

Water Right No. 1204-1

Considered Nov. 19th 1980

2. Name of Applicant ART HEITZ JR

3. Post Office Address VALE Bx 92 RR 2 57788

4. Amount of Water Claimed 2.19

5. Source of Water Supply BELLE FOURCHE RIVER

6. Water to be used for IRR

7. Acres to be irrigated 153 maximum acre feet

8. Water to be diverted and used in BUTTE County

about 2 1/2 miles EAST of VALE

9. PROOF OF PUBLICATION Received 11-24-80

APPLICATION 1/29/81 Not Received Approved 11/19/80

Subject to Belle Fourche R. Water, cowl

Not Approved Quick Draw 15th cut off

Action deferred

Priority Date 10-24-80 Application Complete yes no FEE 250²⁰

10-24-80

Remarks

Date information and/or
fee or corrected Application received
Period of Annual use MAY 1st SEPT 15th

WATER QUALITY Received yes 10/13/80 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes no Remarks

Disapproved

Returned

Diversion Point

NW⁴ NW⁴ Section 25

T8N - R6E

Lands to be irrigated

W 1/2 W 1/2 Section 25

T8N - R6E

Remarks

Driller Licensed yes no

Depth

Page 2

Water Right No. _____

MAP

Map No. 1013-1 Map located in Water Right X Map file _____

Type of Map Aerial Prepared by S.E.S.

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 11-19-80

[Signature]
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted Jan 29, 1981
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
FTC. _____

Remarks _____

Map No. 1013-1 Water Division No. #1 BELLE FOURCHE District
 No. 1204-1 Above for Office Use 10120202



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following

New ☒ Vested Right ☐ Future Use ☐

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Art Hertz Jr Phone No. 756-2704
 Pos. Office Address Urie State SO. DAK 57788
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract

3. Name of diversion work Hertz, Schell

4. Amount of water claimed (cubic feet per second) 2.5 2.19 Max. Allowable

5. Source of water supply Belle Fourche River

6. Location of point of diversion 550' East and 10' South of the N.W. Corner
of Sec. 25, Twp. 8 N Range 6, East of the Black Hills Meridian
 County Butte

7. Annual period or periods during which water is to be used May 1st Sept 15th

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 153

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.
<u>N.W. 1/4 N.W. 1/4 Sec. 25</u>	<u>38</u>
<u>S.W. 1/4 N.W. 1/4 Sec. 25</u>	<u>40</u>
<u>N.W. 1/4 S.W. 1/4 Sec. 25</u>	<u>38</u>
<u>S.W. 1/4 Sec. 1/4 Sec. 25</u>	<u>37</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 0 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water The Daily Belle Fourche Post

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source
Stationary Pump with electric motor.

B. Works proposed to transport water to place of use.
P.P.C. under ground pipe

C. Works proposed to apply water to beneficial use
Gated P.P.C.

Estimated Total Cost \$ 12,000.00

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 Butte) ss

I, Art Hertz Jr 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 Art Hertz Jr

Subscribed and sworn to before me this 22 day of Oct., 1960

William C. Rogers
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1204-1

Art Heitz, Jr.

Vale

(Applicant)

(Post Office Address)

South Dakota 57788

(State)

With the following qualifications

The diversions of water under this Permit are contingent upon supplies being first available to the prior water rights on the Belle Fourche River.

That no diversions of water are authorized from the Belle Fourche River after August 15th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the Water Management Board, or its legally appointed representative. Diversions under this Permit shall be in accordance with any written orders by the Board or its representative.

The applicant must submit the irrigation water use questionnaire each year.

Date of first receipt of application October 24, 19 80

Date of return to applicant for correction, amendments or changes required 19

Date of receipt of corrected application 19

Approved January 29, 1981 ~~to~~ Recorded in Book 21 Page 372

WATER RIGHT PERMIT NO. 1204-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1204-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 24, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 29, 19 81
3. The whole of said work is to be completed on or before January 29, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is January 29, 19 82
5. The water appropriated shall be used for the purpose of irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 2.19 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 irrigation purposes said appropriation must be limited to not more than 2 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 January 29, 19 82; said water to be used during the following described

annual period: May 1st to September 15th

Witness my hand this 4th day of February, 19 81

THE WATER MANAGEMENT BOARD

By

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued 19

Water License Issued 19

Dear Sir:

Since the photo was taken by the A.S.C.S. office we have installed the whole system to irrigate from South to North.

We have put in 3400 ft. of 10" 80 p.s. pipe with risers to irrigate with risers approximately 500' between lines. The old lines that run from East to West are my main line of galv'd pipe that carry the water from the underground risers. The small line that run from South to North is the way the water runs.

We have also put in 9650' of drain tile to take care of any excess salt build up and any excess water.

Thank you.

Yours Truly,
Carl H. H. Jr.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Art Heitz, Jr.

