

24
SE 1/4 NW 1/4

26
SW 1/4 NW 1/4

00-127 ✓
97-911
272-968
272-950

01-2237
01-477
00-127 ✓
97-911
272-968
272-950

01-2237
01-477
00-127 ✓
97-911
272-968
272-950

00-127 ✓
97-911
272-968
272-950

00-127 ✓
97-911
272-968
272-950

01-1252 ✓
00-2026
98-1023
98-1017
97-911
272-968
272-950

2000-127 WD (last deed of record)
Robison to C Phillip + Anne K. Fries 1-25-2000
~~421 E 26th St Apt A, Carper, WY 82601-5647~~
man = Bob Box 87A Newell, SD 57760

2002-1252 Contract (last deed of record)
Johnson to Jack + Kelly Dally 6-18-2002
Box 107 Newell, SD 57760

attest my hand

RECORDED
INDEXED
JUL 1 2002
SOUTH DAKOTA



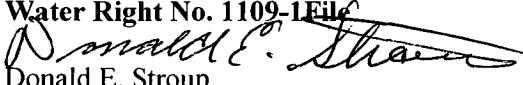
1109B-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

INTERNAL MEMORANDUM

July 8, 2004

To: Water Right No. 1109-1 File

From: Donald E. Stroup
Natural Resources Project Engineer
Subject: Water Right Usage

On June 24, 2004 I made an on-site examination of water use from an irrigation wasteway at T9N R6E Sections 23, 24, and 26. The system through these sections consists of small ditches meandering through pastures. These ditches obtain water from a Belle Fourche Irrigation Project wasteway and it is a passive irrigation system.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2004

1109-1

Philip Friis
RR 1 Box 87A
Newell SD 57760

Jack & Kelly Gully
PO Box 107
Newell SD 57760

Dear Mr. Friis and Mr. & Mrs. Gully:

I am contacting you in regard to ownership of Water Right No. 1109-1. The water right is still listed in the name of Frank & Kay Robison. The water right authorizes use of waste water from the Belle Fourche Irrigation District to irrigate 87 acres in the following descriptions:

Section 23, T9N, R6E	Section 24, T9N, R6E	Section 26, T9N, R6E
SW ¼ NE ¼	S ½ SW ¼	SW ¼ NW ¼
N ½ SE ¼	30 acres	20 acres
37 acres		

It is our understanding that Mr. Friis owns the land in Sections 23 and 24 and Mr. & Mrs. Gully own the land in Section 26. Under South Dakota Water Law, 46-5-30.3, the notice of any sale, grant, lease, conveyance or other transfer of a permit or license to appropriate water issued under the provisions of this title shall be filed with the chief engineer within ninety days.

I am enclosing partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Once they are received, we will divide and reissue the water right to reflect separate ownership. Please review the form and make any necessary corrections. 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 fee can be made payable to the Water Rights Program.

If I can answer any questions for you concerning the water right or filing the ownership change, please contact me.

Sincerely,

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

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 22, 20 04

RECEIVED OF Jack or Kelly Gully, PO Box 107, 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>1109-1</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. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001072

By

Darland Erbe

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 22 2004

WATER RIGHTS
PROGRAM

No. 1109B-1

Date: July 21-05

I/We request that portions of Water Right No. 1109-1

formerly owned by: Frank & Kay Robison

be transferred to: (name & address)

Jack and or Kelly Gully

PO 107

Newell, SD

Telephone No 605-456-1332

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

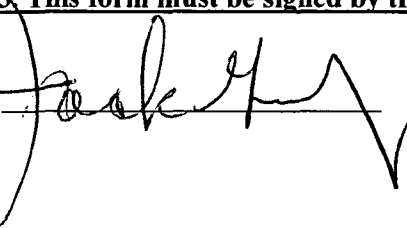
20 acres - SW 1/4 NW 1/4 Section 26, T9N, R6E

I/We understand that the validity of Water Right No. 1109-1 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).

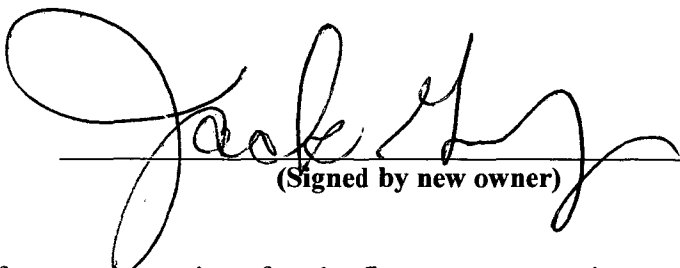
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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



the new owner, certify that the above information is true and correct.



(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 23, 2004

1109B-1

Jack or Kelly Gully
PO Box 107
Newell SD 57760

Dear Mr. & Mrs. Gully:

Thank you for following up on the ownership change for portions of Water Right No. 1109-1. The transfer for your portion has been completed. The water right will be divided and reissued as 1109A-1 (Philip Friis) and 1109B-1 (your names).

The reissued license will be sent to you under separate cover as soon as the Chief Engineer has had a chance to review and sign it. As we discussed on the phone, I am forwarding you a map of the area showing the land irrigated and the diversion point locations. The map was prepared after the inspection of the system back in 1985.

Enclosed is your Receipt No. 001372 in the amount of \$2.50. 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 16 2004

1109B-1

Jack & Kelly Gully
PO Box 107
Newell SD 57760-0107

Dear Mr. & Mrs. Gully:

Enclosed is Reissued Water License No. 1109B-1 authorizing diversion of wastewater from the Belle Fourche Project for irrigation purposes. Based on the ownership change you filed July 22, 2004, Water Right No. 1109-1 was divided and reissued to reflect separate ownership.

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,

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

enclosure

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1109B-1
DIVISION OF NO. 1109-1 INTO 1109A-1 AND 1109B-1

(1) Elmer Penning was issued Water License No. 1109-1, December 2, 1985 for a water right to divert 0.61 cubic feet of water per second from wastewater (from the Belle Fourche Irrigation Project), Butte County, South Dakota for irrigation purposes. Water License No. 1109-1, with a priority date of August 17, 1976 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of water completed.

On July 22, 2004, an ownership change was filed with the water right, transferring a portion of Water Right No. 1109-1. The water right is being divided and reissued to reflect separate ownership.

Water Right No. 1109B-1 is being issued to Jack and/or Kelly Gully, PO Box 107, Newell SD 57760-0107 for the portion they now own.

(2) The water supply system is completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Jack and/or Kelly Gully the holders and/or owners of Water Right No. 1109B-1 are issued a license, bearing a priority date of August 17, 1976 to appropriate 0.14 cubic feet of water per second from wastewater (from the Belle Fourche Project) to irrigate 20 acres.

The diversion point is located:

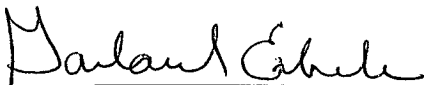
1,650 feet S and 360 feet E of the NW corner of Section 26, T9N, R6E (SW ¼ NW ¼)

The acres authorized for irrigation are as follows:

SW ¼ NW ¼ Section 26, T9N, R6E - 20 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1109-1 including the following qualification:

- 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. Lands 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.



Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

AUG 16 2004

date

