

1. Considered January 28 1981

2. Name of Applicant Martin McPherson

3. Post Office Address Box 60B, Nisland, 57762

4. Amount of Water Claimed 1.39

5. Source of Water Supply Owl Creek

6. Water to be used for IRR

7. Acres to be irrigated 97.00 maximum acre feet

8. Water to be diverted and used in Butte County
about IN 2 miles EAST of NISLAND

9. PROOF OF PUBLICATION Received TX 1-26-81
Not Received _____

APPLICATION Approved 7-29-81
Subject to BFR-IR (Supplemental Owl Creek)
Not Approved _____
Action deferred 1/29/81 143120

Priority Date Received 12/29/80 Application Complete yes _____ no _____ FEE 225.00

Remarks _____

Date information and/or fee or corrected Application received _____
Period of Annual use June to September

WATER
QUALITY

Received yes 1/8/81 no _____ APPROVED/CONDITIONAL (Circle one) X

WI-1 Description same as application yes xx no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

Between points on Owl Creek in the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ 4-EN-5E

Lands to be irrigated _____

NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-8N-5E

WELL
LOG

Remarks _____

Driller _____ Licensed yes _____ no _____

Depth _____

MAP Map No. 1017-1 Map located In Water Right xx Map file _____
Type of Map Aerial Prepared by Soil Cons. Service

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 1/28/81

[Signature]
(Signed)

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

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

Remarks _____

Map No. 1017-1 Water Division No. 1 BELLE FOURCHIE District
(Returns to be Filed by the Engineer for the W. R. C.)

10120202 APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

- Name of Applicant MARTIN McPHERSON 257-2138
Postoffice address Box 603 NISLAND State S. D.
Its incorporation show date and place of incorporation
- Method of accomplishing work (contract, employment of others, or by direct labor) DIRECT LABOR
- Name of diversion work McPHERSON DIVERSION
- Amount of water claimed (cubic feet per second) 2 CFS PER SEC 1.3' MAX ALLU-RCE
- Source of water supply OWL CREEK
- Location of point of diversion #1-1320'S + 2070' W 1/4 NE CORNER SEC 4 T8N R5E
#2-1970'W + 2070'SOUTH NE CORNER SEC 4 T8N R5E
#3-430'W + 2420'S 1/4 NE CORNER SEC 4 T8N R5E County BUTTE
- Annual period or periods during which water is to be used JUNE 12 - SEPT
- Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION
- For irrigation use: Total number of acres to be irrigated 97 AC
List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

	Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
#1	W 1/2 NW 1/4 SW 1/4	1.5A	SW 1/4 NW 1/4	1.5A
#2	NE 1/4 SW 1/4	2A	SW 1/4 SW 1/4	2A
#3	SW 1/4 SW 1/4 NE 1/4	2A	NW 1/4 SW 1/4	3.7A
#4	N 1/2 SE 1/4	1.5A		

Attach sheet if more space is needed

- Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication BELLE FOURCHIE VALLEY POST
- Principal Features of the Proposed Water Supply System:

A. Works proposed to divert water from its natural source

B. Works proposed to transport water to place of use. TRACTOR DRIVEN PTO PUMP

C. Works proposed to apply water to beneficial use. GATED PIPE

Estimated Total Cost \$ 12,000

Attachment: 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

I, Martin McPherson 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

Subscribed and sworn to before me this 26 day of December, 1970

Signed [Signature]
[Signature]
Notary Public (or other qualified officer)
My Commission Expires 12/31/72

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1208-1

Martin Mc Pherson
(Applicant)

Box 60B, Nisland 57762
(Post Office Address)

South Dakota 57762 With the following modifications
(State)

Diversion of water under this Permit is contingent upon supplies being first available to the prior water rights on Owl Creek.