OWNERS ADDRESS: Valle, SD

Box 92 RR 2

COUNTY LAND LOCATED IN: Battle

PHONE: 456-2704

TENANT'S NAME AND ADDRESS: (If Other Than Owner)

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

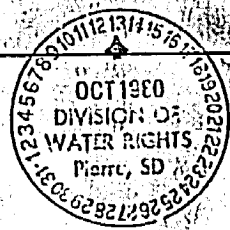
1. WELL LOCATION OR DIVERSION POINT:
2. SURFACE WATER SOURCE: Belle Fourche River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>W 1/4 of the W 1/2 of Sec 15</u>	<u>160</u>		
<u>Twp 8 N Range 16 East of R 16 E</u>			
<u>Black Hills Mtn. Lion Park</u>			
<u>County, South Dakota</u>			

4. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: ☐ CENTER PIVOT: ☐ GUN: ☐ OTHER: ☐ (Specify)
 5. CROPS TO BE IRRIGATED: Alfalfa, Corn, Beans, etc. Small grain, potatoes
 6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: ☐
- LEGAL DESCRIPTION: ☐
- IN WHAT NAME: ☐

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: Belle Fourche River
8. SALINITY (EC $\times 10^6$): 1775
9. SODIUM (SAR): 1.95
10. ADJUSTED (SAR): 4.66 (1.7) = 3.26



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at a.m./p.m., on , 19 , at the following location: by (Individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

11 DAY OF August, 19 80

(NOTARY PUBLIC)

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED ☐
DISAPPROVED ☐
CONDITIONALLY APPROVED ☒

RECEIVED
SEP 08 1980
South Dakota
Division of Conservation

7780

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

NAME OF APPLICANT Art Hall

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED



RECOMMENDED MANAGEMENT:

Type of irrigation system recommended for use on this application is gravity.
Irrigation efficiency, under gravity, on soils with varying degrees of sandy
soils is determined by length of run and size of field as the plots indicates.

[The page contains faint horizontal lines and illegible markings.]

No. 1204-1

Publish first publication, on or before November 7, 1960

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 24, 1960

Notice is hereby given Art Helitz, Jr. whose post office address is Vale, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-12; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.19 cubic feet of

water per second of time from the Fallis Fourche River through the Helitz-Schnail, the point (x) of diversion of which is (xxx) to be located in the NW 1/4, NE 1/4

of Section 25, Twp. 6N, Range 5E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 25, T8N, R5E

This Application No. 1204-1 will be considered by the Water Management Board at Paul Mundt Library,
S Dakota State College, Madison upon the 19th day of November, 1960

at 10 A. .M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Fass Building, Pierre SC, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BLTTY VESTLUND
Water Rights Specialist

cc: Art Helitz, Jr.
Vale SD 57748

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

No. 1304-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucca hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Belle Fourche Daily Post

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

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

November 5, 1980

November 12, 1980

Ray Kennedy
(Signature)

Chairman
(Title)

Nov. 12, 1980
(Date Signed)



Public Notice

No. 1204-1

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
October 24, 1980

Notice is hereby given
Art Heitz, Jr. whose post office
address is Vale, South Dakota,
has made an application in
accordance with the provisions
of SDCL 46-1-1 thru 46-1-9,
46-1-14; 46-2-1 thru 46-2-11,
46-2-13; 46-5-1 thru 46-5-8,
46-5-10 thru 46-5-22, 46-5-41,
and Board Rules ARSD
52:01:01 thru 52:01:01:13,
for a permit to appropriate
for beneficial use 2.19 cubic feet
of water per second of time
from the Belle Fourche River
through the Heitz-Schnell
the point of diversion of which
is to be located in the NW 1/4
NW 1/4 of Section 25, Twp. 8N,
Range 6E. Said water to be
used for the purpose of pro-
viding irrigation on portions of
the following described land:
W 1/2 W 1/2, Section 25,
T8N, R6E

This application No. 1204-1
will be considered by the Water
Management Board at Kar-
l Mundi Library, Dakota State
College, Madison, upon the
19th day of November, 1980 at
10 A.M. The Board is author-
ized to make a determination
on this application at the hear-
ing. All interested persons may
appear and be heard. Any per-
son who may be affected by a
Board decision who desires to
present evidence or cross-
examine witnesses according
to SDCL 1-26 may notify the
Board in writing prior to the
hearing or orally at the hearing.
This hearing is an adversary
proceeding. Any person 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 at the hearing. De-
cisions of the Board may be
appealed to the Courts as pro-
vided by law.

Any handicapped person
wishing to attend this hearing
can contact the Water Rights
Division, DWR, Joe Foss
Building, Pierre, SD, prior to
the hearing date for assistance
to assure access to the hearing.

Water Manage-
ment Board
Betty Westlund,
Water Rights Specialist
2/11/5-12

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7744

October 24, 1980

PIERRE,

RECEIVED OF Art Heitz, Jr., Valp. SD 57788

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

Fee for Application for Permit to Appropriate Water No. 1294-1 (examination, processing, recording and filing)	230.00
Fee for inspecting Construction, and Issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	250.00

WATER RIGHTS COMMISSION

By *(John H. Patch)*
Chief Engineer, Executive Officer
JOHN PATCH 7/27

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF ART HEITZ, JR.)
FOR PERMIT NO. 1204-1)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

Having heard and considered all the evidence presented before the Board in the above-entitled matter on November 19, 1980, at the Carl Mundt Library, Dakota State College, Madison, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That an application for Water Permit No. 1204-1 was submitted on October 24, 1980, by Mr. Art Heitz, Jr., for 2.19 c.f.s. from the Belle Fourche River.
2. That the application was duly advertised in the Belle Fourche Daily Post on November 5 and November 12, 1980.
3. That a total of one hundred fifty-three acres are to be irrigated in portions of Section 25, Township 8 North, Range 6 East of the Black Hills Meridian.
4. That a soil/water compatibility permit has been issued for this land.
5. That there is unappropriated water available.
6. That there are several existing water permits on the Belle Fourche River with senior priorities to this application.
7. That senior water right holders will not be adversely affected by the granting of Application No. 1204-1.
8. That the staff of the Division of Water Rights will be able to handle the additional monitoring of the flows of the Belle Fourche River that will be necessary to protect senior water right holders.
9. That approving the application is in the public interest and the plan of the project is feasible.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider the granting or denying of this application.

2. That in years of water shortages, junior water right holders must be shut off prior to senior water right holders to protect those with the senior water rights.

3. That it is in the best interest of the people of this state to maximize to the fullest extent the beneficial use of the waters of this state.

4. That all legal requirements for a water permit have been met and Application No. 1204-1 should be approved.

FINAL DECISION

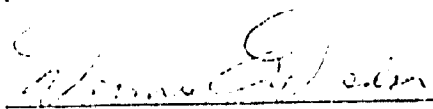
Water Permit Application No. 1204-1 is hereby approved subject to the following qualifications:

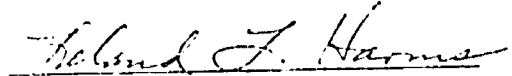
1. That diversions of water under this Permit are contingent upon supplies being first available to the prior water rights on the Belle Fourche River.

2. That no diversions of water are authorized from the Belle Fourche River after August 15th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the Water Management Board, or its legally appointed representative. Diversions under this Permit shall be in accordance with any written orders by the Board or its representative.

3. That the applicant submit the irrigation water use questionnaire each year.

Dated this 29th day of January, 1981.


CHAIRMAN


SECRETARY

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

February 10, 1981

Art Heitz, Jr
Box 92, RR 2
Vale SD 57788

Dear Mr. Heitz:

This is to notify you final Decisions including Findings of Fact and Conclusions of Law were adopted by the Water Management Board for Application No. 1204-1 which was considered at the January 28 & 29, 1981 meeting.

The final Decision, Findings and Conclusions are on file in this office and signed copies will be furnished to you upon request. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

kw

cc: Richard Casey, Attorney
Madison SD

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources
Water Rights Division (605) 773-3352
Joe Foss Building
Pierre, South Dakota 57501

June 10, 1981

Art Heltz, Jr.
RR
Valle, SD 57788

Mr. Heltz:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
1204-1	2.19	153.0	\$69.25
TOTAL			\$69.25

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/CW/gv

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

No 4 8364

State of South Dakota

July 2

91

PIERRE,

19

Art Heitz, Jr, Vale SD 57788

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and issuing Cert. of Const. action No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for water master's videos on W# 1294-1	66 25
(any other work as provided by law)	
TOTAL	66 25

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer
JOHN HATCH

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981
Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	\$7,379.37	\$2,028.62	\$5,350.75

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.50	95.57	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie (Vivian) Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1167-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.30	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.46
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K. Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	254.50	96.12	85.03
418-1	Alex Miller	1.67	17.00	19.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	33.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Kolbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mininn	13.50	948.00	377.00	333.71
430-1	Gerald Ketz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.50	534.00	213.50	188.98
437-1	McNenny Fanch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.15	82.98

Detailed Report of Receipts Cont.

No.	Name	Diverslon Rate	Acreage	Receipts (total fee)	Amount Returned
		6.60	462.00	\$ 185.50	\$ 161.20
1152-1	Homestake Mining	5.00	365.00	171.25	151.59
449-1	George Wurnig	6.10	428.00	177.00	156.60
1153-1	Homestake Mining	16.61	1,163.60	461.00	408.06
311-1	Lester Clark	6.76	473.20	188.50	166.85
310-1	Lester Clark	0.90	64.00	26.00	23.01
248-1	Lawrence Burke	1.44	131.00	52.75	46.69
1077-1	Charles M Arneson	4.30	301.00	275.00	243.42
165-1	Trigg Ranches Inc.	3.75	263.00		
122-1	Trigg Ranches Inc.	1.89	336.00		
1146-1	Trigg Ranches Inc.	2.20	155.00	68.75	60.86
928-1	Charles Wennberg	1.46	101.80	45.50	40.28
912-1	Gilbert Alan	2.04	143.00	65.75	58.20
926-1	Donald Berger	2.30	163.00	70.75	62.63
1176-1	Arthur J Odekoven	3.53	247.00	101.75	90.07
1190-1	Neil Shuck	3.35	235.00	98.75	87.41
611-1	Alex Miller	0.97	68.00	27.00	23.90
569-1	Ramona McFarland	0.70	49.00	22.25	19.70
870-1	Eugene S Bishop	1.88	132.00	53.00	46.91
401-1	Kenneth & Dorothy Aker	3.11	220.00	95.00	84.09
135-1	Walter Hoffman	3.10	218.00	94.50	83.65
408-1	James A Mickelson	1.30	91.00	42.75	37.84
469-1	Raymond Garness	.40	42.70	20.75	18.37
1218-1	William Dillinger	1.11	79.00	39.75	35.19
1222-1	John Ismay (Norman)	4.50	319.00	129.75	114.85
1154-1	Homestake Mining	1.42	150.00	67.50	---
285-1	Edgar Colin Smart	1.87	131.00	52.75	---
331-1	Anna Stetta (Louis Budmayr)	2.00	167.84	62.00	---
472-1	Timothy Reich	1.90	132.00	53.25	---
275-1	John Durr	.66	43.00	20.75	---
271-1	Herbert Clarkson	2.50	179.00	74.75	---
296-1	Robert Helmer	.64	45.00	21.25	---
308-1	Lewis Bertolotto	1.05	73.70	38.50	---
282-1	James Jeffrey	1.60	108.00	47.00	---
1182-1	George Leach	.72	54.17	23.75	---
228-1	Thornton Vallery	5.50	386.00	156.50	---
290-1	Thornton Vallery	.22	15.30	14.00	---
264-1	Thornton Vallery	1.64	115.00	48.75	---
321-1	Clarence & Lawrence Foos	3.00	251.00	92.75	---
962-1	Ione A Shevling	.50	35.00	18.75	---
960-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
289-1	Thornton & Gwenivere Vallery	.46	32.60	18.25	---
273-1	Ruben & Esther Kling	1.54	108.40	41.25	---
273-1A	Ruben & Esther Kling	3.30	231.00	91.75	---
1177-1	Ruben & Esther Kling	2.66	197.00	79.50	---
416-1	Creta & Leslie Miner	2.14	150.00	67.50	---
365-1	Solomon Stark	2.20	154.00	68.50	---
237-1	David G Rathbun	3.11	339.00	124.75	---
1126-1	John Lewis				

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

Do not use this space.

AGENCY VOUCHER No.	DATE
1	11/10/81

PAYEE . Art Heitz, Jr.
RR 2, Box 92
Vale, SD 57788

DEPT. . DWR, Water Rights Division
Foss Bldg.
Pierre, SD 57501

ADDRESS .

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sup. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		60.41	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22	60.41

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			1204-1 Art Heitz, Jr.	\$60.41	60.41	
TOTAL					60.41	

AGENCY VERIFICATION

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

Claimant Signature

Date

DIVISION APPROVAL

APPROVAL SIGNATURE

DATE

DATE

Permit No. 1204-1Water Division 1 Belle Fourche River Water District

REPORT 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 Art Heitz Jrof Vale, S. Dak. 57788 holderof Permit No. 1204-1, bearing date of priority of October 24, 19 80authorizing the diversion of 2.19 cu. ft. per second of the waters of Belle Fourche Riverfor Irrigation purposes, in Butte 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:

Marathon Motor 75 HP, 1775 RPM
Pump: Cornell Model 5RB-75-4. Ser. # 33602
pumps 1700 gpm.

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

6600 ft 8" x 10" dia Gated Pipe
10500 ft Drain Tile
2700 ft 12" PVC. with Risers
3000 ft 10" PVC. with Risers

C. Works used to apply water to beneficial use.

Gated Pipe for Furrows and Flood IrrigationThe system is in the following condition, GoodThe point of diversion is located 250 ft E and 12 ft S of the NW Cor of
Sec. 25, T8N R6E B4M.The works are capable of diverting and conveying to the place of use 3.78cu. 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 Sec. 25 T8N R6E

<u>N 1/4, N 1/4</u>	<u>- 38</u>	<u>Ac.</u>
<u>S 1/4, N 1/4</u>	<u>- 40</u>	<u>Ac.</u>
<u>N 1/4, S 1/4</u>	<u>- 38</u>	<u>Ac.</u>
<u>S 1/4, S 1/4</u>	<u>- 37</u>	<u>Ac.</u>

comprising a total of 153 acres of land.Examination by 2.11.80

Note: This permit uses the same pump and motor and
 diversion point as permit # 1205-1

Date October 26, 1980
L. Roy J. W. W. W.
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

No 4 8704

State of South Dakota

PIERRE, February 2, 1982

RECEIVED OF Art Heitz, Jr., 2242, Elm St., Val., SD 57798

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1206-1		
Fee for inspecting Beneficial Use, and issuing Water License No. 1221-1	50	00
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 J. L. N. L. L.
Chief Engineer, Executive Officer
JUNE 14/1982

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1204-1*

(1) WHEREAS, On the 21th day of October A. D. 19 80

Art Heitz, Jr.

made Water Right Application No. 1204-1 for a permit to use 2.19 cubic feet per second of the water

of the Belle Fourche River

County of Butte, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 29th day of January A. D. 19 81

Permit No. 1204-1, with a date of priority of October 24, 1980

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 29th day of January A. D. 19 82 and for the

application to beneficial use of said water on or before the 29th day of January A. D. 19 82

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 2.19 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 land all in Section 25, T8N, R6E

NW1/4NW1/4 38 acres (BB)

SW1/4NW1/4 40 acres (BC)

NW1/4SW1/4 38 acres (CB)

SW1/4SW1/4 37 acres (CC)

TOTAL ACRES 153.

A This Water Right uses the same pump, motor and diversion point as Water Right
No 2305-1

(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 Art Heltz, Jr. of Vale, South Dakota the holder and owner of said permit No. 1204-1 a water right, dating from October 24, 1980 to use of 2.19 cubic feet per second of the waters of the Belle Fourche River in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at point 250 feet E and 10 feet S of the NW Corner of Section 25, T8N, R6E

and conducted to and upon portions of Section 25, T8N, R6E more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1204-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of May A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1204-1

Water Diversion No. 1 Belle Fourche River Water District

10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Art Heltz, Jr.

_____ the holder _____ of
Permit No. 1204-1, issued upon Application No. 1204-1 bearing date of priority of _____
October 24, 1980 authorizing the diversion of 2.19 cu. ft. per second of the waters of _____
the Belle Fourche River County of Butte, State of South Dakota at _____
a point 250 feet E and 10 feet S of the NW Corner of Section 25, T8N, R6E

_____ 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 3.78 cu. ft. per second of water.

Date May 4, 1982


JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 2, 1982

Art Heitz Jr.
Rt 2, Box 92
Vale SD 57788

Dear Mr. Heitz:

This letter concerns your complaint about water running across your land from land owned by Herman Stark. The only statutory authority that this office might have in this case is SDCL 46-5-46 which deals with the unauthorized use or waste of water to the detriment of another or the public. Anyone violating this section is guilty of a misdemeanor. Before this Department would pursue this course of action we would want to be convinced beyond any reasonable doubt that we had a strong case against the violator. The Irrigation District's position is that this is not a waste of water. They indicated that they consider Mr. Stark and yourself as very competent irrigators. They also indicated a willingness to work out a solution provided you and Mr. Stark request them to do so. Unless we can come up with some concrete evidence concerning a waste of water we cannot take any action.

The law does provide for you to claim any damages you have incurred from the water draining across your land. This would require you to take appropriate legal action. Unless some more evidence is provided us we will not pursue this matter any further. If you have any questions please contact this office.

Thank you,

KEVIN LARSON
Water Resources Engineer

KL:ks

cc: Harold Skjoldal
Belle Fourche Irri. District

Water Rights Division - DWNR
Complaint Form

File No. _____

DATE: 9-24-82

NAME OF PERSON Art Heitz, Jr. 1204-1 TELEPHONE 456-2704

ADDRESS Vale COUNTY _____

Location or Land Description: see his Belle Fourche River Permit

Comment or Complaint: Has land that is flooded, by Herman Stark ⁴¹⁹⁻¹ who irrigates ^(flood irrigation) adjacent land from Belle Fourche Irrigation District. Wanted to know if this can be considered a waste of water, I said we would investigate & talk to Stark. Heitz just bought the land this year. Call Heitz to set up a time.

(When applicable, complete following)

Well location if different from above: _____

Date well drilled: _____ Well Driller _____

Purpose of well: _____
(domestic, irrigation, municipal, other)

Water Level: _____ Flow, if flowing _____

Depth of well: _____ Can well be controlled? _____

Pump setting: _____ Casing size: _____

Type of pump: _____ Screen type: _____

Can pump be lowered: _____ Casing material _____

When pump last pulled, pump replaced or anything done to well _____

Pump Capacity _____

Pumping dirty or Riley water now and has well ever pumped sand or dirty or Riley water in the past? _____

Other: Devin, Take a look at this when you are out there next week.

John W.
NAME: John Heitz

Conversation or File Documentation

NAME OF PERSON OR FILE: Harold SkjoldalADDRESS: Belle Fourche Project COUNTY _____DATE: OCT 26, 1982 TELEPHONE 456-2791RE: Art Heitz complaint

COMMENTS:

Talked with Harold about this complaint. He said this had been going on for a number of years. The district considers both Stark & Heitz as very good irrigators. Their position is that this is a personal feud and that no waste of water is involved. They are willing to work with both parties to solve this problem but the parties involved will have to present it at a board of directors meeting. He doesn't have any pictures of flooding.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Kevin C. Larson

Conversation or File Documentation

NAME OF PERSON OR FILE: Harold Skjolbaal
ADDRESS: Belle Fourche Irrigation District COUNTY _____
DATE: October 6, 1982 TELEPHONE 456-2791
RE: Herman Stark

COMMENTS:

He called today to return Kevin's call. He thought that it was a waste water problem not a waste of water problem. He said that he has been out there several times the past few years. He said they offered to construct a drainage ditch but Stark said no. Ditch rider usually turns on the H₂O at the head gate sometimes people will turn on the H₂O before ditch rider gets there but rider measures flow and adjusts gate. I asked him for records of Stark's diversions. He thought the State could order the district to shut Stark off until problem is solved. I told him we need to talk to Stark and talk this over before we make a decision. We would get back to him sometime.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tim Schaal

Federal Land Bank Association of Rapid City

1715 Cambell Street
P. O. Box 1157
Rapid City, South Dakota 57709
Telephone (605) 342-0678



December 26, 1985

Water Rights
Foss Building
Pierre, SD 57501

Dear Sir or Madam:

Enclosed is a Notice of Transfer of Water Permit for filing.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Monte L. Lucas".

Monte L. Lucas
Loan Officer - Special Accounts

ML/md



ms/lu



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: December 17, 1985

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

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), containing 38 acres; the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), containing 40 acres; the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), containing 38 acres; and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), containing 37 acres; all in Section Twenty-five (25).

formerly owned by Art Heitz, Jr., has been transferred to Federal Land Bank of Omaha, together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1204-1 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 Office 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 by SDCL 46-2-13.

STATE OF South Dakota)
COUNTY OF Pennington)

I, Frank L. Lueds, being first duly sworn on my oath, depose and say: That I am the Assistant of Special

of the Federal Land Bank of Omaha, the Owner, and I have read the foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

FEDERAL LAND BANK OF OMAHA

By: Monte L. Lucas

Its: Loan Office, Special Accounts

Subscribed and sworn to before me this 23 day of December, 1985.

Thomas P. Kula
Notary Public Thomas P. Kula

My Commission Expires: 7-19-87

(SEAL)

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF PENNINGTON)

I, Art Heitz, Jr., being first duly sworn on my oath, depose and state: That my relation to the above described undertaking is that of Seller to Federal Land Bank of Omaha, that I have read the above and foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Art Heitz, Jr.
Art Heitz, Jr.

Subscribed and sworn to before me this 19th day of December, 1985.

Kenneth Heisterkamp
Notary Public, South Dakota

My Commission Expires:

(SEAL)

KENNETH HEISTERKAMP, Notary Public
My Commission Expires August 13, 1987

WATER RIGHTS DIVISION
(605) 773-3352

December 27, 1985

Federal Land Bank Association of Rapid City
PO Box 1157
Rapid City, South Dakota 57709

ATTENTION: Monte L. Lucas - Loan Officer

Dear Mr. Lucas:

This will acknowledge receipt of the "Notice of Transfer" you submitted to our office pertaining to Water Right No. 1204-1, Art Heitz. Probably due to an oversight the \$2.50 filing fee required to transfer the water right, did not accompany the transfer notice.

Please remit the required filing fee as soon as possible. Upon receipt of the \$2.50, Water Right No. 1204-1 will be transferred to Federal Land Bank of Omaha.

Please include a mailing address for the Bank in Omaha if that is where future correspondence should be forwarded. If this is not feasible, the water right could be listed as Federal Land Bank of Omaha in-care-of P.O. Box 1157, Rapid City.

Your assistance in this matter will be appreciated.

Sincerely,

Genny McHath
Natural Resources Analyst

GHL:rs

NOTE: If possible could you forward to our office a report on irrigation done on this property in 1985.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 10288

Pierre, January 13, 1936

RECEIVED OF Federal Bank of Omaha, PO Box 1157, Rapid City, SD 57709

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 #1204-1 _____		
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

Chief Engineer

JOHN HATCH/MS

No. 1204-1

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

January 14, 1986

Federal Land Bank of Omaha
c/o P.O. Box 1157
Rapid City, South Dakota 57709

Dear Sir:

Enclosed is receipt No. 4 10288 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1204-1.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

Federal Land Bank Association of Rapid City

1715 Cambell Street
P. O. Box 1157
Rapid City, South Dakota 57709
Telephone (605) 342-0678



January 15, 1986

Genny McMath
Department of Water & Natural Resources
Joe Foss Building
523 East Capital
Pierre, South Dakota 57501-3181



RE: Art Heitz Water Rights

Dear Ms. McMath:

We received notice our Bookkeeping Department has sent the \$2.50 filing fee to your office already.

We wanted to acknowledge your question as to a report on irrigation done on this property in 1985. We have just recently acquired this property and we have no knowledge of the irrigation on this property.

In regard to the mailing address for the Bank in Omaha, please forward all correspondence to this office in c/o the Special Accounts Department. Any correspondence sent to our Omaha office would only be forwarded to this office anyway as the loan is handled in this office.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Monte L. Lucas".

Monte L. Lucas
Loan Officer-Special Accounts

MLL/sl



Water Rights Division - DWNR

File No. 1204-1

Conversation or File Documentation

NAME OF PERSON OR FILE: Zach Word, Federal Land BankADDRESS: Belle Fourche, SDCOUNTY DATE: November 12, 1986TELEPHONE RE: Ownership of 1204-1

COMMENTS:

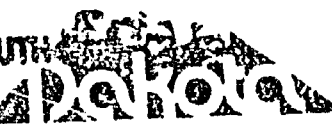
Mr. Word called and stated that the lands covered under this water right have been sold on a contract for deed. All future correspondence should be directed to the following:

Billy Fields, MD903 Trail RidgeDe Soto, TX 75115

The water right correspondence will be sent to Mr. Fields, however it can not be transferred from the Federal Land Bank to Mr. Fields, until the contract for deed has been paid and the deed actually changes hands.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Genny ProMatte



Department of Water & Natural Resources

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

1204-1

November 14, 1986

Billy Fields, M.D.
903 Trail Ridge
De Soto, Texas 75115

Dear Dr. Fields:

The Federal Land Bank in Belle Fourche, South Dakota has notified our office that you have purchased land from them on a contract for deed. The land involved is authorized for irrigation under Water Right No. 1204-1.

Mr. Zack Word with the Federal Land Bank indicated all correspondence concerning this Water Right be directed to you. The water right can not be legally transferred however, until the contract for deed has been paid.

Enclosed for your information is a copy of Water Right No. 1204-1. Also enclosed is the 1986 irrigation questionnaire and the cover letter which accompanied it. These type of questionnaires are mailed to all irrigators in South Dakota (except those with water spreading systems) for use in reporting annual irrigation and water use. Please complete the questionnaire and return it to our office as soon as possible. A postage paid envelope is enclosed.

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

Sincerely,

Genny McMath
Natural Resources Analyst



January 30, 1996

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: BILLY FIELDS, MD, HC 75 BOX 50, STURGIS, SD 57785

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 1204-1

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1204-1. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1204-1 qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1204-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



1204-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 1996

1204-1

Billy Fields, MD
HC 75 Box 50
Sturgis, SD 57785

Dear Dr. Fields:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 1204-1.

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
Environmental Scientist
Water Rights Division
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

BILLY FIELDS, MD
HC 75 BOX 50
STURGIS SD 57785

4a. Article Number

2161984-031

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

1-31-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Nancy L. Fields*

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



1204-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 1996

1204-1

Brad Brunner
RR 1 Box 8
Vale, SD 57778

Dear Mr. Brunner:

This letter is in follow-up to our telephone conversation concerning your purchase of land formally owned by William Fields. I reviewed our records with the legal description you gave me and I believe I found the water right you inquired about.

Enclosed is a copy of Water Right No. 1204-1, currently listed in the name of Federal Land Bank of Omaha. The water right was originally filed by Art Heitz and later transferred to the Federal Land Bank. They in turn sold it on a contract for deed to Mr. Fields (I enclosed a copy of the transfer of ownership they filed).

Enclosed is a partially completed "Notice of Transfer of Ownership" for use in transferring the water right to your name. Please review the form for accuracy and complete the portion "to be transferred to - (name & address)". Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or completion of the transfer form, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

1204-1



HC 75 Box 50
Sturgis SD 57785
1-19-97

Water Rights Division
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right #1204-1

Dear Sirs:

We sold some property in Butte County on March 15, 1996. The Property Description is W $\frac{1}{2}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 25, T8N R6E BHM Butte County. The property was sold to H.L. Brunner & Sons. On this property are some water rights, #1204-1 registered to Billy Fields. The lawyer was to have the water rights transferred to the new owners, but I did not see any such paperwork.

I want Water Right #1204-1 transferred from Billy Fields to the new owner: H.L. Brunner & Sons
RR 1 Box 8
Vale SD 57788.

Sincerely,

Billy & Nancy Fields
Billy & Nancy Fields

1/24/97 spoke with Brad Brunner - he will send in transfer form mailed to him last Oct. (1996)

Jenny



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 8, 1997

SECOND NOTICE
Permit No. 1204-1

Brad Brunner
RR 1, Box 8
Vale, SD 57778

Dear Mr. Brunner:

On October 28, 1995, notice was sent to you concerning the transfer of Water Right No. 1204-1 in the name of Art Heitz, Jr.; Federal Land Bank of Omaha and contract for deed to Billy Fields. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, 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 or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVAL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

Brad Brunner
RR 1, Box 8
Vale, SD 57778

1204-1

4a. Article Number

P 422 707 452

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

5-9-97

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent!)

X *Mildred Brunner*

Domestic Return Receipt

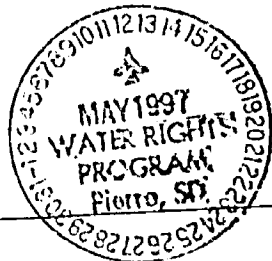
PS Form 3811, December 1994

Thank you for using Return Receipt Service.

Vertical lines (possibly a barcode or scanning artifact).

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501



NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1204-1

Date: May 16, 1997

I/We request that Water Right No. 1204-1

formerly owned by: 1) Art Heitz, Jr; 2) Federal Land Bank of Omaha; 3) contract for deed to Billy Fields

be transferred to: (name & address) HL Brunner & Sons, RR1, Box 8, Vale, SD 57788
Telephone No 605-456-2656

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

W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, T8N, R6E

I/We understand that the validity of Water Right No. 1204-1 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Butte)

I/We Brad Brunner 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.

HL Brunner & Sons by Brad Brunner
(Signed)

Subscribed and sworn to before me this 16th day of May, 19 97.

Betty J. Donaldson
(Notary Public) BETTY J. DONALDSON

My Commission Expires Oct. 22, 2001

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

415361

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 20, 1997

RECEIVED OF H.L. Brunner & Sons, RR 1, Box 8, Vale, SD 57788

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: Water Right No. 120441

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John H. Hater
Chief Engineer



12041

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 29, 1997

No. 1204-1

Brad Brunner
HL Brunner & Sons
RR 1, Box 8
Vale, SD 57788

Dear Mr. Brunner:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1204-1.

Our records now show HL Brunner & Sons as the owner of Water Right No. 1204-1.

Sincerely,

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

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 2004

No. 1215-1
1204-1

Mildred Brunner
19067 136th Ave
Vale SD 57788

Dear Mrs. Brunner:

Thank you for returning the 2004 Irrigation Questionnaires. The form for Water Right No. 1215-1 indicated an ownership change. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change. The water right is currently listed in the name of H L or Mildred Brunner.

Also, enclosed is a partially completed form for Water Right No. 1204-1 which is listed in the names of H L Brunner & Sons. I am assuming this water right needs to be transferred too. If not, please disregard the form.

The transfer form(s) should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form(s) to our office with a required filing fee of \$2.50 for each transfer.

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 Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

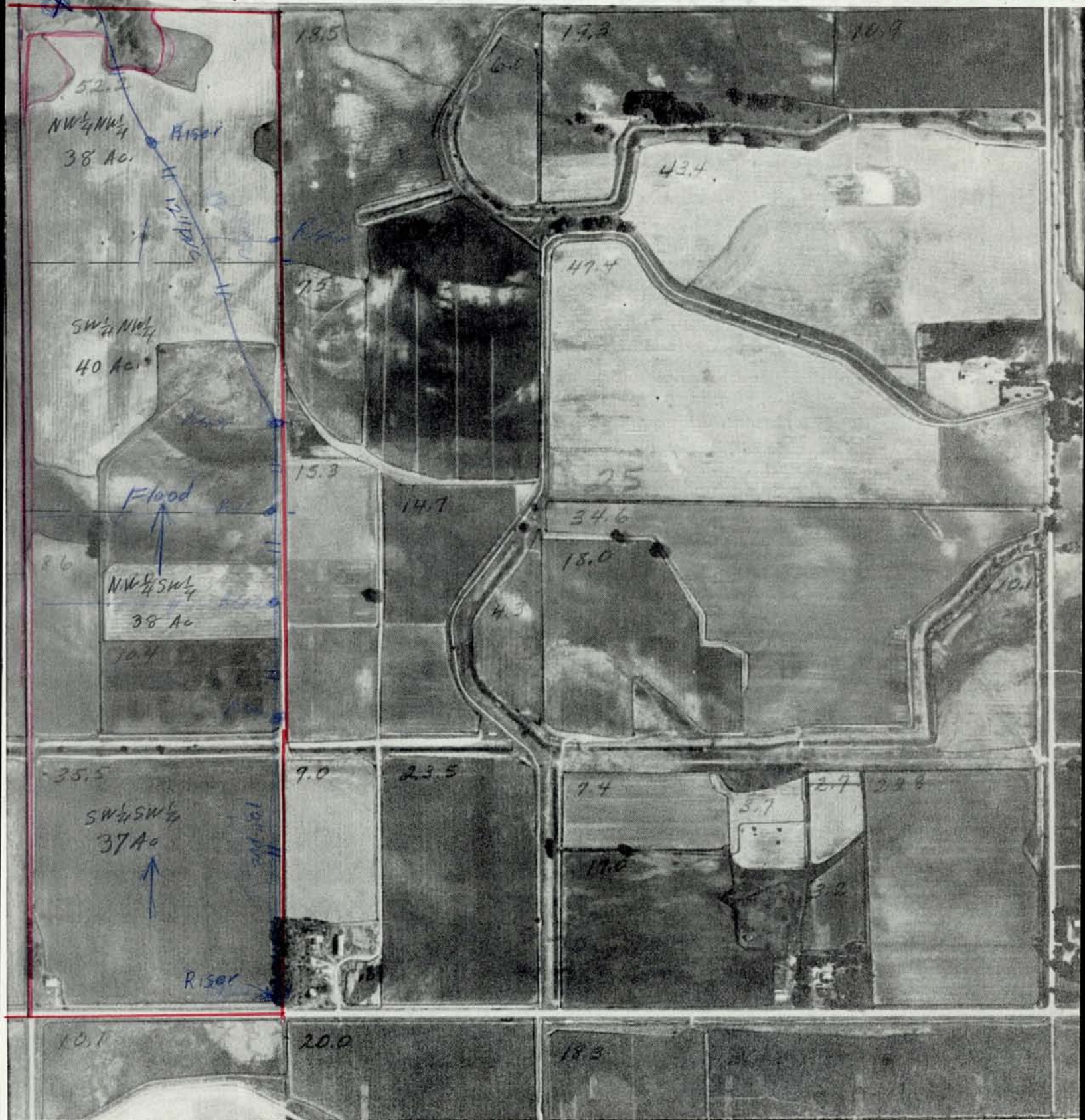
enclosures

OCTOBER 1974

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP

Owner Art Heitz, Jr. Operator Same
 County Butte State South Dakota Date 9-2-80
 Approximate acres 160 Approximate scale 8" = 1 mile
 Cooperating with Butte Conservation District
 Plan identification _____ Photo number _____
 Assisted by Clark Norton USDA Soil Conservation Service

Map # ~~7013~~ 1 Appl 1204-1

NOT TO SCALE

