

1. Considered: Oct 7th
July 28, 19 82 Water Right No. 1259-1

2. Name of Applicant Herman Stark

3. Post Office Address Rt. 8, Box 431, Rapid City 57701

4. Amount of Water Claimed No Add'l (2.40) maximum acre feet

5. Source of Water Supply Belle Fourche River

6. Water to be used for Irrigation acres to be irrigated No Add'l

7. County Butte about _____ miles of _____ (168)

8. PROOF OF PUBLICATION: Received 1st 8/30/82 Not Received _____

APPLICATION: Approved 0-7-82 Subject to BFRQ - IC

Not Approved _____ Action Deferred _____

13 acres have new priority date old priority on remaining

PRIORITY Dated Received 5/27/82 Application complete-yes x no _____ FEE 150.00

??? Remarks Change in acreage and additional acreage on existing permits

419-1 and 421-1 (41 new acres)

5/27/82

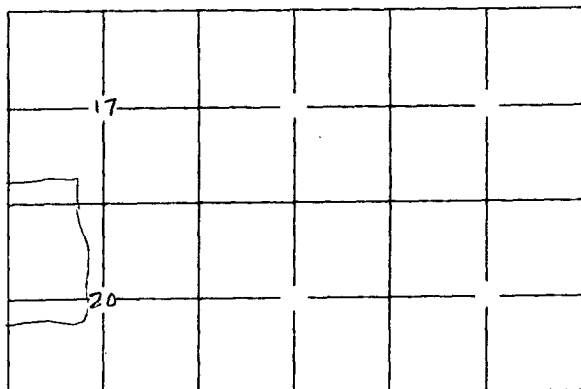
Corrected Application received _____ Period of Annual Use April thru October

7/1/82

Received yes no _____ APPROVED/CONDITIONAL (Circle one)

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

Disapproved _____ Returned _____



Diversion Point between points on Belle Fourche River in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17 and NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20 Both in T8N-R7E

9/23/59 Land to be irrigated S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17; NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20 both in T8N - R7E

WELL LOG Driller _____ Licensed - yes _____ no _____

Depth _____

Remarks _____

MAP Map No. 1066-1 Map located in Water Right X Map file X
Type of Map Aerial Prepared by LeRoy Mernaugh

+++++

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:

7/2/82

Billy Westlund
(Signed)

+++++

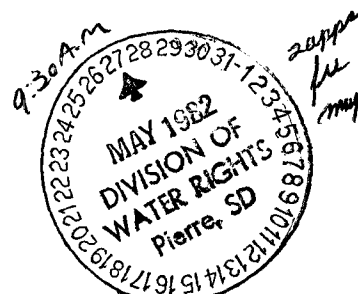
PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

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 was
DECISIONS adopted _____
ETC. Remarks _____

No. ~~119~~ 1259-1

Map No. 1066-1 Water Division No. 1 Belle Fourche River District

Above for Office Use 10120202



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

Check one of the following:

New _____ Vested Right [?] _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage ^X _____ Additional Acreage ^X _____

1. Name of Applicant Herman Stark Phone No. 605-343-8790
 Post Office Address Rt 8, Box 431, Rapid City State South Dakota 57701
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work Stark Irrigation Project4. Amount of water claimed (cubic feet per second) 2.4 (no additional)5. Source of water supply Belle Fourche River

6. Location of point of diversion between a point N 0° E 666 ft from the SW corner Section 17,
and a point N 0° E 2277 ft from the S $\frac{1}{4}$ corner of Section 20, T8N, R7E
(SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 17 & NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 20) County Butte

7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 166 ± 68 (no add'l)

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.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 17, T8N, R7E	18
SE $\frac{1}{4}$ SW $\frac{1}{4}$ "	5
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 20 "	30
NE $\frac{1}{4}$ NW $\frac{1}{4}$ "	9 ±

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 20, T8N, R7E	35
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	11
NW $\frac{1}{4}$ SW $\frac{1}{4}$ "	36
NE $\frac{1}{4}$ SW $\frac{1}{4}$ "	22

Attach sheet if more space is needed

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

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water VALLEY IRRIGATOR12. Principal Features of the Proposed Water Supply System. Newell SD

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

pump & motor

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

pipelines

C. Works proposed to apply water to beneficial use.

gated pipes
ditches for flooding

NOTE: Applicable portions of
 Water Permit No. 419-1 and 421-1
 will be incorporated into this
 Water License

Estimated Total Cost \$ 10,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Butte) ss.

I, Herman Stark the applicant, certify that I have read the foregoing application
 and have examined the attached map and that the matters therein stated are true and that I intend, and am able to
 complete the necessary construction.

Signed Herman StarkSubscribed and sworn to before me this 26th day of May, 1982

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

1259-1

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

Herman Stark

Rt 8, Box 431, Rapid City

(Applicant)

(Post Office Address)

South Dakota 57701

(State)

With the following qualifications.

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

This permit does not authorize diversions of water from the Belle Fourche River 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. Applicable portions of Water Rights Nos. 419-1 and 421-1 have been incorporated into Permit No. 1259-1. Priority of .19 cfs from May 27, 1982 and 2.21 cfs from September 23, 1959.

Date of first receipt of application May 27, 19 82

Date of return to applicant for correction, amendments or changes required May 27, 19 82

Date of receipt of corrected application July 1, 1982, 19

Approved October 7, 19 82, Recorded in Book Page

WATER RIGHT PERMIT NO. 1259-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1259-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 27, 1982 & September 23, 19 59
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before 19
3. The whole of said work is to be completed on or before 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is completed 19
5. The water appropriated shall be used for the purpose of irrigation

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

7. The amount of the appropriation herein granted shall not exceed 2.40 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 This date 19; said water to be used during the following described annual period: April 1st thru October 31st

Witness my hand this 3rd day of December, 19 82

THE WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued January 24, 19 83

Water License Issued January 24, 19 83

WATER LICENSE NO. 1259-1

(1) WHEREAS, On the 27th day of May A. D. 19 82

Herman Stark

made Water Right Application No. 1259-1 for a permit to use 2.40 cubic feet per second of the waters of groundwater

County of Butte, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 7th day of October A. D. 19 82

Permit No. 1259-1, with a date of priority of September 23, 1959 and May 27, 1982

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water

supply system therein described on or before the day of A. D. 19 and for the

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

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.40 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land in T8N, R7E

Section 17 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18 acres (CC)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5 " (CD)

Section 20 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 " (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 9 " (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 " (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 11 " (BD)

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 36 " (CB)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 22 " (CA)

TOTAL 166 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Herman Stark

_____ of Rt 8, Box 431, Rapid City SD 57701
the holder _____ and owner _____ of said permit No. 1259-1 a water right, dating from 2.21 cfs from Sept 23, 1959
and 0.19 cfs from May 27, 1982 to use of 2.40 cubic feet per second of the waters
of the Belle Fourche River

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at between a point N 0° E 666 ft from SW corner,
Section 17 and a point N 0° E 2277 ft from S½ corner of Section 20, T8N, R7E

_____ portions of Sections 17 and 20, T8N, R7E more fully described
and conducted to and upon _____
on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1259-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of January A. D.
Nineteen Hundred and Eighty-three

WATER MANAGEMENT BOARD

By:



Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1259-1Water Division 1 Belle Fourche River Water District
10120202REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Herman Stark
 of Rt. 8, Box 431, Rapid City, S.D. 57701 holder
2.21 cfs. September 23, 1959
 of Permit No. 1259-1, bearing date of priority of .19 cfs May 27, 1982
 authorizing the diversion of 2.40 cu. ft. per second of the waters of Belle Fourche River
 for Irrigation purposes, in Butte County.

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

The Water Use System consists of,

A. Works used to divert the water: Motor = US Elec. 15 H.P. Ser# 2944781
 Pump = Berkeley - Model. 6YPH15. Pumps. 1200 gpm.
 Booster Pump = Motor US Elec, 30 H.P. Ser# 3546660
 Pump = Berkeley Model. 6JPBM, ser# 17671, pumps. 1200 gpm.

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

800 ft. 10" dia. Aluminum Pipe & Ditches from Project
 3200 ft. 10" dia Aluminum Gated Pipe.

C. Works used to apply water to beneficial use.

Gated Pipe and Ditches from Project. to Flood
 Irrigate

The system is in the following condition: Good.

The point of diversion is located Between a point N 0° E. 666 ft from SW Cor
Sec. 17 and a point. N 0° E 2277 ft from S ½ Cor Sec. 20 T8N R7E

The works are capable of diverting and conveying to the place of use 2.67
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: The following in Sec. 17, T8N R7E
SW ¼ SW ¼ - 18 Ac. SE ¼ SW ¼ - 5 Ac. The following in Sec. 20, T8N R7E
NW ¼ NW ¼ - 30 Ac. NE ¼ NW ¼ - 9 Ac. SW ¼ NW ¼ - 35 Ac.
SE ¼ NW ¼ - 11 Ac. NW ¼ SW ¼ - 36 Ac. NE ¼ SW ¼ - 22 Ac.

comprising a total of 166. acres of land.

$$166 \div 70 = 2.4 \text{ cfs}$$

license for 2.4 cfs

Date August 8, 1981
Leroy J Mernough
 (Signature)

Permit No. 1259-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Herman Stark

_____ the holder _____ of
Permit No. 1259-1, issued upon Application No. 1259-1, bearing date of priority of 2.21 cfs from Sept. 23, 1959
& 0.19 cfs from May 27, 1982 authorizing the diversion of 2.40 cu. ft. per second of the waters of _____
the Belle Fourche River County of Butte, State of South Dakota at _____
between a point N 0° E 666 ft from SW corner Section 17 and a point N 0° E
2277 feet from S ½ corner Section 20, T8N, R7E
_____, for irrigation

_____, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.65 cu. ft. per second of water.

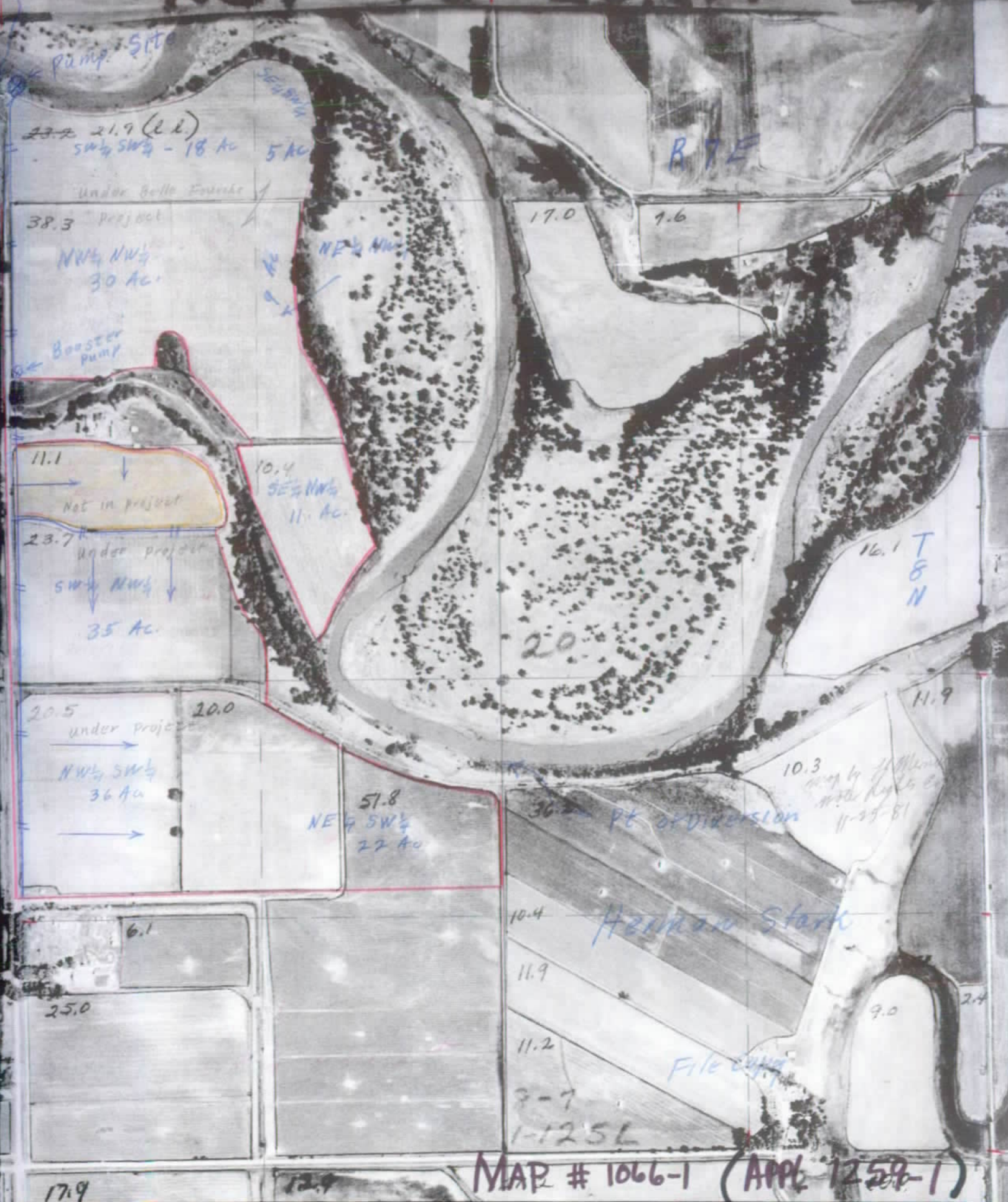
Date January 24, 1983



JOHN HATCH, Chief Engineer
Water Rights Division

Point of Diversion. Between a point N 0° E 666 ft from the SW Cor of Sec. 17 and
a point N 0° E 2217 ft from the SW Cor of Sec. 20, T8N R7E

NOT TO SCALE



MAP # 1066-1 (APPL 1258-1)

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Herman Stark

OWNERS ADDRESS: Rt. 5, Box 431
Rapid City, SD 57701

COUNTY LAND LOCATED IN: Dakota

PHONE: 343-1770

TENANT'S NAME AND ADDRESS: Robert Lee Stark
224 N. 1st St. S. Dak

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

1. WELL LOCATION

Depth

2. SURFACE WATER SOURCE AND DIVERSION LOCATION:

Diversion Location Between NW 1/4 NW 17-8-7 and NW 1/4 NW 20-8-7

Legal Description	Acres	Legal Description	Acres
		<u>NW 1/4 NW 20-8-7</u>	<u>30</u>
		<u>NW 1/4 NW 20-8-7</u>	<u>11</u>
		<u>NW 1/4 NW 20-8-7</u>	<u>11</u>
		<u>NW 1/4 NW 20-8-7</u>	<u>35</u>

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1958

LEGAL DESCRIPTION:

IN WHAT NAME: Frank Miller

4. LOCATION OF AREA TO BE IRRIGATED NOTE

SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY

TOWLINE

CENTER PIVOT

GUN

OTHER:
(Specify)

6. CROPS TO BE IRRIGATED: corn, alfalfa, soybeans, & small grains

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

7. WATER SAMPLE NUMBER: Belle Fourche

10. ADJUSTED (SAR): 3.74

8. SALINITY (EC X 10⁶): 1810

11. PERCENT SODIUM

9. SODIUM (SAR): 1.57

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4)

SUBSCRIBED AND SWORN BEFORE ME THIS

10th DAY OF June, 1982

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

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 RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

CONDITIONAL3071

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Herman StarkLEGAL DESCRIPTION: NA 20-8-7 = 87 acres
cSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:RECOMMENDED MANAGEMENT:

The application is Conditional based on the Water Quality.

Signature
7-1-82

DATE

RECEIPT

WATER RIGHTS COMMISSION

No 4 8848

State of South Dakota

PIERRE, May 27, 1982

RECEIVED OF Harman Stark, Route #8, Box 431, Rapid City, SD 57701

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

Fee for Application for Permit to Appropriate Water No. <u>1259-1</u> (examination, processing, recording and filing) -----	150.	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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8989

PIERRE, October 20, 1932, 19

RECEIVED OF Herman Stark, Route #8, Box 431, Rapid City, SD 57001

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1259-1	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1259-1		
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	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 30, 1981

Herman Stark
Rt 5, Box 431
Rapid City SD 57701

Dear Mr. Stark:

On August 8, 1981 I visited with you about your Water Right Permit No. 419-1. You indicated to me the area that you are now or plan on irrigating. The Dutton Follett permit covered a portion of the NW $\frac{1}{4}$ of Section 20 but it was not covered under the Water License issued on June 2, 1967, which indicates that this particular area was not irrigated from the Belle Fourche River and therefore is not now under any permit, except that it is irrigated under the project. Also, the 11 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, shown in yellow on the enclosed map, was never covered under any permit.

In order for you to comply with the South Dakota Water Laws it will be necessary for you to submit an application to cover those areas not now covered under a permit. Enclosed are two completed copies of Form 2, "Application for Permit" which covers all of the area you are irrigating from the Belle Fourche River in Sections 17 and 20. You should check over the form and make any corrections necessary, then sign and have notarized and returned to this office with a check for \$150 to cover the cost of the filing fees.

Enclosed also is a map of the area to be irrigated. The area outlined in red is the area you indicated to me at the time of our visit. If there are no changes you may keep this map for your use. If there are any changes please return the map to this office in order that we may correct our records.

Water Quality approval will be required for the area that is irrigated in the NW $\frac{1}{4}$ of Section 20, T8N, R7E. An instruction sheet is enclosed. See No. 5.

In answer to your letter of November 19, 1981. Your Water Permit No. 419-1 was for 2.5 cfs. This is the maximum allowed by law which is one cubic foot per second for each 70 acres irrigated.

Upon approval of this application Permit No. 419-1 & 421-1 will be incorporated and you will have one permit covering all of the area irrigated. You will retain the priority date of Permit No. 419-1.

If you should have any questions, please feel free to contact this office.

Sincerely,

LEROY J MERNAUGH
Water Resources Engineer

cc: ✓ Martin Gertonson, Conservation Comm.

Water Rights Division - DWNR
Telephone Reference Sheet

NAME OF PERSON (Called/Calling): _____

ADDRESS: _____ COUNTY: _____

DATE: _____ TELEPHONE: _____

RE: _____

COMMENTS:

1971 Herman Stark was sent a transfer form to transfer NW⁴ 20 to his name ⁽⁴²¹⁻¹⁾ in 1971, never followed up. Therefore when he purchased 419-1 he presumed NW⁴ was on that permit.

421-1 - Originally had NW⁴ Sec. 20 listed on the permit then when it was licensed he did not irrigate or own the land. A transfer should have been made to the other owner (Miller) This was not done, so when the permit was licensed it was not covered by any permit. 419-1, Licensed for Sec. 17, S¹/₂ SW¹/₄ and SW¹/₄, Sec. 20 not the NW⁴ or the 13 acres in SW¹/₄ NW¹/₄, Sec. 20 had never been on any permit, therefore had to apply for permit for NW⁴ and S¹/₂ SW¹/₄, Sec. 17 to combine and make one permit 1259-1 which is coming up at the October 7, 1982 meeting. Also the S¹/₂ SW¹/₄ is not being irrigated with the diversion covered by the new permit. He does irrigate sometimes with project (BF)

File in Permit file when necessary. Use to make a record of conversations and what the other party was told.

NAME: *BW*

Rapid City, S. Dak.
May 26, 1982

Dear Sirs:

am sending check for \$150.00
for services in charge in and additional
arrange.

The water will be from
pump site on the Belle Fourche river
as indicated on map, along with
the soil types indicated & outlined
in red & yellow marking, the
water would be of the same quality
which we are using on the land
prior to this application, if
this is not satisfactory please advise.
with all the rain and heavy
silt would not give us a very good
quality water test, so if we must we
could take a sample after water
clears. reverse side for soil
information.

manter.

M A A type Soil - SW $\frac{1}{4}$ SW $\frac{1}{4}$ 18 Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 35 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$ SA "
SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 11 acres. NW $\frac{1}{4}$ NW $\frac{1}{4}$ 30 A "
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11 A "

manter fine Sandy Loam
0 to 2% Slopes

~~moderately~~ ~~moderately~~ moderate water intake
good for irrigation

GGA SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 11 acres.

Glenberg fine sandy loam 0-2% slopes
moderate permeability - good for irrigation.

M A A - NW $\frac{1}{4}$ - SW $\frac{1}{4}$ - 36 acres

NE $\frac{1}{4}$ - SW $\frac{1}{4}$ - 22 acres.

Mauver fine sandy Loam - 0-2% Slopes.
topsoil good

Low available water capacity:

rapid water intake:

Moderately deep over ~~good~~ sand + gravel.

This land has all been leveled to 1 tenth
to one foot slope.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 15, 1982



Herman Stark
Rt 8, Box 431
Rapid City SD 57701

Dear Mr. Stark:

The inspection of your water use system and inspection of the extent of your permit No. 1259-1, which was approved at the October 7, 1982 Water Management Board meeting for the application of water to beneficial use, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50 fee for the inspection and issuing of the Water License. Upon receipt of the \$50 fee from you, your Permit and Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

Betty Westlund

BETTY WESTLUND
Water Rights Specialist

BW:ks

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

4/19-1 - permit No.

*I thought when I paid you 150⁰⁰ before that
would cover all this expense. If your in error please return
the 50⁰⁰ -*

Herman Stark

Conversation or File Documentation

NAME OF PERSON OR FILE: Randy StarkADDRESS: Box 5 RR#1, Vale

COUNTY _____

DATE: April 10, 1986

TELEPHONE _____

RE: _____

COMMENTS:

Mr Stark called to inquire on acreages authorized for irrigation under Water Right No. 1259-1. He also indicated he has been farming the land for his father for a few years now and is the person responsible for completing the irrigation questionnaire. I told him the questionnaire could be sent directly to him with the water right itself remaining in Herman Stark's name. He stated this was fine as long as it would not affect ownership rights.

Send copy of permit to Randy Stark.

List questionnaire under his name for future mailings

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

NAME: Leann McMath

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Bottle) ss.

I, Rozella Bracewell hereby

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

Water was taken from the Valley Irrigator

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 Nowell of Nowell

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

August 18, 1982

August 25, 1982

Rozella Bracewell
(Signature)

Publisher/Editor
(Title)

Aug 25th 1982
(Date Signed)

Cost of Printing: 24.25



**NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER**

Pierre, South Dakota 57501
August 12, 1982

Notice is hereby given Herman Stark whose post office address is Rt 8, Box 431, 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 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use no additional cubic feet of water per second of time from the Belle Fourche River through the Stark Irrigation Project, the point (s) of diversion which (are) to be located between points on the Belle Fourche River in SW 1/4 SW 1/4, Section 17 and NE 1/4 SW 1/4, Section 20, both in Twp. 8N, Range 7E. Said water to be used for purpose of providing irrigation on portions of the following described land:

S 1/2 SW 1/4, Section 17; NW 1/4 and N 1/2 SW 1/4, Section 20, both in T8N, R7E

(change in acreage and additional acreage on existing Water Rights)

This Application No. 1259-1 will be considered by the Water Management

Board at Meeting Room No. 1, Kneip Building, Church & Illinois, Pierre SD upon the 7th day of October, 1982 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 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, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
(s) Betty Westlund
Betty Westlund, Water
Rights Specialist

Publish August 18 and August 25, 1982
Valley Irrigator

Publish first publication, on or before August 18, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 12, 1982Notice is hereby given Herman Stark whose post office

address is Rt 8, Box 431, 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 (ground) ~~46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38: (transfer lands) 46-5-33 thru 46-5-35~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, ~~(future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) 74:02:07:01 thru 74:02:07:02~~, for a permit to appropriate for beneficial use

no additional cubic feet of water per second of time from the Belle Fourche Riverthrough the Stark Irrigation Project, the point (s) of diversion which~~is~~ (are) to be located ~~in the~~ between points on the Belle Fourche River in SW 1/4SW 1/4, Section 17 and NE 1/4 SW 1/4, Section 20, both in

~~of Section~~ , Twp. 8N, Range 7E. Said water to be used for purpose of providing irrigation on portions of the following described land:

S 1/2 SW 1/4, Section 17; NW 1/4 and N 1/2 SW 1/4, Section 20, both in T8N, R7E(change in acreage and additional acreage on existing Water Rights)

This Application No. 1259-1 will be considered by the Water Management Board at Meeting Room # 1,
Knap Building, Church & Illinois, Pierre SD upon the 7th day of October, 1982

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

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

Water Rights Division
605 773-3352

January 25, 1983

Herman Stark
Rt 8, Box 431
Rapid City SD 57701

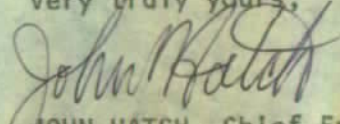
Dear Mr. Stark:

Enclosed herewith are your Water Right Permit, Water License No. 1259-1 and Certificate of Construction.

This Water License 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:ks

enclosure



Department of Water & Natural Resources

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

January 29, 1988

RANDY STARK-OPERATOR
RR 1 BOX 5
VALE, SD 57788

NOTICE

Re: Violation of Water Permit No(s). 1259-1

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1259-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of 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). 1259-1 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, 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). 1259-1 until either the 1987 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

cc: Herman Stark, RR #8, Box 431, Rapid City, SD 57701

NOTE: If the questionnaire(s) is received in this office before the March 2 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.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 10, 1988

1259-1

Randy Stark, Operator
RR 1, Box 5
Vale SD 57788

Dear Mr. Stark:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1259-1 and the hearing date before the Water Management Board.

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

Very truly yours,



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

cc: Herman Stark
RR 8, Box 431
Rapid City SD 57701



Department of Water & Natural Resources

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

December 1, 1989

1259-1

Gary Neiderworder
Lewis, Kirkeby & Hall Real Estate
2700 W Main
Rapid City, SD 57702

Dear Mr. Neiderworder:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1259-1, currently listed in the name of Herman Stark. The form should be completed and then signed in the presence of a notary public by the new owner. 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.

If you have any questions, please contact me.

Sincerely,

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

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411994

Pierre, December 15, 1989

RECEIVED OF Gene Rock, Gen'l Delivery, Philip, SD 57567

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. 1250-1</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 M. Hatcher
Chief Engineer mra

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-14-'89

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

166 acres - S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20, T8N, R7E

formerly owned by Herman Stark, RR 8 Box 431, Rapid City, SD

has been transferred to Gene Rock, General Delivery, Philip, S.D. 57567
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right ~~PERMIT~~ No. 1259-1 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 Thoburn) ss.

I, Gene F. Rock 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.

Gene F. Rock
(Signed)

Subscribed and sworn to before me this 14th Day of December, 1989.

E. Jeanne Hunt
(Notary Public)



Butler 4/11/72



Department of Water & Natural Resources

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

January 12, 1990

1259-1

Gene Rock
General Delivery
Philip, SD 57567

Dear Mr. Rock:

Enclosed is Receipt No. 411994 in the amount of \$2.50 which you paid for transfer of Water Right No. 1259-1.

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

Sincerely,

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

GENE ROCK
GEN. DELIVERY
PHILIP SD 57567

NOTICE

RE: Violation of Water Permit No 1259-1.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1259-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 1259-1 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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 SDCL 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 1259-1 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 is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

GENE ROCK
GEN. DELIVERY
PHILIP, SD 57567

4a. Article Number

P757 566 408

4b. Service Type

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

7. Date of Delivery

2-10-95

5. Signature (Addressee)

Gene Rock

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1995

1259-1

Gene Rock
General Delivery
Kadoka, SD 57543

Dear Mr. Rock:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 1259-1.**

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 20, 2002

No. 1259-1

Loren & Debra Boettcher
RR 1 Box 17A
Vale SD 57788

Dear Mr. & Mrs. Boettcher:

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 1259-1. The water right is currently listed in the name of Gene Rock. It is our understanding that you now own the land covered by this water right. For your information, enclosed is a copy of the water license and an aerial photo map showing the area irrigated.

Please complete the transfer form and 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 2002 Water Management Board Irrigation Questionnaire which needs to be completed for the past irrigation season. If you have any questions regarding the completion of the form or if you did not irrigate, please contact Genny McMath, with this office. She will be happy to assist you or answer any questions. A postage prepaid envelope is included for returning the transfer form, fee and irrigation questionnaire.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC 30 2002

WATER RIGHTS
PROGRAM

No. 1259-1

Date: _____

I/We request that Water Right/Permit No. 1259-1

formerly owned by: Gene Rock

be transferred to: (name & address) Loren & Debbie Boettcher

RR 1 BOX 17A, VALE SD 57788

Telephone No. 605-456-2825

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

166 acres - S 1/2 SW 1/4 Section 17 and NW 1/4, N 1/2 SW 1/4 Section 20; all in T8N-R7E

I/We understand that the validity of Water Right/Permit No. 1259-1 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 Loren Boettcher, the new owner, certify that the above information is true and correct.

Loren Boettcher
(Signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 28, 2015

1259-1

Loren & Debbie Boettcher
13683 193rd St
Vale SD 57788 3010

Dear Mr. & Mrs. Boettcher:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to 19076 137th Ave, Vale 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

DEC 21 2015

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1259-1Date: 12/15/15

I/We request that Water Right/Permit No. 1259-1 formerly owned by:
Loren & Debbie Boettcher be transferred to:

New Owner Name: Judith FraserAddress: 5311 Hwy 312 ECity, State, Zip Billings MT 59105 Telephone No. _____

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

See attached

- ☒ I understand that the validity of Water Right/Permit No. 1259-1 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, Judith Fraser, the new owner, certify that the above information is true and correct.

Judith Lee Fraser
(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.

2015 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2015

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 1259-1

LOREN & DEBBIE BOETTCHER
19076 137TH AVE
VALE SD 57788

1. Did you irrigate in 2015? *yes ☐ **no ☐

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 1259-1

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

Any address/ownership corrections?

Email _____

Phone _____

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2015? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. BELLE FOURCHE RIVER

5. Provide your water use on the back of this form.

NWNW	RENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

DEC 21 2015

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 1259-1

(see above section map for help reading legal descriptions)

sec 17-T008N-R07E, SW1/4SW1/4 - 18.00 acres
sec 17-T008N-R07E, SE1/4SW1/4 - 5.00 acres
sec 20-T008N-R07E, NW1/4NW1/4 - 30.00 acres
sec 20-T008N-R07E, NE1/4NW1/4 - 9.00 acres
sec 20-T008N-R07E, SW1/4NW1/4 - 35.00 acres
sec 20-T008N-R07E, SE1/4NW1/4 - 11.00 acres
sec 20-T008N-R07E, NW1/4SW1/4 - 36.00 acres
sec 20-T008N-R07E, NE1/4SW1/4 - 22.00 acres

Please provide your 2015 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/21, 20 15

RECEIVED OF Black Hills Title & Abstract 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>1259-1</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. 07570

By James Goodman 49
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

December 29, 2015

1259-1

Judith Fraser
5311 Hwy 312 E
Billings MT 59105

Dear Ms. Fraser:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring Water Right No. 1259-1. The ownership change has been completed. Water Right No. 1259-1 formerly held by Loren & Debbie Boettcher is now listed in your name.

Water Right No. 1259-1 authorizes diversion of water from the Belle Fourche River for irrigation of land in the SW ¼ of Section 17 and the W ½ of Section 20 of T8N-R7E. Most of this land is also located within the Belle Fourche Irrigation District and can receive separate purchased water from the district. Each year we mail out irrigation questionnaires to irrigators in South Dakota for reporting the amount of water pumped during the season. You only need to report, on the questionnaire, the amount of water pumped directly from the Belle Fourche River under Water Right No 1259-1. If water is purchased from the district to irrigate the land, you do not need to report that amount. However you will need to indicate on the questionnaire that irrigation was done using "project water".

Receipt No. 07570 in the amount of \$50 will be forwarded by copy of this letter to Black Hills Title and Abstract. If you have any questions concerning the water right, please let us know.

Sincerely,

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

c: Black Hills Title & Abstract w/Receipt No. 07570



12591
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: JUDITH FRASER, 5311 HWY 312 E, BILLINGS, MT 59105

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) 1259-1. 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) 1259-1 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) 1259-1 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.



1259-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 23, 2017

1259-1

Judith Fraser
5311 Hwy 312 E
Billings MT 59105

Dear Ms. Fraser:

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. 1259-1. 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

1259-1

McMath, Genny

From: Caspio <noreply@caspio.app>
Sent: Saturday, December 3, 2022 6:57 PM
To: Duvall, Ron; McMath, Genny
Subject: [EXT] 1259-1 IQ Reported Use in 2022, Yes, 50.00 acres irrigated

Permit Holder:

JUDITH FRASER
5311 HWY 312 E
BILLINGS MT 59105

bbru@sdplains.com

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	,	,	,	,
June	WHT, 50	,	,	,
July	MLO, 50	,	,	,
Aug	MLO, 50	,	,	,
Sep	MLO, 50	,	,	,
Oct	,	,	,	,
Nov	,	,	,	,

Comments:

Additional Info:

ownership of this permit should be transferred from Judith Fraser to her daughter: NINA Enterprises c/o Jodi Knight
1704 SW 331st Plc Federal Way, WA 98023



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 30, 2022

1259-1

Jodi Knight
NINA Enterprises
1704 SW 331st Place
Federal Way WA 98023

Dear Ms. Knight:

I am writing in regard to the 2022 irrigation questionnaire submission which indicated Water Right No. 1259-1 should be transferred from Judith Fraser to you.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If I can answer any questions for you, please let me know.

Sincerely,

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

encl

1259-1

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 23, 2023

RECEIVED OF Nina Enterprises LLC 12601 Jacksonville Ave., Bakersfield CA 93312

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>1259-1</u>	<u>\$50.00</u>
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	<u>\$50.00</u>

By *Eric Gronlund*
Chief Engineer
vm

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

JAN 23 2023
Ck# 1022
Rec't# _____

No. 1259-1

Date: 01-17-2023

I/We request that Water Right No. 1259-1

formerly owned by: Judith Fraser

be transferred to: (name & address)

NINA ENTERPRISES LLC
c/o Jodi Knight
1704 SW 331st PL, Federal Way WA
303/910-7127
Telephone No. 98023

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

166 acres - S 1/2 SW 1/4 Section 17; NW 1/4 and W 1/2 SW 1/4 Section 20, all in T8N, R7E

I/We understand that the validity of Water Right No. 1259-1 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 NINA ENTERPRISES LLC, the new owner, certify that the above information is true and correct.

Nina Enterprises LLC
Jodi Knight
(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

JAN 23 2023

OFFICE OF
WATER



DL200174

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

ARTICLES OF ORGANIZATION

DOMESTIC LIMITED LIABILITY COMPANY
SDCL 47-34A-203, 212

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$150

Total Fee: \$150

Article I

The name of the Company: **Nina Enterprises, LLC**

Article II

The address of the initial designated office in or out of the State of South Dakota where the company conducts its business:

Actual Street Address

**6201 INDIAN PEAKS AVENUE
BAKERSFIELD, CA 93313**

Mailing Address

**6201 INDIAN PEAKS AVENUE
BAKERSFIELD, CA 93313**

Article III

SDCL 59-11-6

The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **Drew Skjoldal**

Actual Street Address in this State

**311 N 27TH STREET SUITE 4
SPEARFISH, SD 57783**

Mailing Address in this State

**311 N 27TH STREET SUITE 4
SPEARFISH, SD 57783**

Article IV

The name and address of each organizer

Name

Address

Jodi W. Knight

6201 Indian Peaks Avenue, Bakersfield, CA 93313

Michael Loren Knight, Jr.

6201 Indian Peaks Avenue, Bakersfield, CA 93313

Article V

The duration of the company if other than perpetual is: **Perpetual**

If the document is not to be effective upon filing by the Secretary of State, the delayed effective date is: _____

1259-1
B0175-6907 04/05/2021 10:45AM Rec'd by SD SOS



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2023

1259-1

Jodi Knight
Nina Enterprises LLC
1704 SW 331st Pl
Federal Way WA 98023

Dear Ms. Knight:

Thank you for sending in the transfer of ownership form and filing fee for Water Right No. 1259-1.

The ownership change has been completed. Water Right No. 1259-1, formerly held by Judith Fraser is now listed under Nina Enterprises LLC.

Enclosed is a receipt for the filing fee that was paid. If you have any questions, please let me know.

Sincerely,

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

enclosure

1259-1
PAID

SEP 19 2024

Ck# 1110

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1259-1

Date: 9-17-24

I/We request that Water Right/Permit No. 1259-1 formerly owned by:
Nina Enterprises, LLC be transferred to:

New Owner Name Y Lazy J

Address: 2101 Lancaster Loop mobile: 605-222-2271
City, State, Zip Pierre SO 57501 email: Marty@martyjackley.com

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

See warranty deed

☒ I understand that the validity of Water Right/Permit No. 1259-1 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, Marty Jackley / Y Lazy J LLC, 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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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

SEP 19 2024

OFFICE OF
WATER

This Instrument Prepared by:
Dakota Law Firm, Prof. L.L.C.
Clay A. Anderson, Attorney at Law
315 N Broadway Ave. / P.O. Box 65
Miller, SD 57362
(605) 893-2001

WARRANTY DEED

Nina Enterprises, LLC, a South Dakota Limited Liability Company, of 1704 SW 331st Place, Federal Way, WA 98023, Grantor, for and in consideration of Eight Hundred Thousand Dollars (\$800,000.00), GRANTS, CONVEYS AND WARRANTS to Y Lazy J, LLC, a South Dakota Limited Liability Company, of 2101 Lancaster Loop, Pierre, SD 57501, Grantee, the following described real estate in the County of Butte in the State of South Dakota:

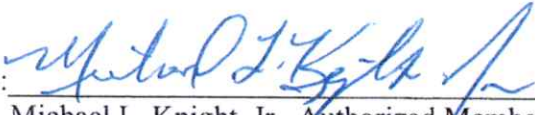
Township 8 North, Range 7 East, BHM, Butte County, South Dakota

Section 17: That portion of the S1/2SW1/4 lying South and West of the Belle Fourche River; and,

Section 20: All of the NW1/4, and that portion of the SW1/4 lying North and East of the Belle Fourche River

Dated this 6th day of August, 2024.

Nina Enterprises, LLC

By: 
Michael L. Knight, Jr., Authorized Member

By: 
Jodi W. Knight, Authorized Member

RECEIVED

SEP 19 2024

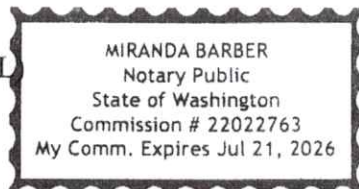
OFFICE OF
WATER

STATE OF Washington)
COUNTY OF King) :SS

On this the 12th day of August, 2024, before me, the undersigned officer, personally appeared Michael L. Knight, Jr. and Jodi W. Knight, who acknowledged themselves to be the Authorized Members of Nina Enterprises, LLC, a South Dakota Limited Liability Company, known to me or satisfactorily proven to be the persons whose names are described in the foregoing instrument, and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(SEAL)



Miranda Barber
Notary Public
My commission expires: Jul 21, 2026

RECEIVED
SEP 19 2024
OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 23, 2024

1259-1

Y Lazy J LLC
c/o Marty Jackley
21001 Lancaster Loop
Pierre SD 57501

Dear Mr. Jackley:

I have received your "Notice of Transfer of Ownership" form, warranty deed, and the required fees. Enclosed is a receipt of payment and copy of the original license for your records.

Water Right No. 1259-1, previously held by Nina Enterprises LLC, is now listed under Y Lazy J LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the water right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date September 19th 2024

RECEIVED OF Y Lazy J LLC 2101 Lancaster Loop Pierre SD 57501

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>Permit #1259-1</u>	<u>\$50.00</u>
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	<u>\$50.00</u>

By Eric Nordlund
Chief Engineer