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1. Considered: 12-3, 1981 Water Right No. 1231-1
1039
2. Name of Applicant MELVIN E. DELZER
3. Post Office Address 2040 W. MAIN, RAPID CITY, S.D. 57701
4. Amount of Water Claimed 2.28 maximum acre feet
5. Source of Water Supply EXISTING DAM 110 AC FT STORAGE
6. Water to be used for IRR acres to be irrigated 160
7. County BUTTE about 2E4S miles of ROITDALE
8. PROOF OF PUBLICATION: Received 11-25-81 Not Received _____
- APPLICATION: Approved 12/3/81 Subject to 3 K
- Not Approved _____ Action Deferred _____

PRIORITY 11/6/81 Dated Received 8-21-81 Application complete-yes _____ no _____ FEE 250.00

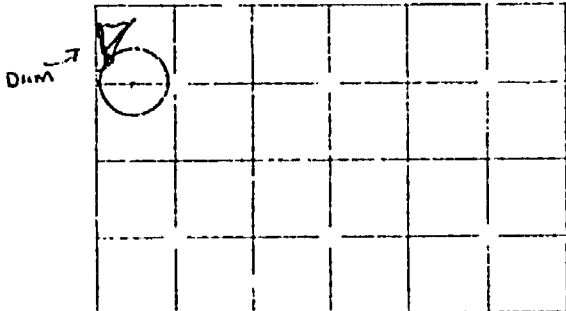
Remarks WATER FROM A FEED LOT LAGOON

W & A
Approved

WATER QUALITY Received yes 11/6/81 no _____ APPROVED CONDITIONAL (Circle one)

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

Disapproved _____ Returned _____



Diversion Point
W 1/2 NW 4 33-T8N-R4E

Land to be irrigated
S 1/2 NW 4 & N 1/2 SW 4-33-8-4

WELL LOG Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks 25' DAM - surface area of improvement 17.2 acres
Drainage above dam 663 acres

Proposed use from feedlot runoff for irrigation

Water Right No. _____

MAP Map No. 1039-1 Map located in Water Right X Map file _____
 Type of Map DRAWN Prepared by W^M Cook P.E.

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
11-6-81

Betty Colebrook
 (Signed)

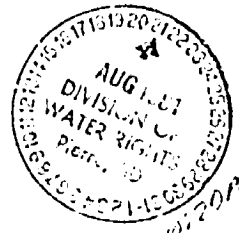
PROTESTS Letters/Peritions in File - yes _____ no _____ Remarks _____

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 was
 DECISIONS adopted _____
 ETC. Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 1231-1

Map No. 1039-1 Water Division No. 1 FALL FORTY RIVER District
Above for Office Use 10120302



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

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Melvin E. Delzer Phone No. 605-342-9214
Post Office Address 204 W. Main, Rapid City State South Dakota 57701
(Street, R.R. 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) Direct Labor

3. Name of diversion work Crooked Oaks Feed Lot Irrigation System

4. Amount of water claimed (cubic feet per second) 480 2.25 MAX. ALLOWABLE

5. Source of water supply Existing Dam

6. Location of point of diversion S6°44'E 1452.0' from the NW corner Sec. 33, T8N, R4E, BHM

County Butte

7. Annual period or periods during which water is to be used April through September as needed

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Native Prairie Grass Total number of acres to be irrigated 160

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
SW 1/4 NW 1/4, 33-8-4, BHM	40		
SE 1/4 NW 1/4, 33-8-4, BHM	40		
NW 1/4 SW 1/4, 33-8-4, BHM	40		
NE 1/4 SW 1/4, 33-8-4, BHM	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system, 2 years Additional time required to complete application of water to the proposed beneficial use 3 years.

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

12. Principal Features of the Proposed Water Supply System Fourche Post

A. Works proposed to divert water from its natural source land \$ 3,600.00

B. Works proposed to transport water to place of use pipe 6,500.00

C. Works proposed to apply water to beneficial use center pivot 37,900.00

Estimated Total Cost \$ 53,000.00

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 Lawrence) ss

I, William D. Cook for Melvin E. Delzer, Owner

do hereby 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 William D. Cook

Subscribed and sworn to before me this 20 day of Aug., 1981

Judith A. Hobbs
Notary Public for the State of South Dakota
Judith A. Hobbs, Notary Public, S. Dak.
My Commission Expires Feb. 3, 1984

The Water Management Board hereby approves Water Right Application No. 1231-1

The Water Management Board hereby approves Water Right Application No. 1231

MELVIN E. DELZER 2040 W. MAIN - RAPID CITY
(Applicant) (Post Office Address)
SOUTH DAKOTA 57701 With the following qualifications
(State)

This permit is approved with 110 acre feet of storage.

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

Date of first receipt of application _____ August 21 _____, 19 81
Date of return to applicant for correction, amendments or changes required _____ August 21 _____, 19 81
Date of receipt of corrected application _____ WQ _____ November 6 _____, 19 81
Approved _____ December 3 _____, 19 81, Recorded in Book _____ 22 _____ Page _____ 308

WATER RIGHT PERMIT NO. 1231-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1231-1 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.

November 6, 1964 81

1. The date from which applicant may claim right is November 6, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 3, 19 82
3. The whole of said work is to be completed on or before December 3, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 3, 19 86
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 (110 acre feet storage)

7 The amount of the appropriation herein granted shall not exceed 2.28 (110 acre feet storage) 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 December 3, 1986; said water to be used during the following described annual period April through September

Witness my hand this 7th day of December, 1981

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Foreman, Water Rights JOHN HATCH

Certificate of Construction Elected _____

Water-tension tested

D Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

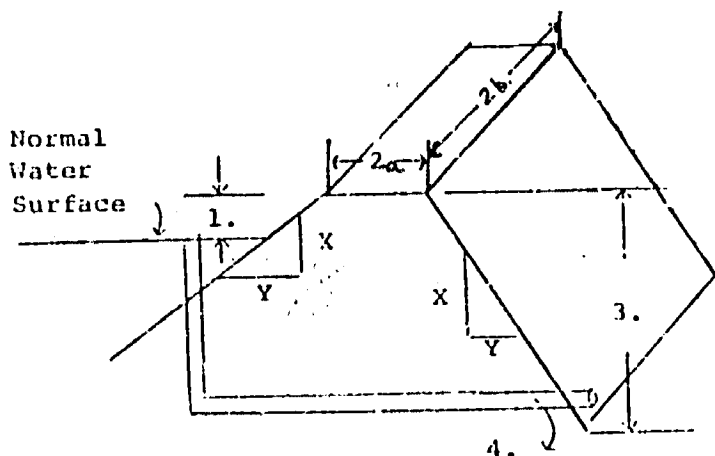
- (2) Distance to nearest existing household or livestock watering well

On same owner's property _____ rds

On property owned by others _____ rds

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map



- 1 Freeboard 10 feet
- 2a Crest width 20 b, length 700
- 3 Height of Dam 25 feet
- 4 Outlet dimensions:
Pipe diameter None
Spillway width 300
X & Y slope
Upstream 4:1
Downstream 3:1
Surface area of impoundment
17.2 Ac
Drainage area above dam
663 Ac

William D. Cook, P.E. & L.S. for
Melvin E. Belzer, Owner

William D. Cook
Signature of Applicant

REC. MGMT/FORM
4/81

CA

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Malvin E. Daler

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

SLF - Shaley land Brummit = Due to excessively steep slopes. These soils are indicated by red hatch marks.

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

AsA - Arvada Slickspots = These are sodium bearing soils and should be kept in permanent grass. These soils are indicated by red hatch marks. All drainage ways must be left in permanent grass.

RECOMMENDED MANAGEMENT

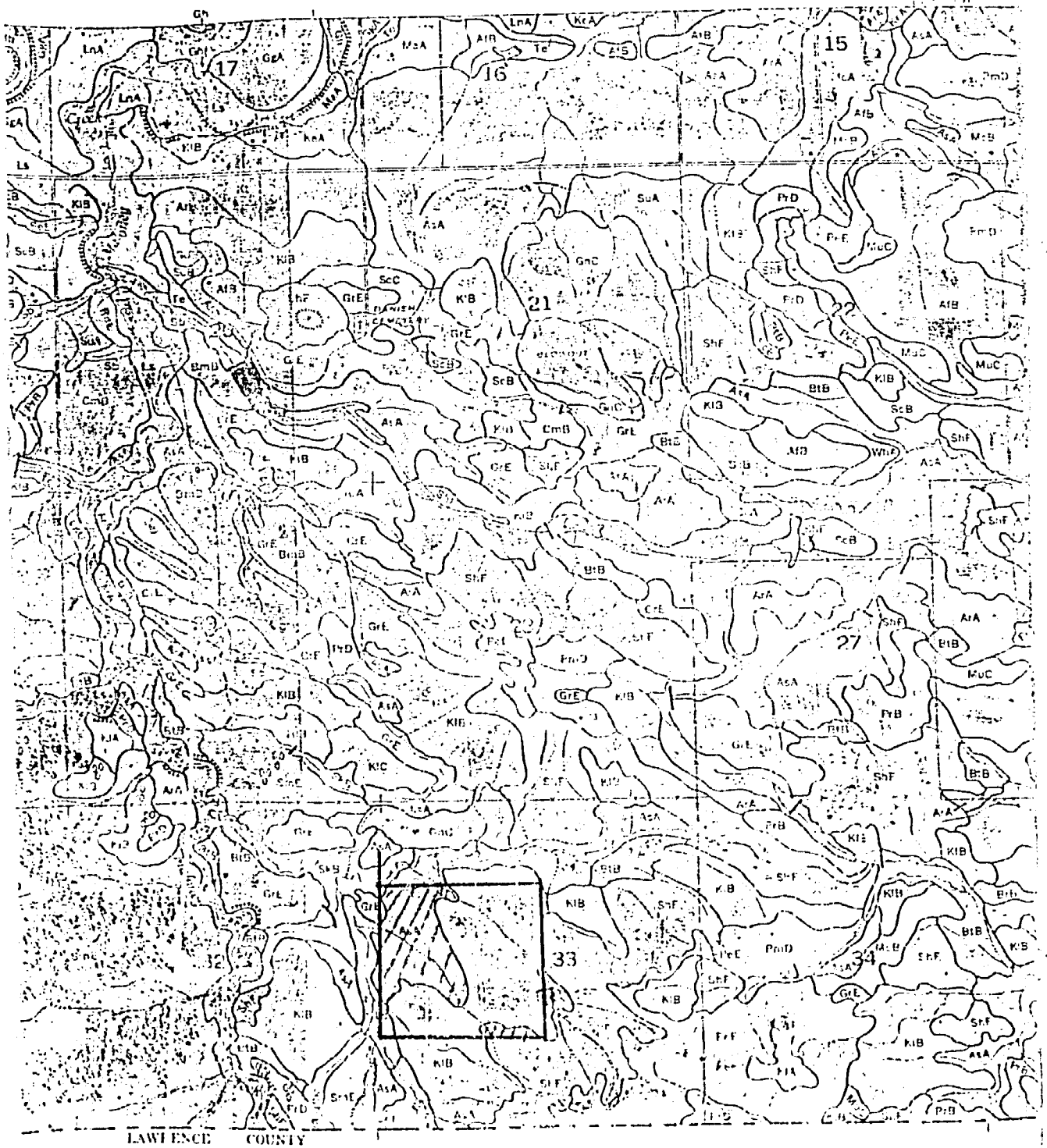
1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement or further action.



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

OWNERS NAME: William F. Anderson OWNERS ADDRESS: 1000 1/2 N. 1st St.

COUNTY LAND LOCATED IN: Butte PHONE: 332-4411

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

In accordance with State Law SDCL 45-5-6.5, 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)

LEGAL DESCRIPTION: (Show legal description of the area to be irrigated.)

1. WELL LOCATION OR DIVERSION POINT: SP 1/4 " 1/4 " 1/4 " Sec. 22, T24N, R14E, 10th

2. SURFACE WATER SOURCE: Natural runoff

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
Q 1/2 NW 1/4, N 1/2 SW 1/4, Sec. 33	160		
T8N, R4E, BHM			

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) _____ OTHER: _____

5. CROPS TO BE IRRIGATED: Native prairie grass

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: 81-1046

5. SALINITY ($\text{EC} \times 10^6$): 1300

9. SODIUM (SAR): 1.41

10. ADJUSTED (SAR): 3.58 (2.51)

RECEIVED

SEP 11 1966

South Dakota
and Census

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 11 a.m./p.m., on August 19, 1961, at the following location: near the applicant's

1981, at the following location: _____ (individual who took sample if other than applicant). I
by Thomas R. Yee _____ 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 '6UCL 46-5-6.4).

William C. Cook, P.E. & L.S. for

William C. Cook, P.E. & L.S. for
Melvin E. Selzer, Owner

SUBSCRIBED AND SWORN BEFORE ME THIS

20th DAY OF Aug, 1947.

(NOTARY PUBLIC)
 Judith A. Noble, Notary Public, S. Dak.
 My Comm. Expires Feb. 3, 1934

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.

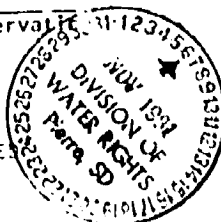
APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

COND'IONALLY APPROVE



No. 1231-1

Publish first publication, on or before November 20, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 3, 1981

Notice is hereby given Helvin E. Dalgner whose post office

address is 204 W. Main, Rapid City, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial

use 2.25 cubic feet of water per second of time from an existing dam through the Crooked Cuts Feed Lot Irrigation System, the point(s) of diversion of which is (are)

to be located in the W₁ NW₄

of Section 33, Twp. 8 N, Range 4 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S₁ NW₄ and N₂ SW₄, Section 33 - T8N - R4E

This Application No. 1231-1 will be considered by the Water Management Board at the Howard Johnson's, 3800 W. Russell Sioux Falls, SD 57101 upon the 2nd day of December 1981

at 4:00 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 attorney. 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

Helvin E. Dalgner
204 W. Main
Rapid City, SD 57701

BETTY WESTLUND, Water Rights Specialist

cc: Bill Cook
Box A
Spearfish, SD 57783

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 Smiley Belle Fourcey

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 14, 1981

November 21, 1981

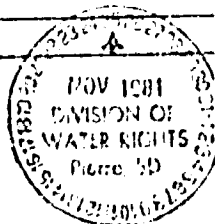
James L. Kennedy
(Signature)

Marion Lucca
(Title)

Nov 21 1981
(Date Signed)

Cost of Printing: _____

WHR-808-7/79
Proof of Publication



Public Notice

No. 1231-1
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501
November 9, 1981

Notice is hereby given Melvin
E. Deizer whose post office
address is 2040 W. Main, Rapid
City, South Dakota, has made
an application in accordance with
the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-41, and
Board Rules ARSD 52:01:01:01
thru 52:01:01:13, for a permit
to appropriate for beneficial
use 2.28 cubic feet of water per
second of time from an existing
dam through Crooked Oaks Feed
Lot Irrigation System, the point
of diversion of which is to be
located in the W $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 33, Twp. 8N, Range 4E.
Said water to be used for the
purpose of providing irrigation
on portions of the following
described land: E $\frac{1}{2}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$,
Section 33, T8N, R4E.

This application No. 12-31-1
will be considered by the Water
Management Board at the
Howard Johnson's, 3300 W.
Russell, Sioux Falls, SD 57101
upon the 2nd day of December,
1981 at 10 A.M. The Board is
authorized to make a determina-
tion 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 repre-
sented 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
Circuit Court and the State
Supreme Court as provided by
law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Di-
vision, DWR, Joe Foss Build-
ing, Pierre, S.D., prior to the
hearing date for assistance to
ensure access to the hearing.

For the Water
Management Board
Betty Westlund,
Water Rights Specialist

2/11/14-21

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8430

Alliance of Architects & Eng.

PIERRE,

August 31

1921

RECEIVED OF P.O. Box A, Spearfish SD 57783 for Melvin Lelzer, Sped. Chg. 57781
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. 1231-1 (examination, processing, recording and filing)	250	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 Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (JW)

Permit No. 1231-1
Belle Fourche River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, April 2, 1997, made a thorough examination of the water use system constructed by Melvin E Delzer of PO Box 1045, Spearfish SD 57783 holder of Permit No. 1231-1, bearing the priority of November 6, 1981 authorizing the diversion of 2.28 cu. ft. per second and storage of 110 acre-feet of the waters of dry draw for irrigation purpose in Butte County.

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

A. Works used to divert the water:

Pump:

- 1) Make Cornell
- 2) Model 4YB75-2
- 3) Serial 16760 Size 2 in

Motor:

- 1) Make General Electric
- 2) Serial No. DK205015
- 3) Horsepower rating 75 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length ≈ 2,500 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley Electric Drive
- 2) Number of towers 10
- 3) End gun Y

- 4) High or low pressure high
- 5) Capacity 900 GPM

The system is in the following condition good. The point of diversion is located ≈ 1,320 feet S from the NW corner section 33-T8N-R4E (W $\frac{1}{2}$ NW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 2.00 cu. ft. per second of water and/or storing 110 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

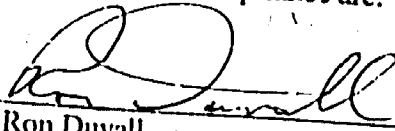
SW $\frac{1}{4}$ NW $\frac{1}{4}$ sec 33-T8N-R4E	12 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec 33-T8N-R4E	12 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 33-T8N-R4E	39 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 33-T8N-R4E	39 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 33-T8N-R4E	16 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 33-T8N-R4E	16 acres

comprising a total of 134 acres of land and the license should be issued for 1.91 cfs and 110 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date report completed: April 2, 1997


 Ron Duval
 Natural Resources Engineer
 DENR, Water Rights Program

* Part of the irrigated acreage is located outside of the permitted area but can be licensed pursuant to SDCL 46-5-30.5. See file documentation dated April 9, 1997

PERMIT NO. 1231-1

DAM INFORMATION:

- 1) Height to crest **20** feet
- 2) Height to primary spillway **16** feet
- 3) Height to secondary spillway **NA** ft
- 4) Crest width **11** feet
- 5) Crest length $\approx$ **1,100** feet
- 6) Spillway length $\approx$ **300** feet
- 7) Spillway width **flat area**
- 8) Approx. storage $\approx$ **110** ac-ft
- 9) Surface area @ spillway **15 ac** (visual estimate)
- 10) Date constructed: **early 1980's**

DAM CONDITION:

The dam is in mostly good condition. Additional rip rap is needed along the face of the dam and removal of some small bushes would be beneficial. Some seepage from the dam is apparent and no downstream hazards were visible in the immediate area below the dam. The earthen spillway channel has some minor erosion problems.

CHEMIGATION EQUIPMENT:

- 1) Does chemigate **N**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by **Y**
- 2) All structures, wells and lands on map **Y**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1231-1

DATE OF INVESTIGATION	April 2, 1997
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	Melvin Delzer PO Box 1045 Spearfish SD 57783
DIVERSION POINT LEGAL LOCATION	≈ 1,320 feet S from the NW corner section 33-T8N-R4E (W½NW¼)

Other permit(s) associated with the project: **none**

PUMP EQUIPMENT:

The motor and pump are located near the center of the dam fill.

Pump:

- 1) Make Cornell
- 2) Model 4YB75-2
- 3) Serial 16750 Size 9 in

Motor:

- 1) Make General Electric
- 2) Serial No. DK205015
- 3) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 8 inches
- 3) Length ≈ 2,500 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley Electric Drive
- 2) Number of towers 10
- 3) End gun Y
- 4) High or low pressure **high**
- 5) Capacity 900 GPM

Licensing of Acreage Outside of Permitted Area

NAME: Melvin E Delzer

ADDRESS: PO Box 1045, Spearfish SD 57783

DATE: April 9, 1997 COUNTY: Butte

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The acreage developed for irrigation is 134 acres as compared to 160 acres authorized by the permit. Licensing of the permit will result in a reduction in the amount of water appropriated.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

The permitted acreage is located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ sec 33-T8N-R4E. A center pivot was placed approximately 800 feet south of the permitted location and is also irrigating property in the S $\frac{1}{2}$ SW $\frac{1}{4}$ sec 33-T8N-R4E (32 acres) which adjoins the permitted area.

- **Owned by Same Property Owner**

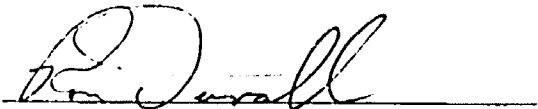
Mr. Delzer indicated that he is the owner of all of the property irrigated by the center pivot.

- **Developed Prior to Expiration of Construction Period**

According to the 1983 irrigation questionnaire, the acreage was being irrigated prior to expiration of the construction period on December 3, 1983.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the 32 acre area be included in the water license.



Ron Duvall, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 1997

1231-1

Melvin E. Delzer
P.O. Box 1045
Spearfish, SD 57783

Dear Mr. Delzer:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1231-1, 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 investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

415322

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 18, 1997

RECEIVED OF Melvin Delzer, P.O. Box 1045, Spearfish, SD 57783

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. <u>1251-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

1231-1

Melvin Delzer
P.O. Box 1045
Spearfish, SD 57783

Dear Mr. Deizer:

Enclosed is Water License No. 1231-1 and Receipt No. 415322 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1231-1 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1231-1**

(1) Melvin E. Delzer, PO Box 1045, Spearfish, SD 57783 made Application No. 1231-1, August 21, 1981 for a water permit to divert 2.28 cubic feet of water per second with storage of 110 acre feet of water annually from a dry draw, Butte County, South Dakota for irrigation purposes. Permit No. 1231-1, with a priority date of November 6, 1981 was approved December 3, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 3, 1983 and for the application to beneficial use of said water on or before December 3, 1986.

An April 2, 1977, investigation of the water use system found part of the irrigated acreage located outside of the permitted area. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that the acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

(2) It is certified that the applicant 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 1.91 cubic feet of water per second with storage of 110 acre feet of water annually for beneficial use. The location of the diversion point is 1320'S of the NW corner of Section 33, T8N, R4E (W½ NW¼).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Legal Description		Acres
Section 33, T8N, R4E	SW¼ NW¼	12 acres
	SE¼ NW¼	12 acres
	NW¼ SW¼	39 acres
	NE¼ SW¼	39 acres
	SW¼ SW¼	16 acres
	SE¼ SW¼	16 acres
	Total	134 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Melvin Delzer, PO Box 1045, Spearfish, SD 57783 the holder and/or owner of Water Permit No. 1231-1 is issued a license to appropriate water, the right to use 1.91 cubic feet of water per second with storage of 110 acre feet of water annually from a dry draw with a priority date of November 6, 1981, 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. 1231-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 24, 2001

857-1

1231-1

1276-1

Gloria Delzer
PO Box 1045
Spearfish, SD 57783-7045

Dear Ms. Delzer:

Thank you for the prompt return of the "2001" irrigation questionnaires for Water Right Nos. 857-1, 1014-1, 1231-1 and 1276-1.

As we discussed on the telephone, I am sending you partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right Nos. 857-1, 1231-1 and 1276-1. Please review the forms for accuracy and make any necessary corrections. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fees can be made payable to the Water Rights Program.

I have forwarded a transfer form to Ross and Barbara Delzer for Water Right No. 1014-1. Thank you following up on the ownership changes. If I can answer any questions for you, please get in touch with me.

Sincerely,

Genny McMath

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

enclosures

RECEIPT

Water Rights Program

№ 416951

South Dakota Department of Environment and Natural Resources

Pierre, November 1, 2001

RECEIVED OF Gloria Delzer, PO Box 1045 Spearfish, SD 57783-8045

the following amount in fees for services rendered as provided for by law: (Delwin E. Delzer)

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 1231-1

2 50

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

by

Chief Engineer

Harland Erbe

gm

No. 1231-1

Date: 10-30-01

formerly owned by: **Melvin E. Delzer**

be transferred to: (name & address) **Gloria Delzer, PO Box 1045, Spearfish, SD 57783-7045**

Telephone No. (605) 642-5172

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

134 acres – S ½ NW ¼ and SW ¼ Section 33, T8N, R4E

I/We understand that the validity of Water Right No. 1231-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Lawrence

I/We Glenn D. Jones 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.

Gloria Decker
(Signature of new owner)

Subscribed and sworn to before me this 30 day of October, 2001.

Elmer W. Fowler
(Notary Public)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 27, 2001

857-1
1231-1
1276-1

Gloria Delzer
PO Box 1045
Spearfish, SD 57783-7045

Dear Ms. Delzer:

Thank you for following up on the ownership changes for Water Right Nos. 857-1, 1231-1 and 1276-1. The transfers have been completed. Water Right Nos. 1231-1 and 1276-1 are now listed in your name. Water Right No. 857-1 is listed as being owned by Gloria and Roger O. Delzer.

Enclosed are your Receipt Nos. 416951, 416952 and 416953 in the amounts of \$2.50 each. You may keep these for your records.

Upon doing the transfers for Nos. 857-1, 1231-1 and 1276-1, I found an additional water permit listed in the name of Melvin Delzer. Water Permit No. 1650-1 authorizes use of ground water for a livestock confinement operation. Enclosed is a copy of the permit for your review.

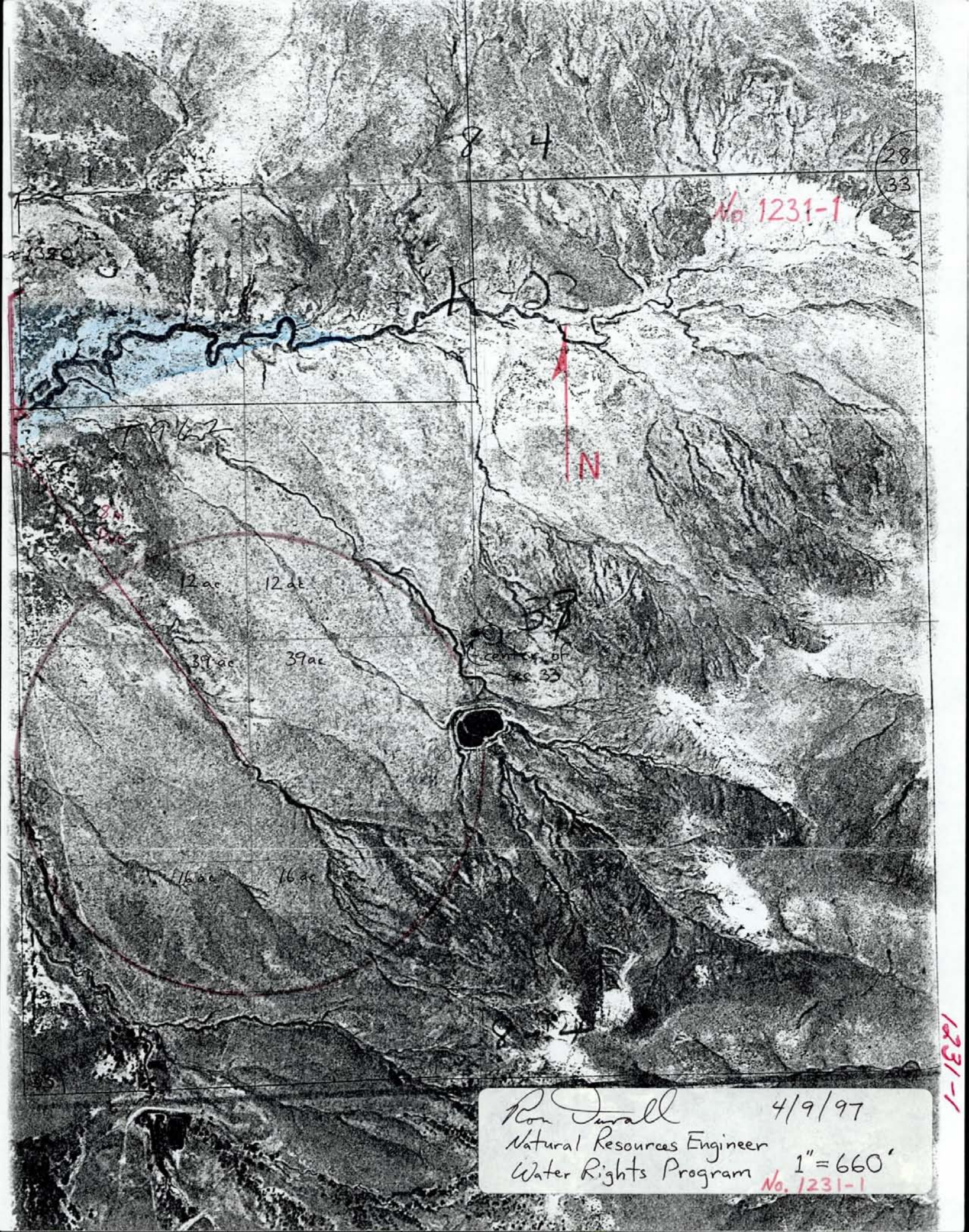
I am assuming that Permit No. 1650-1 should also be transferred to your name. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for your help. I apologize for not including the transfer form with the forms for transferring the rest of the water rights.

Sincerely,

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

enclosures



8 4

28
33

No 1231-1

T962

N

12 ac

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39 ac

39 ac

center of
sec 33

16 ac

16 ac

8 4

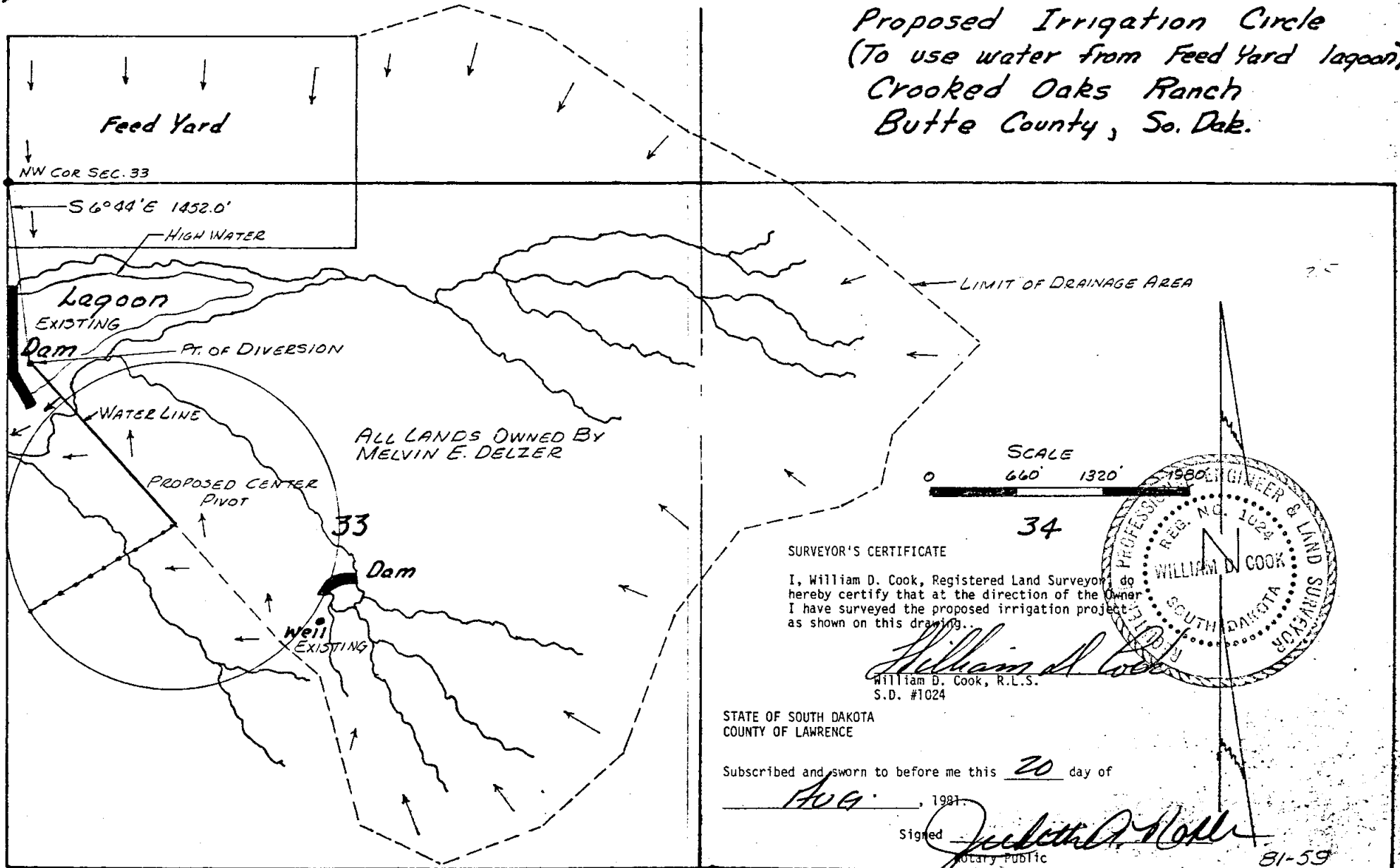
Ron Juvall
Natural Resources Engineer
Water Rights Program

4/9/97

1"=660'
No. 1231-1

1231-1

Proposed Irrigation Circle
(To use water from Feed Yard lagoon)
Crooked Oaks Ranch
Butte County, So. Dak.



R4E

Judith A. Noble, Notary Public, S. Dak.
My Commission Expires Feb. 3, 1984

MAP # 1039-1 (APPL 1231-1)



1231-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

1231-1
1276-1

Gloria Delzer
804 Appaloosa Ln
Spearfish SD 57783-9445

Dear Ms. Delzer:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to PO Box 1045, Spearfish 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,

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

enclosures



1231-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 2006

1231-1
1276-1

Gloria Delzer
21232 Hillsdale Ln
Huntington Beach CA 92646-7238

Dear Ms. Delzer:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaire. The notice was originally mailed to 804 Appaloosa Lane, Spearfish 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,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2006

1231-1

Paul Ringling
Foothills Properties
18977 Black Angus Lane
Belle Fourche SD 57717

Dear Mr. Ringling:

I am contacting you in regard to ownership of land described in Water Right No. 1231-1. Gloria Delzer submitted the annual irrigation questionnaire for this property and indicated you had purchased the land in June, 2006. I have included a copy of the water right for your review.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures



1231-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 2006

1231-1

Paul Ringling
Foothills Properties
18977 Black Angus Lane
Belle Fourche SD 57717

Dear Mr. Ringling:

I have received the "Notice of Transfer of Ownership" form from you for changing ownership of Water Right No. 1231-1 and am returning it to you for completion. Please fill in the portion titled **"to be transferred to: (name and address)....."** I could put your name in there for you but I don't know whether you want the water right listed in a company or corporation name or an individual name.

Also, prior to transferring ownership, state statutes require that we assess a \$2.50 filing fee. Please return the fee with the completed form. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC 12 2006

WATER RIGHTS
PROGRAM

No. 1231-1

Date: _____

I/We request that Water Right No. 1231-1

formerly owned by: Gloria Delzer

be transferred to: (name & address)

Foothills Properties LLC

18977 Black Angus Lane, Belle Fourche SD 57717

Telephone No. _____

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

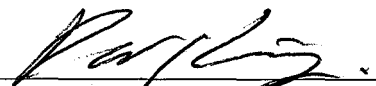
134 acres - S ½ NW ¼ and SW ¼ Section 33, T8N, R4E

I/We understand that the validity of Water Right No. 1231-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We _____, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIVED
DEC 29 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 2, 20 07

RECEIVED OF Foothill Feeders LLC, 18977 Black Angus Lane, Velle 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 and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1231-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

2731

By

David A. White
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 2, 2007

1231-1

Paul Ringling
Foothills Properties LLC
18977 Black Angus Lane
Belle Fourche SD 57717

Dear Mr. Ringling:

Thank you for sending in the ownership change for Water Right No. 1231-1. The transfer has been completed. The water right, formerly held by Gloria Delzer is now listed in the name of "Foothills Properties LLC".

Enclosed is your Receipt No. 02731 in the amount of \$2.50. You may keep this for your records.

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

Sincerely,

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

enclosure



1231-1
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 21, 2011

NOTICE

TO: FOOTHILLS PROPERTIES LLC, PAUL RINGLING, 11166 STAFFORD LOOP, BELLE
FOURCHE, SD 57717 7242

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1231-1. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1231-1 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 9, 2011** 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) 1231-1 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 4, 2011**, 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.



1231-1

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0803 0262

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 1:32 pm on January 22, 2011 in BELLE FOURCHE, SD 57717. The item was signed for by L RINGLING.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 22, 2011, 1:32 pm, BELLE FOURCHE, SD 57717
- Out for Delivery, January 22, 2011, 8:26 am, BELLE FOURCHE, SD 57717
- Sorting Complete, January 22, 2011, 8:16 am, BELLE FOURCHE, SD 57717
- Arrival at Post Office, January 22, 2011, 6:40 am, BELLE FOURCHE, SD 57717

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail.

[Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0803 0262

FOOTHILLS PROPERTIES LLC
PAUL RINGLING
11166 STAFFORD LOOP
BELLE FOURCHE SD 57717 7242

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 2011

1231-1

Paul Ringling
Foothills Properties LLC
11166 Stafford Loop
Belle Fourche SD 57717 7242

Dear Mr. Ringling:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 1231-1. 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



1231-1
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 16, 2015

NOTICE

TO: Foothills Properties LLC, Paul Ringling, 11166 Stafford Loop, Belle Fourche, SD 57717 7242

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1231-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1231-1 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 4, 2015** 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) 1231-1 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 before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 2, 2015

1231-1

Paul Ringling
Foothills Properties LLC
11166 Stafford Loop
Belle Fourche SD 57717 7242

Dear Mr. Ringling:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 1231-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

OCT 19 2015

WATER RIGHTS
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1231-1

Date: _____

I/We request that Water Right/Permit No. 1231-1 formerly owned by:

Foothill Properties, LLC

be transferred to:

New Owner Name: Foothill Land and Cattle LLC

Address: Box 73

City, State, Zip Northville SD 57465 Telephone No. 715 4161501

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

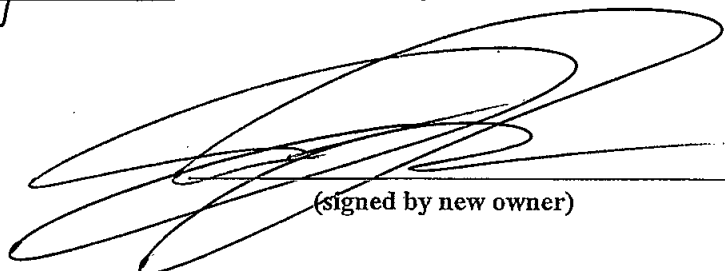
134 acres - S1/2 NW1/4 and SW1/4 Section 33, T8N, R4E

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

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 included to cover the filing fee as required by SDCL 46-2-13.

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


(signed by new owner)

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

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

McMath, Genny

From: Jan Betten <jbetten@spearfishlaw.com>
Sent: Monday, October 19, 2015 10:05 AM
To: McMath, Genny
Subject: Re: Foothill Feeders, LLC

Hi Genny--

Per our telephone call this morning, be advised that Foothill Feeders, LLC was organized September 21, 2015. The Articles of Organization were signed and filed by Thomas E. Brady as organizer and he will also serve as the initial registered agent. Jason R. Sparling is the managing member of the entity.

If you need anything else, let me know. Thanks.

Jan Betten, CP
Certified Paralegal

Brady Pluimer, P.C.
135 Colorado Blvd.
Spearfish, SD 57783
jbetten@spearfishlaw.com
Phone (605) 722-9000
Fax (605) 722-9001

Confidentiality notice: the email and any attached documents contain information from the law firm of Brady Pluimer, a professional corporation, which may be confidential and/or legally privileged. These materials are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these materials to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this email in error, please immediately notify the sender of this message. Thank you.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/19, 20 15

RECEIVED OF Black Hills Title PO Box 459 Spearfish SD 57783

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>1231-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07509

By Jessie Goodman
Chief Engineer

1231-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 19, 2015

1231-1
1650-1

Jason Sparling
Foothill Land & Cattle LLC
Box 73
Northville SD 57465

Dear Mr. Sparling:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted to change ownership on Water Right No. 1231-1 and Water Permit No. 1650-1.

The ownership changes have been completed. Both Nos. 1231-1 and 1650-1, formerly held by Foothill Properties LLC are now listed in the name of Foothill Land & Cattle LLC.

The receipts for the filing fees are being forwarded by copy of this letter to Black Hills Title & Abstract in Spearfish SD.

If you have any questions, please let me know.

Sincerely,

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

c: Black Hills Title & Abstract, Inc., PO Box 459, Spearfish SD 57783
Thomas Brady, Brady Pluimer, PC, 135 Colorado Blvd, Spearfish SD 57783



1231-1
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 20, 2017

NOTICE

TO: FOOTHILL LAND & CATTLE LLC, JASON SPARLING, BOX 73, NORTHVILLE, SD 57465
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1231-1. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1231-1 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1231-1 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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 30, 2017

1231-1

Jason Sparling
Foothill Land & Cattle LLC
PO Box 73
Northville SD 57465

Dear Mr. Sparling:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 1231-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1231-1
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 23, 2020

NOTICE

TO: FOOTHILL LAND & CATTLE LLC, JASON SPARLING, PO BOX 73, NORTHVILLE, SD 57465

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1231-1. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1231-1 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1231-1 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 before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: GTALAK**

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.

1231-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2020

No. 1231-1

FOOTHILL LAND & CATTLE LLC
JASON SPARLING
PO BOX 73
NORTHVILLE, SD 57465

Dear Mr. Sparling:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit No. 1231-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2021

1231-1

1650-1

1982-1

Dennis Miller
395 North Heptner
Rozet WY 82727

Dear Mr. Miller:

As stated in our phone conversation, enclosed are copies of the water rights held by Foothill Land and Cattle LLC. These copies are for your records. Also enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on the water rights.

The transfer forms should be completed, checked over for accuracy, and **signed by the new owner.** Upon completion, return the forms to our office with a required filing fee of \$50.00 each (\$150.00 total).

Also included is the 2020 Water Management Board Irrigation Questionnaire for Water Right No. 1231-1. This form is sent out yearly in the fall. Please complete the form for this past year and return it to us. It is important that the form be returned. If you have questions regarding completing the form, please contact Genny McMath, with this office.

Regarding Water Permit No. 1982-1, Qualification No. 4 requires you report annually the amount of water withdrawn from the Inyan Kara Aquifer (back up well). A letter is sent out at the beginning of each year requesting this amount. Unless you indicate otherwise, I will report zero use from the Inyan Kara well for 2020. In the past, Mr. Sparling reported the amount of water withdrawn from the Madison well. It is not required but is useful information for our records.

A postage prepaid envelope is enclosed for returning the Irrigation Questionnaire, transfer forms and fee. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures

PAID

MAR 15 2021

Ck# 8198

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAR 15 2021

WATER RIGHTS
PROGRAM

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

No. 1231-1

Date: 3-5-21

I/We request that Water Right/Permit No. 1231-1

formerly owned by: Foothill Land and Cattle LLC

be transferred to: (name & address) X Dennis L. Miller
395 N. Heptner Rd. Rozet, WY 82727

Telephone No. 307-391-1474

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

134 acres located in the S 1/2 NW 1/4, SW 1/4 Section 33-T8N-R4E

I/We understand that the validity of Water Right/Permit No. 1231-1 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.

X I/We Dennis L. Miller, the new owner, certify that the above information is true and correct.

X Dennis Miller
(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.

1231-1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 15, 2021

RECEIVED OF Miller Cattle Co. 395 N. Heptner Rd. Rozet WY 82727

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>1231-1</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer
um

1231-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 2021

1231-1
1650-1
1982-1

Dennis L Miller
395 N Heptner
Rozet WY 82727

Dear Mr. Miller:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 1231-1 & 1650-1 and Water Permit No. 1982-1.

The ownership changes have been completed. The above listed water rights and water permit formerly held by Foothill Land and Cattle LLC are now listed in your name.

Enclosed for your records are receipts for the filing fees that were paid. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosures