

1. Considered: December 9, 19 82 ¹/₂ Water Right No. 1265-1
2. Name of Applicant NEIL OR MARGARET MUTCHLER
3. Post Office Address 311 Evans Lane, Spearfish 57783
4. Amount of Water Claimed 0.45 (0.39 Additional) ^{maximum} acre feet 1
5. Source of Water Supply 296' deep flowing well
6. Water to be used for COM Trailer Park acres to be irrigated
7. County Lawrence about 3/4 mile NORTH of SPEARFISH
8. PROOF OF PUBLICATION: Received 1st 11-5-82 Not Received
- APPLICATION: Approved 12-9-82 Subject to DW & flowing AW
- Not Approved Action Deferred

PRIORITY Dated Received 10/14/82 Application complete-yes X no FEE 150.00

Remarks Additional cfs on Permit 1212-1

Corrected Application received Period of Annual Use 1/1 to 12/31

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

WI-1 Description same as application-yes no Remarks

Disapproved Returned

Diversion Point

SE 1/4 NE 1/4 4-6N-2E

Land to be irrigated

WELL LOG Driller DRAIN DRILLING Licensed - yes X no

Depth 296 feet deep

Remarks ~~MINNEKAHTA~~ MINNEKAHTA

MAP Map No. 1072-1 Map located in Water Right x Map file _____
 Type of Map drawn Prepared by engr

+++++

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:

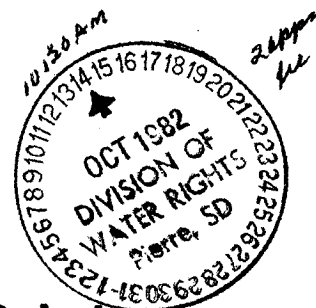
10/15/82

Julie 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. 1265-1
 Map No. 1072-1 Water Division No. 1 BELLE FOURCHE RIVER District
 Above for Office Use 10120203

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 X on Permit No. 1212-1

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Neil or Margaret Mutchler Phone No. 642-4403
 Post Office Address 311 Evans Lane Spearfish State SD 57783
 (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) _____

3. Name of diversion work Lantern Estates4. Amount of water claimed (cubic feet per second) 0.45 (0.39 add'l cfs)5. Source of water supply artesian flowing well

6. Location of point of diversion 555'N and 340'W of the E $\frac{1}{4}$ corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4,
T6N, R2E (AD)

_____ County Lawrence

7. Annual period or periods during which water is to be used continuously8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) commercial (trailer park)

9. For irrigation use, Total number of acres to be irrigated _____

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.

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 QUEEN CITY MAIL

12. Principal Features of the Proposed Water Supply System.

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

WELL, ARTESIAN FLOW, Booster pump

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

mainlines

C. Works proposed to apply water to beneficial use.

3/4" hydrants to 77 trailers

Estimated Total Cost \$ _____

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, Neil Mutchler 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 Neil MutchlerSubscribed and sworn to before me this 13th day of October, 1982

Carole M. Henshaw
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1265-1

NEIL OR MARGARET MUTCHLER

311 Evans Lane, Spearfish

(Applicant)

(Post Office Address)

South Dakota 57783

(State)

With the following qualifications.

The well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Board, upon request. If this well is abandoned or the permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.

Date of first receipt of application October 14, 1982, 19

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

Date of receipt of corrected application , 19

Approved December 9, 1982, ~~Recorded in Book~~ ~~Page~~

WATER RIGHT PERMIT NO. 1265-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1265-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 14, 1982

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 COMMERCIAL - Trailer Park
LANTERN ESTATES

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 0.39 ~~additional~~ 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~~ used for Commercial purposes

~~for irrigation~~ on or before This date, 1982; said water to be used during the following described

annual period: January 1st thru December 31st

Witness my hand this 16th day of December, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch

Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued 12-16, 1982

Water License Issued 12-16-, 1982

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1265-1

(1) WHEREAS, On the 14th day of October A. D. 19 82
Neil or Margaret Mutchler (Lantern Estates)

made Water Right Application No. 1265-1 for a permit to use 0.45 (0.39 add'l)* cubic feet per second of the waters of groundwater (one well)

County of Lawrence, State of South Dakota, for commercial purposes; and

(2) WHEREAS, On the 9th day of December A. D. 19 82
 Permit No. 1265-1, with a date of priority of October 14, 1982 and February 19, 1981*
 was issued to said applicant s for the diversion of said water, and recognizing ~~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 0.45* 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,
water to be used for commerical purposes in operation of a trailer park.

* The applicable portions of Water Permit No. 1212-1 have been incorporated
into this Water License No. 1265-1. The priority dates are 0.06 cfs from
February 19, 1981 and 0.39 cfs from October 14, 1982

(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 Neil or Margaret Mutchler, 311 Evans Lane

of Spearfish SD 57783

the holder s and owner s of said permit No. 1265-1 a water right, dating from February 19, 1981 &

October 14, 1982 to use of 0.45 cubic feet per second of the waters of groundwater (one well)

in the County of Lawrence and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 555'N and 340'W of the E½ corner of
Section 4, T6N, R2E (AD)

and conducted to and upon through the trailer park's distribution system

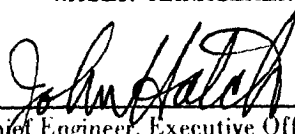
for the purpose of commercial use

Subject to any limitations listed in Water Right Permit No. 1265-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 16th day of December A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:



Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 1265-1

Water Diversion No. 1 Belle Fourche River Water District

10120203

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Nell or Margaret Mutchler

_____ the holder^s of
Permit No. 1265-1, issued upon Application No. 1265-1, bearing date of priority of February 19,
1981 & October 14, 1982* authorizing the diversion of 0.45* cu. ft. per second of the waters of _____
groundwater (one well) County of Lawrence, State of South Dakota at _____
a point 555'N and 340'W of the E½ corner of Section 4, T6N, R2E

_____, for commercial

purposes, have ve 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 .45 (200 gpm) cu. ft. per second of water.

Date December 16, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 1212-1Water Division 1 - Belle Fourche River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

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

I have this day made a thorough examination of the water use system constructed by Neil or Margaret Mutchler of 311 Evans Lane, Spearfish, S.D. 57783 holder of Permit No. 1212-1, bearing date of priority of February 19, 1981 authorizing the diversion of .06 cu. ft. per second of the waters of one well for Commercial Use purposes, in Lawrence 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:

Artesian Well that flows 185 gpm at 20 PSI.
Depth 296 ft. Has shut off valve

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

Main lines To Trailers and Houses.

C. Works used to apply water to beneficial use.

Trailer Houses and Houses.

The system is in the following condition: GoodThe point of diversion is located 555' N and 340' W of the E 1/4 cor. of Section 4, T6N R2EThe works are capable of diverting and conveying to the place of use .41 (185 gpm) cu. ft. per second of water which is to be used for Commercial Use - Trailer Houses

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Well data:

Depth 296 ftFlows 185 gpmShut off pressure of 20 PSI.Pumps 200 + gpm. withBooster pump. Baldor 5 HP. E.L. MotorMyers pump. Centrifugal.Date October 27, 1981

Leroy J. Mernaugh
(Signature)

D Well Information

- (1) Drill Hole, Diameter 10' Depth 296'
- (2) Casing, Type steel, Diameter 67'-8", 296'-6", Thickness 19
(wood, concrete, steel, etc.)
- (3) Screen, Type none, Diameter _____, Length _____
- (4) Gravel Pack, Thickness 50', Length of gravel pack 50'

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)

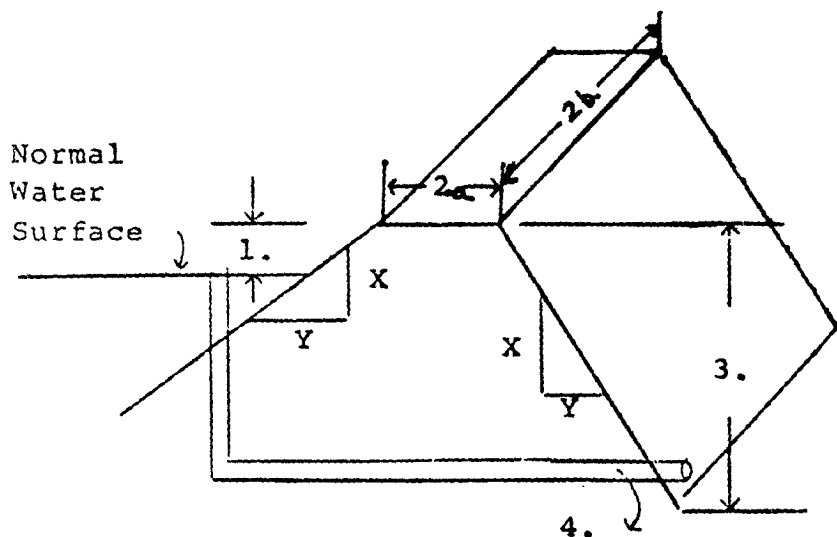
Depth to top of water bearing material 289'
 Depth to bottom of water bearing material 296'
 Depth to water (ground surface to water level) 0' (flows - 185 gpm)

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

On same owner's property 5 rds.
 On property owned by others 5 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 _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
- X & Y slope:
 Upstream _____
 Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8977

PIERRE, October 14, 1982, 19

RECEIVED OF Neil or Margaret Mutchler, 311 Evans Lane, Spearfish, SD 57783

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)	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 8764

PIERRE, March 11, 19 82

RECEIVED OF Lantern Estates, Margaret Mutchler, 311 Evans Lane, Spearfish, SD 57783

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. 1242-1	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1242-1		
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

WATER RIGHTS DIVISION (605) 773-3352

May 28, 1982

Neil or Margaret Mutchler
311 Evans Lane
Spearfish, South Dakota 57783

Dear Mr. and Mrs. Mutchler:

This letter is in regard to the inspection for licensing your Water Permit No. 1212-1. During the inspection, we found that the well flows 185 gallons per minute (gpm) or 0.41 cubic feet per second (cfs) and can be pumped at 200 gpm (0.45 cfs). The original permit was issued for 27 gpm (0.06 cfs). You stated the original application should have been made for 0.6 cfs rather than 0.06 cfs. To correct the mistake on the original application, it will be necessary to submit an application to increase your permit to the withdrawal rate actually being pumped.

Enclosed are partially completed forms to make application for additional water (200 gpm). Please check them over, sign, notarize, correct where necessary and return them to this office with a \$150.00 filing fee. Upon approval of the application, the two permits will be incorporated and a Water License and Certificate of Completion of works will be issued. The filing fee for the Water License, which we have received (Receipt No. 4 8764 in the amount of \$50.00) will be held with your permit No. 1212-1 until the approval of the new application.

Also the well approved under this Permit No. 1212-1 must be valved and the flow reduced when not being used. If you have any questions please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:bw:ms
Enc.

Publish first publication, on or before October 27, 1982NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 18, 1982Notice is hereby given Neil or Margaret Mutchler whose post office

address is 311 Evans Lane, Spearfish, 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 74:02:07:03, for a permit to appropriate for beneficial use

additional)**0.45 (0.39/** cubic feet of water per second of time from **groundwater (one existing well)**through the Lantern Estates, the point (↗) of diversion whichis (~~are~~) to be located in the SE 1/4 NE 1/4

of Section 4, Twp. 6N, Range 2E. Said water to be used for purpose of providing ~~irrigation on portions of the following described land:~~

additional water supplies for commercial use on an existing permitThis Application No. 1265-1 will be considered by the Water Management Board atSheraton Inn, Dakota Room, Aberdeen, South Dakota upon the 9th day of December, 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

BW:ms

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Darlene G. Hubbard hereby

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

Water was taken from the Queen City Mail

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 Spearfish

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

27th of October 1982 &

3rd of November 1982

Darlene G. Hubbard
(Signature)

Bookkeeper

(Title)

3 November 1982
(Date Signed)

Cost of Printing: \$22.07

First Publication, Oct. 27, 1982

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Notice is hereby given Neil or Margaret Mutchler whose post office address is 311 Evans Lane, Spearfish, 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, 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 0.45 (0.39/additional) cubic feet of water per second of time from groundwater (one existing well) through the Lantern Estates, the point of diversion which is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Twp. 6N, Range 2E. Said water to be used for purpose of providing additional water supplies for commercial use on an existing permit.

This Application No. 1265-1 will be considered by the Water Management Board at Sheraton Inn, Dakota Room, Aberdeen, South Dakota upon the 9th day of December, 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, S.D., prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board
Betty Westlund
Water Rights Specialist
(43, 2tc, 60 lines)





Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

December 20, 1982

Neil and Margaret Mutchler
311 Evans Lane
Spearfish SD 57783

Dear Mr. & Mrs. Mutchler:

Enclosed herewith are your Vested Right Permit, Water License No. 1265-2
and Certificate of Construction.

This Water License is the final water right document completing your process
of obtaining a vested 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,

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

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH:ks

enclosures

Water Rights Division
605 773-3352

October 7, 1985

John Hughes, Attorney
PO Box 729
Sturgis SD 57785

Dear Mr. Hughes:

As discussed in our phone conversation of October 4, 1985, enclosed is a partially completed "Notice of Transfer". Our conversation involved transfer of Water Permit No. 1212-1; however, upon licensing Permit No. 1212-1 was incorporated into Water Right No. 1265-1. Water Right No. 1265-1 will be the one transferred. Enclosed is a copy of Water License No. 1265-1.

The transfer form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50. Upon receipt of the enclosed form and filing fee, the water right will be transferred to the proper name.

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.

Please advise if you have any questions.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM;ks



Department of Water & Natural Resources

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

Second Notice

March 3, 1986

Permit No. 1265-1

John Hughes, Attorney
P. O. Box 729
Sturgis, South Dakota 57785

Dear Mr. Hughes:

On October 7, 1985 notice was sent to you concerning the transfer of Water Permit No. 1265-1 in the name of Neil and Margaret Mutchler (Lantern Estates) for the operation of a trailer park for commercial use. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

S509.WR

PS Form 3811, July 1983 447-845

SEND TO ADDRESSEE	
Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. <u>The return receipt fee will provide you the name of the person delivered to and the date of delivery.</u> For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.	
1. ☒ Show to whom, date and address of delivery.	
2. ☐ Restricted Delivery.	
3. Article Addressed to: John Hughes, Atty. PO Box 729 Sturgis, SD 57785	
4. Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail	Article Number P 404 786 624
Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>	
5. Signature - Addressee X	
6. Signature - Agent X <i>John Myrick</i>	
7. Date of Delivery 3-5-86	
8. Addressee's Address (ONLY if requested and fee paid)	

DOMESTIC RETURN RECEIPT

MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY

Sturgis, South Dakota 57785

March 5, 1986

DALE L. MORMAN
KEITH R. SMIT
JOHN H. SHEPARD
JOHN T. HUGHES
CHARLES A. WOLSKY

P. O. BOX 729
1134 MAIN STREET
TELEPHONE: 347-3624
AREA CODE 605

South Dakota Dept. of Water
& Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Re: Neil and Margaret Mutchler Permit #1265-1

Dear Mr. Hatch:

My apologies for not replying to you earlier regarding the Mutchler water permit.

I would advise that the proposed sale has fallen through so at this juncture, no transfer is contemplated. The reason for the delay was that the realtor and the parties were attempting to restructure the thing in a manner satisfactory to both parties but were unsuccessful. I would therefore ask you to place the matter as inactive at this time given this situation.

If you have any questions, I should be happy to answer the same. Thank you.

Yours truly,

MORMAN, SMIT, SHEPARD, HUGHES & WOLSKY

By:

JTH/ms

SOUTH Dakota Department of
Water & Natural Resources

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

October 24, 1988

1265-1

John Hughes, Attorney
PO Box 729
Sturgis, SD 57785

Dear Mr. Hughes:

Enclosed, as we discussed, is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 1265-1. Water Permit No. 1212-1 was incorporated into Water Right No. 1265-1 at the time they were licensed.

The form should be completed and signed in the presence of a notary by the new owner (or representative for the owner). Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to the proper name(s).

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 us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



MORMAN LAW FIRM

Sturgis, South Dakota 57785

September 11, 1989

DALE L. MORMAN
KEITH R. SMIT
JOHN T. HUGHES
MICHAEL W. STRAIN

P.O. BOX 729
1134 MAIN STREET
TELEPHONE: 347-3624
AREA CODE 605

State of South Dakota
Water Rights Division
Foss Building
Pierre, South Dakota 57501

Attn: John Hatch

Re: Mutchler - Covey Transfer



Dear Mr. Hatch:

I enclose a Notice of Transfer of Water Permit regarding the property described therein in Spearfish, South Dakota. Our office check of \$2.50 to cover the filing fee is enclosed.

If you have any questions, please don't hesitate to give me a ring. Thank you.

Yours truly,

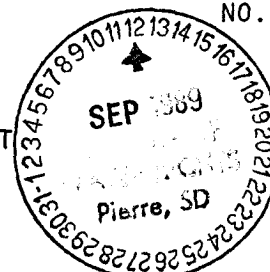
MORMAN LAW FIRM

By:

JTH/dm

Enclosures

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 28 Aug 1989

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

(diversion point-Lantern Estates) SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T6N, R2E

formerly owned by Neil or Margaret Mutchler

has been transferred to Walter E. or Cleo R. Covey, 311 Evans Ln, Spearfish, SD 57783

(please include complete mailing address)

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

Water Right ~~XXXXXX~~ No. 1265-1 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.

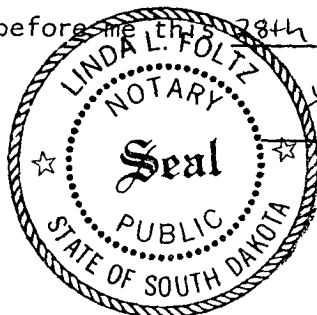
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
) ss.
County of Lawrence)

I, Walter E. Covey being first duly sworn on my oath despose 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.

Walter E. Covey
(Signed)

Subscribed and sworn to before me this 28th Day of August, 1989.



Linda L. Foltz
(Notary Public)

My Commission Expires
April 2, 1995

RECEIPT

411906

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, September 12, 1939

RECEIVED OF Morman Law Firm, Box 729, Sturgis, SD 57785

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. 1265-1</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 Hatch
Chief Engineer

SOUTH Dakota Department of
Water & Natural Resources

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

September 25, 1989

1265-1

Walter E or Cleo R Covey
311 Evans Lane
Spearfish SD 57783

Dear Sirs:

Enclosed is the receipt in the amount of \$2.50 which the Morman Law Firm paid for transfer of Water Right No. 1265-1.

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

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosure





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 6, 1993

No. 1265-1

Walter E. Covey
311 Evans Lane
Spearfish, SD 57783

Dear Mr. Covey:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1265-1.

Our records now show Todd L. Heckert as the owner of Water Right No. 1265-1.

Sincerely,

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

enclosure

c: Todd L. Heckert, E 2160 Johns Prairie, Shelton, WA 98584

RECEIPT

413604

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 22 _____, 19 93

RECEIVED OF Walter E Covey, 311 Evans Lane, 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. _____		
Fee for Filing Transfer Form <u>Water Right No. 1265-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1265-1

Date: 19 Jan 1993



I\We request that Water Right No. 1265-1

formerly owned by: Walter E. or Cleo R. Covey

be transferred to: (name & address) Todd L. Heckert, E 2160 Johns Prairie, Shelton, WA 98584

(Telephone No) 206-426-3297

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

(Diversion point-Lantern Estates) SE 1/4 NE 1/4 Section 4, T6N, R2E

I\We understand that the validity of Water Right No. 1265-1 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Lawrence)

I\We WALTER E. COVEY OR CLEO R. COVEY 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.

Cleo R. Covey
(Signed)

Subscribed and sworn to before me this 19th day of January, 19 93.

Mary E. Sinchente
(Notary Public)

My Commission Expires
March 4, 1995

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

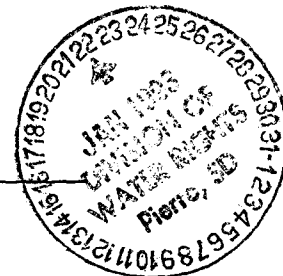
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1265-1

Date: 19 Jan 1993



I\We request that Water Right No. 1265-1

formerly owned by: Walter E. or Cleo R. Covey

be transferred to: (name & address) Todd L. Heckert, E 2160 Johns Prairie, Shelton, WA 98584

(Telephone No) 206-426-3297

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

(Diversion point-~~Lantern~~ Estates) SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 4, T6N, R2E

I\We understand that the validity of Water Right No. 1265-1 has not been determined by this transfer action. If\We have any questions on validity, ^{xxx}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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Lawrence)

I\We Walter E or Cleo R Covey 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.

Cleo R. Covey
(Signed)

Subscribed and sworn to before me this 19 day of January, 19 93.

Mary E. Hinchey
(Notary Public)

My Commission Expires
March 4, 1995

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

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



Hood & Nies, P.C.
ATTORNEYS AT LAW

E. James Hood
Lester Nies*
Eric John Nies*

Carol J. Vavruska, Paralegal
Kristin D. Nies, Secretary

1265-1
RECEIVED
DEC 28 2011
WATER RIGHTS
PROGRAM

P.O. Box 759, 109 Main Street Spearfish, SD 57783-0759

*Licensed in South Dakota and Wyoming

ENCLOSURE MEMO

To: DENR - Water Rights Program
Pierre, South Dakota

From: ☒ E. James Hood
☐ Lester Nies
☐ Eric Nies

Date: 12/27/11

RE: Heckert/Karlson Real Estate Transaction

The following information is enclosed:

Notice of Transfer of Ownership
Check for filing fee

This information is:

☐	Per your request.	☐	To keep you advised.
☐	Per our conversation.	☒	For filing.
☐	For your information.	☐	For recording.
☐	Other		

Please advise if you have any questions or comments.

Thank you.

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

DEC 28 2011

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 1265-1Date: 12/27/2011

I/We request that Water Right/Permit No. 1265-1 formerly owned by:
Todd L. Heckert, E 2160 Johns Prairie, Shelton WA 98584 be transferred to:

New Owner Name: Harold R. & Tammy C. Karlson
Address: 1302 O'Dea Street
City, State, Zip Whitewood SD 57793 Telephone No. 605-269-2394

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

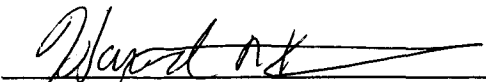
SE 1/4 NE 1/4 Section 4, T6N, R2E

☒ I understand that the validity of Water Right/Permit No. 1265-1 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, Harold R. Karlson, 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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/28, 20 11

RECEIVED OF Hood & Nies PC PO Box 759 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>1265-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05183**

By Marked Entelle
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 29, 2011

1265-1

Harold R & Tammy C Karlson
1302 O'Dea St
Whitewood SD 57793

Dear Mr. & Mrs. Karlson:

I am writing to acknowledge receipt of the ownership change filed for Water Right No. 1265-1.

The transfer has been completed. Water Right No. 1265-1 formerly held by Todd L Heckert is now listed in your names.

The receipt for the filing fee is being forwarded to Hood & Nies law firm. If you have any questions, please contact me.

Sincerely,

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

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

c: E James Hood, Hood & Nies, PCn w/Receipt No. 05183