This Permit does not authorize diversions of water from Owl Creek after August 15th of each calendar year or 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.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application December 29 19 80
Date of return to applicant for correction, amendments or changes required December 29 19 80
Date of receipt of corrected application January 8 19 81
Approved July 29 19 81 Recorded in Book 22 Page 242

WATER RIGHT PERMIT NO. 1208-1

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1208-1 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 December 29 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 82
3. The whole of said work is to be completed on or before July 29 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 29 19 85
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 1.39 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 it for the 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 July 29 19 85; said water to be used during the following described annual period: June to September

Witness my hand this 3rd day of August 19 81

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

REC.MGMT/FORM
7/80

def 1208-1

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Martin McPherson



SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

The water sample submitted is from a flow in the water table. The water quality
of the creek is the poorest. We are requesting you to submit a sample in
July or July so that you can achieve a more accurate determination of what
the quality of the water is that you are applying to the land.
The Lakeland soils are heavier silt and have a much lower intake rate
than the Alluvial soils. This will require some extra management when irrigating.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Marlin McPherson OWNERS ADDRESS: Box 603
Midland S.D. 57762

COUNTY LAND LOCATED IN: BUTTE PHONE: 257-2132

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) ALL SEC 4 TAN R 5E

1. WELL LOCATION OR DIVERSION POINT: 1.1720'S E 100' W 1/2 SEC 4
2. SURFACE WATER SOURCE: QUIL CREEK
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

ALL SEC 4 TAN R 5E			
#	Legal Description	Acres	Legal Description
#1	W 1/2 SW 1/4 NE 1/4	64	S 1/2 E 1/2 SE 1/4 NE 1/4
#2	NE 1/4 SW 1/4 NE 1/4	54	S 1/2 S 1/2 SW 1/4 NE 1/4
#3	S 1/2 S 1/2 NE 1/4 NE 1/4	94	N 1/2 NW 1/4 SE 1/4
#4	N 1/2 SE 1/4 NE 1/4	154	

4. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: CORN & ALFALFA
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: 90-1144
8. SALINITY (EC X 10⁶): 2595
9. SODIUM (SAR): 3.60
10. ADJUSTED (SAR): 9.85

RECEIVED

JAN 06 1981

South Dakota
Division of Conservation

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 2 a.m./p.m., on DEC 20, 1980, at the following location: QUIL CREEK ON THE PLACE 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

5th DAY OF April, 1981.

Notary Public
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

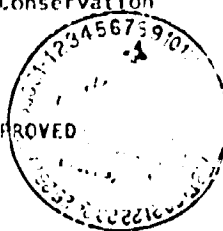
IMPORTANT

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.

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED



No. 1206-1

Publish first publication, on or before January 16, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 9, 1981

Notice is hereby given Martin McPherson whose post office address is Winland, 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, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.39 cubic feet of water per second of time from WXX Owl Creek through the McPherson Diversion, the point(s) of diversion of which ~~is~~ (are) to be located between points on Owl Creek in the NW 1/4, NE 1/4 and the SE 1/4 NE 1/4

of Section 4, Twp. EN, Range 5E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 and NW 1/4 SE 1/4, Section 4, T8N, R5E

This Application No. 1206-1 will be considered by the Water Management Board at MEETING Room #1, Kneip Building, Church & Illinois, Pierre SD upon the 23th day of January, 1981

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 Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Martin McPherson
Box 600
Winland SD 57702

BETTY WESTLUND
Water Rights Specialist

WNR-8068-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

No. 1208-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucia hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Daily Butte Free Press

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 Butte

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

January 14, 1981

January 21, 1981

Marion Lucia
(Signature)

Editor

(Title)

1/21/81

(Date Signed)



NO. 1208-1

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
January 9, 1981

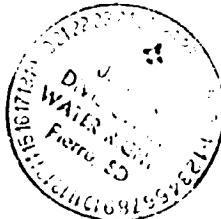
Notice is hereby given Martin
McPherson whose post office
address is Nisland, South
Dakota, has made an applica-
tion in accordance with the
provisions of SDCL 46-1-1 thru
46-1-9, 46-1-14; 46-2-9 thru
46-2-11, 46-2-17, 46-5-1 thru
46-5-8, 46-5-10 thru 46-5-22,
46-5-41, and Board Rules
AKSD 52:01:01:01 thru
52:01:01:13, for a permit to
appropriate for beneficial use
1.39 cubic feet of water per
second of time from Owl Creek
through the McPherson di-
version, the point(s) of di-
version of which (are) to be
located between points on Owl
Creek in the NW 1/4 NE 1/4 and
the SE 1/4 NE 1/4 of Section 4,
Twp. 8N, Range 5E. Said
water to be used for the pur-
pose of providing irrigation on
portions of the following de-
scribed land:

NE 1/4 and NW 1/4 SE 1/4,

Section 4, T8N, R5E

This Application No. 1208-1
will be considered by the
Water Management Board at
Meeting Room #1, Kneip Build-
ing, Church & Illinois, Pierre,
SD upon the 28th day of
January, 1981 at 10 A.M. The
Board is authorized to make a
determination on this appli-
cation at the hearing. All in-
terested persons may appear
and be heard. Any person who
may be affected by a Board
decision who desires to pre-
sent 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



No. 1208-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Luera hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Daily Belle Fourche 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:

January 14, 1981

January 21, 1981

[Signature]
(Signature)

Editor

(Title)

1/21/81

(Date Signed)



Public Notice

NO. 1208-1

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
January 9, 1981

Notice is hereby given Martin McPherson whose post office address is Hialand, 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, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.39 cubic feet of water per second of time from Owl Creek through the McPherson Diversion, the point(s) of diversion of which (are) to be located between points on Owl Creek in the NW 1/4 NE 1/4 and the SE 1/4 NE 1/4 of Section 4, Twp. 8N, Range SE. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 and NW 1/4 SE 1/4,
Section 4, T8N, R5E

This Application No. 1208-1 will be considered by the Water Management Board at Meeting Room #1, Knapp Building, Church & Illinois, Pierre, SD upon the 28th day of January, 1981 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, DWNR, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD
Retty Woodland,
Water Rights Specialist 4
2/1/14-21

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

NO 4 7856

PIERRE, December 20, 1930

RECEIVED OF Martin McPherson, Box 608, Hisland, SD 57762

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

Fee for Application for Permit to Appropriate Water No. 1208-1 (examination, processing, recording and filing)	225.	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	225.	00

WATER RIGHTS COMMISSION

By (P. J. LATCH) Chief Engineer, Executive Officer
SOUTH DAKOTA / W.R.C.



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-4352

July 15, 1981

MEMORANDUM

TO: Martin McPherson, Niandah
FROM: Donn Hatch, Chief Engineer, Water Rights Division
SUBJECT: Reconsideration of Application No. 1208-1

The Water Management Board will reconsider deferred Water Permit Application No. 1208-1 at 2:15 pm CDT at the Civil Defense Meeting Room, State Capitol, Pierre SD.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-3; 46-1-14; 46-2-2 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-6; 46-5-10 thru 46-2-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13.

This application was previously deferred by the Board pending staff investigation. The investigation has been completed, and the staff is recommending the application be approved. After reconsideration of the deferred application the Board can approve, conditionally approve, defer, or deny all or part of the Application.

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.

You are notified that SDCL 1-26 provides any interested party the opportunity to meet informally with the Water Rights Division Staff to discuss proposed recommendations by the staff to the Board prior to the scheduled hearing. If we do not hear from you, we will assume that the opportunity for an informal meeting is being waived and you wish to proceed directly to the hearing on the application before the Board.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

Equal Opportunity Employer

REPORT OF INVESTIGATION
on Application No. 1208-1 for Martin McPherson
and Application No. 1221-1, Trohkimoinen Farm & Ranch, Inc.

July 28, 1981

Application No. 1208-1 for Martin McPherson was deferred January 29, 1981 by the Water Management Board for staff investigation. The application is for 1.39 cfs of the water from Owl Creek to irrigate 97 acres.

Application No. 1221-1 for Trohkimoinen Farm & Ranch, Inc. was deferred on May 27, 1981 by the Water Management Board for staff investigation. The application is for 0.65 cfs of the waters from Cottonwood Creek to irrigate 46 acres.

This summer flow readings of Owl Creek showed very little flow during the early spring months when the Belle Fourche Irrigation District was not irrigating. The flows started picking up from return flows of the project. Flow measurements during the summer indicate 35 to 40 cfs of return flows with no runoff water from precipitation. At this rate of flow, water would be available for irrigation.

The same holds true for Cottonwood Creek on which Trohkimoinen Farm and Ranch, Inc. is applying for 0.65 cfs to irrigate 46 acres. Cottonwood Creek was flowing less than one cubic foot per second until the Irrigation District's return flows caused the creek to flow from 10 to 15 cubic feet per second. This application is near the lower end of Cottonwood Creek and will not cause a problem with prior water with the exception of Jim Sheeler.

Jim Sheeler was asked if he felt that approval of the application would cause him any problem and he indicated that during times of return flows there would be a sufficient quantity of water. He had no objections to the application being approved.

CONCLUSIONS AND RECOMMENDATIONS:

From the flow measurements taken this summer on Owl Creek and Cottonwood Creek, there appears to be water available for appropriation from the Irrigation District's return flows.

It is recommended that application Nos. 1208-1 for Martin McPherson and 1221-1 for Trohkimoinen Farm & Ranch Inc. be approved with the "Belle Fourche River Qualification".

James Winterton
Water Resources Engineer

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office St. Rt. Box 138
Madison, S. Dak.

Date 8/2/82

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

1208-1.

Water Right Permit No. 1208-1 states that the diversion system is to be constructed by McPherson, and that the water is put to beneficial use by McPherson.

The diversion system was completed on 7/20/82. Applying the water to beneficial use was completed on 7/28/82.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Maureen P. McPherson
(Signature)
St. Rt. Box 138
Madison, S. D.



WATER RIGHTS DIVISION
(605) 773-3352

September 30, 1986

Tom Bowen
Century 21-American Real Estate
920 1st Street
Sturgis, South Dakota 57785

Dear Mr. Bowen:

Enclosed as you requested is a partially completed "Notice of Transfer". At such time as the property is sold and the title passes to a new owner, the "Notice of Transfer" must be filed with our office. A \$2.50 filing fee is required and must accompany the transfer form.

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

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.



Department of Water & Natural Resources

No. 1208-1

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

December 17, 1985

Martin McPherson
Box 60B
Hisland SD 57762

Dear Mr. McPherson:

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. 1208-1 has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

KAREN SCHILAAK
Administrative Aide

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. 1208-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Martin McPherson
Box 608
Niisland, South Dakota 57662

Dear Mr. McPherson:

December 17, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 1208-1 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,

A handwritten signature in cursive script that reads "John Hatch".

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

S508.WR

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

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

Third Notice
Permit No. 1208-

September 2, 1986

NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 1208-1 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE

Martin McPherson
Box 60B
Nisland, SD 57762

Dear Mr. McPherson:

December 17, 1985 and February 25, 1986 you were notified the final inspection fee of \$50.00 is due before Water License No. 1208-1 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 1208-1 until the \$50.00 fee is paid.

Very truly yours,



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

S520.WR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410575

Pierre, September 25, 1936

RECEIVED OF Martin McPherson, 2004 Cleveland St., Sturgis, SD 57785
St. Box 138, Nisland, SD 57762

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1208-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

JOHN HATCH

ms

LeRoy J. Mernaugh
(signature)

State of South Dakota
Water License No. 1208-1

(1) Martin McPherson
of Star Route, Box 138, Nisland, South Dakota 57762
made Application No. 1208-1, December 29, 1980 for a water permit to appropriate
1.39 cubic feet per second of water from Owl Creek,
Butte County, South Dakota for irrigation purposes.
Permit No. 1208-1, with a priority date of December 29, 1980
was approved July 29, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before July 29, 1983 and for the application to beneficial use of said
water on or before July 29, 1985.

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 1.21 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are #1-1320'S and 2070'W of NE Corner
Section 4; #2-1970'W and 2070'S of NE Corner Section 4; #3-430'W and 2430'S of
NE Corner of Section 4, T8N-R5E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T8N-R5E

Section 4 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 1 Acre

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 6 Acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 18 Acres

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 25 Acres

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 35 Acres

TOTAL 85 ACRES

(4) Pursuant to §46-5-30.1 Martin McPherson

of Star Route, Box 138, Nisland, South Dakota 57762

the holder(s) and/or owner(s) of Water Permit No. 1208-1 is issued a license to appropriate water, the right to use

1.21 cubic feet per second of water from Owl Creek with a priority date

of December 29, 1980 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. 1208-1 and subject to South Dakota State Law.

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

JOHN HATCH

OCT 20 1986

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

OCT 20 1986

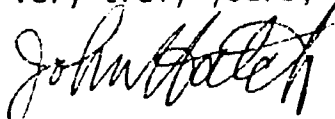
Martin McPherson
SR, Box 138
Nisland, South Dakota 57762

Dear Mr. McPherson:

Enclosed herewith is, Water License No. 1208-1. 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

Water Rights Division - DWNR
Conversation or File Documentation

File No. 1208-1

NAME OF PERSON ~~XXXXXX~~ Tom Bowen w/American Real Estate

ADDRESS: Sturgis, SD COUNTY

DATE: October 15, 1986 TELEPHONE 347-4567

RE: transfer of 1208-1 (Martin McPherson)

COMMENTS:

I called Mr. Bowen to inquire who the land was being sold too. He had previously requested a transfer form but had not yet returned it. He indicated the land was being sold to Patrick Powers. However, Mr. McPherson still owned and farmed the land during the 1986 irrigation season. Mr. Powers will not do any irrigating until 1987 season.

The 1986 questionnaire should still be sent to Martin McPherson.

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.

WATER RIGHTS DIVISION
(605) 773-3352

May 21, 1987

Farmers Home Administration
Box 70
Belle Fourche, South Dakota 57717

ATTENTION: Sherrie

Dear Sherrie:

Enclosed is the 1986 irrigation questionnaire pertaining to Water Right No. 1208-1, Martin McPherson. If possible please try to have the questionnaire returned by June 1st.

Also enclosed is a "Notice of Transfer". When the land actually changes hands, the "Notice of Transfer" should be completed and filed with our office. A \$2.50 filing fee will be required.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.



Department of Water & Natural Resources

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

March 23, 1987

MARTIN MCPHERSON
SR, BOX 138
NISLAND, SD 57762

NOTICE

Re: Violation of Water Permit No(s). 1208-1

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1208-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1208-1 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 1208-1 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

May 14, 1987

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: MARTIN MCPHERSON
SR, BOX 138
NISLAND, SD 57762

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in cursive script that reads "John Hatch".

SUBJECT: One Year Suspension Of Water Permit No(s). 1208-1 If
The 1986 Irrigation Questionnaire Is Not Received By
June 1, 1987

Pursuant to the provisions of the Notice dated March 23, 1987,
and following the Hearing May 6, 1987, the Water Management Board
ordered:

That Water Permit No(s). 1208-1 be **SUSPENDED** until December 31,
1987 unless the required 1986 Irrigation Water Use Questionnaire
is received by June 1, 1987.

Suspension of a permit means water may not be pumped during the
1987 Irrigation Season. Decisions of the Board may be appealed
to the Circuit Court and the Supreme Court as provided by law.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: REPT. ON THE ... SR. SERVICE	4. Article Number P 321 925 620 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Monte ...</i> 6. Signature — Agent X 7. Date of Delivery <i>5/16/87</i>	8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 1, 1957

RECEIVED OF Farmers Home Administration, Box 70, Belle Fourche, SD 57717

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. _____		
Fee for Filing Transfer Form 1208-1 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By J. L. Hatch
Chief Engineer JOHN HATCH

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 1, 1987

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

85 acres - NE $\frac{1}{4}$ & NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T8N, R5E

formerly owned by Martin McPherson, Nisland, SD 57762

has been transferred to Farmers Home Administration, Box 70, Belle Fourche, SD 57717
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

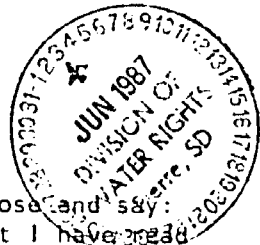
Water Right Permit No. 1208-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

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



Ray N. Telkamp
(Signed)

Subscribed and sworn to before me this 1st Day of June, 19 87.

Leare Liss
(Notary Public)

My Comm. expires 4-24-90

 **Department of
Water & Natural Resources**

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

June 18, 1987

Ray N Telkamp
Farmers Home Administration
Box 70
Belle Fourche, SD 57717

Dear Mr. Telkamp:

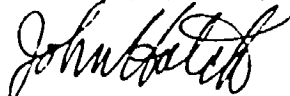
This letter will acknowledge receipt of the 1986 irrigation questionnaire and "Notice of Transfer for Water Permit No. 1208-1. Enclosed is Receipt No. 410901 in the amount of \$2.50 for which you paid for filing the "Notice of Transfer". The permit is now listed under Farmers Home Administration.

Since the irrigation questionnaire and all notices were mailed to Martin McPherson rather than to the Farmers Home Administration, this would constitute improper notice. Water Permit No. 1208-1 will not be suspended for the 1987 irrigation season.

The 1987 Irrigation Questionnaire will be mailed in either October or November of this year. Please notify us, when there is a new owner of the irrigation land.

If you have any questions, please contact us.

Very truly yours,



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

**Department of
Water & Natural Resources**

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

October 24, 1989

1208-1

Peter Stark
HCR 76 Box 149
Nisland, SD 57762

Dear Mr. Stark:

Our office has been notified by the Farmers Home Administration that you now own the land authorized for irrigation under Water Right No. 1208-1. The legal description of the land is as follows:

85 acres - NE 1/4, NW 1/4 SE 1/4 Section 4, T8N, R5E

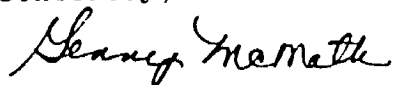
Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1208-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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.

Also enclosed is the 1989 irrigation questionnaire pertaining to Water Right No. 1208-1 and a postage paid envelope. The questionnaire needs to be completed and returned to our office before December 15, 1989.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501



Date: _____

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

85 acres - NE1/4, NW1/4 SE1/4 Section 4, T8N, R5E

formerly owned by Farmers Home Administration

has been transferred to Peter Stark, HCR 76 Box 149, Nisland, SD 57762

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~Permit~~ No. 1208-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)

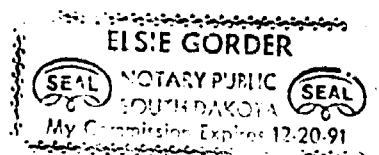
County of Battle) ss.

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

Peter C Stark
(Signed)

Subscribed and sworn to before me this 2nd Day of November, 19 88

Elsie Gorder
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411,35

Pierre, November 3, 1987

RECEIVED OF Peter Stark, HCR 76 Box 149, Hisland, SD 57762

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. _____		
Fee for Filing Transfer Form <u>Water Right No. 120-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatcher
Chief Engineer John Hatcher



Department of Water & Natural Resources

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

November 8, 1989

1208-1

Peter Stark
HCR 76, Box 149
Nisland SD 57762

Dear Mr. Stark:

Enclosed is a receipt in the amount of \$2.50 which you paid for transfer of Water Right No. 1208-1

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

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 2003

TO: Owl Creek Water Right Holders

Dear Water Right Holder:

I am writing to water right holders who divert from Owl Creek to remind you of the condition requiring the bypass of adequate flows for downstream domestic use.

South Dakota law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, with the dry conditions, Owl Creek is currently not flowing. Your water right requires that sufficient flows be bypassed to provide for domestic needs when the creek is flowing. Under no conditions are you allowed to divert if doing so interferes with domestic use.

We anticipate that when the Belle Fourche Irrigation District begins operations that Owl Creek will receive sufficient return flows to sustain flow in Owl Creek. However, I ask that you be mindful of your neighbor's domestic needs for livestock.

Thank you for your cooperation, if you have any questions, please contact Mark Rath or Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Peter C Stark
HC 76 Box 133
Nisland SD 57762

Mike & Melora Torp
PO Box 37
Forestville WI 54213

Lester E Reid
HCR 76 Box 96
Nisland SD 57762

Donald Meyers
HCR 76 Box 98
Nisland SD 57762

Allen R Lamb
HCR 76 Box 18
Nisland SD 57762

James A Mickelson
HCR 76 Box 146
Nisland SD 57762

Raymond Garness
Rt 1 Box 141
Newell SD 57760

Judy/Amber/Jeff Dell
HC 76 Box 23
Nisland SD 57762

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U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

CONSERVATION PLAN MAP MAP No 1017-1
(APPL. 1208-1)

County Butte State South Dakota Date 11/80

Approximate acres _____ Approximate scale $8'' = 1 \text{ mile}$

Cooperating with _____ Butte _____ Conservation District	
No.	Photo number
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100	100

Plan identification _____ Photo number _____
Assisted by Charles E. Lane et al USDA Soil Conservation Service

Assisted by James J. Gifford, D.R. USDA Soil Conservation Service



1208-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: PETER C STARK, 18761 STONELAKE RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 865-1 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) 1208-1 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** 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) 1208-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 865-1 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 questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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 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:
<http://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2012

865-1
1208-1

Peter C Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Mr. Stark:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 865-1 and 1208-1. 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,

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

1208-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 4, 2012

865-1
1208-1

Vicki Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Ms. Stark:

Thank you for contacting us concerning the ownership changes needed for Water Right Nos. 865-1 and 1208-1. I have enclosed a copy of both water rights for your records.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
APR 20 2012
WATER RIGHTS
PROGRAM

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

No. 1208-1

Date: 4-17-2012

I/We request that Water Right No. 1208-1

formerly owned by: Peter Stark

be transferred to: (name & address) Vicki D Stark

18761 Stonelake Road

Nisland, SD 57762

Telephone No. (605) 257-2136

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

85 acres - NE 1/4 and NW 1/4 SE 1/4 Section 4, T8N, R5E

I/We understand that the validity of Water Right No. 1208-1 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 Vicki D Stark

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

Vicki D Stark

(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 4/20, 20 12

RECEIVED OF Vicki Stark 18761 Stone Lake Rd Nisland SD 57762

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>1208-1</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. 05417

By David Erskine
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 24, 2012

1208-1

Vicki Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Ms. Stark:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1208-1. The transfer has been completed. Water Right No. 1208-1 formerly held by Peter C Stark is now listed in your name.

Enclosed for your records is Receipt No. 05417 in the amount of \$50.00 which you paid for filing the ownership change. I am returning the copy of the death certificate you sent along with the transfer. All of our records are scanned and become part of a searchable on-line database. Since the certificate contained Mr. Stark's social security number, I did not feel you would want that out on-line for all to see.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures



1208-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 2012

865-1
1208-1

Vicki Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Ms. Stark:

I am writing in regard to the irrigation questionnaires you submitted for Water Right Nos. 865-1 and 1208-1. I am returning them to you for completion.

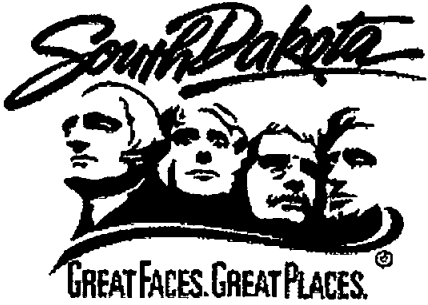
In order for us to calculate how much water is used from a particular source of water, we need to know the pump rate, days per month and average hours per day water was applied. Please take a look at the backside of the enclosed forms and fill in the last three columns.

I am enclosing a postage paid envelope for your convenience in returning the forms. Thank you in advance for your help.

Sincerely,

Genny McMath
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
<http://denr.sd.gov>

October 26, 2016

1208-1

Vicki Stark
PO Box 52
Nisland SD 57762 0052

Dear Ms. Stark:

Enclosed is a "Notice" dated October 21, 2016 concerning the 2016 irrigation questionnaire.

The notice was originally mailed to 18761 Stonelake Rd, Nisland 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures