

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, given at my office in Pierre, State of South Dakota

this 9th day of July, 1917.
Homer M. Derr
State Engineer.

(Copy

No. 136-1

Division No. 1

Bella Fourche Water District.

PERMIT

to appropriate water from

Owl Creek

Butte County, South Dakota.

Name of applicant

- Hans Sorenson -

Name of diversion work, Sorenson

Pumping Project, North Diversion.

Date of first receipt at office of State Engineer May 3, 1917.

Returned to applicant for Correction

----- 19

Corrected application received

----- 19

Date of water right May 3, 1917.

----- 19

Recorded in Book 2 Page 316 &

One-fifth of work to be completed

January 9, 1920.

Whole work to be completed

July 9, 1921.

Final proof of use of water

July 2, 1922.

Approved July 9, 1917.

Homer M. Derr.

State Engineer.

No. 136

Water Division No. 1

Belle Fourche Water District

(Blank to be filled by the State Engineer.)

APPLICATION FOR A PERMIT

To Appropriately Water Within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

I. Name of applicant Hans Sorenson No 2
 Postoffice address Nisland, County Butte, State South Dakota.

1. If a corporation:
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors:

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) Direct labor
- (b) Cash on hand, \$ (c) Treasury stock, \$
- (d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion works Sorenson Pumping Project, North Diversion.
3. Quantity of water claimed four (4) cubic feet per second.
4. Source of water supply Owl Creek
5. Location of point of diversion from the CC sections 4 and 5, T 8 N. R 5 E
B H M N 64° 20' E 1275 feet on left bank.
 (Right or left bank looking down stream.)
6. Annual periods during which water is to be used April 1st to Nov. 1st.
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 55 acres.
- (b) Legal subdivisions to be irrigated NW 1/4 & NE 1/4 sec. 4, T. 8, and
SW 1/4 Sec. 33, T. 9 N. all in R. 5 E

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use
- (b) Amount of power to be generated horse power
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

8. Estimated cost of works:

(a) Head gates, \$ 200 (b) Pumping plant, \$ 900.00
 (c) Fluming, \$ 50.00 (d) Canal-earth, \$ Rock, \$
 (e) Other structures \$ 300.00 Total, \$1450.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Timber and Rock dam to store sufficient water for pumping.

II. Dimensions of works:

(a) Dam: Height four (4) feet; length at bottom eight (8) feet; length at top twenty (20) feet; thickness at bottom sixteen (16) feet; thickness at top one (1) feet; slope of front (water) face; slope of back face; material used in construction Timber and Rock

(b) Reservoir; Capacity when filled acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET—FEET	SURFACE AREA AT EACH FEET OF DEPTH AT OUTLET—ACRES	CAPACITY ACRE-FEET

(c) Head gate: Width feet; height feet;
 Material

(d) Canal: Total length 3/4 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LEVEL	GRADE PER MILE
At Headgate	<u>one (1)</u> feet	<u>three (3)</u> feet	<u>five (5)</u> feet	<u>5.3</u> feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work five (5) years.

11. Time required for complete application of water to the proposed beneficial use five (5) years.

12. Choice of newspaper for publication of notice of intention to appropriate
Butte County Press, Nisland, South Dakota.

STATE OF SOUTH DAKOTA,
 County of Butte ss.

I, Hans Sorenson, 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 and (owner, manager, engineer.)

foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Hans Sorenson.

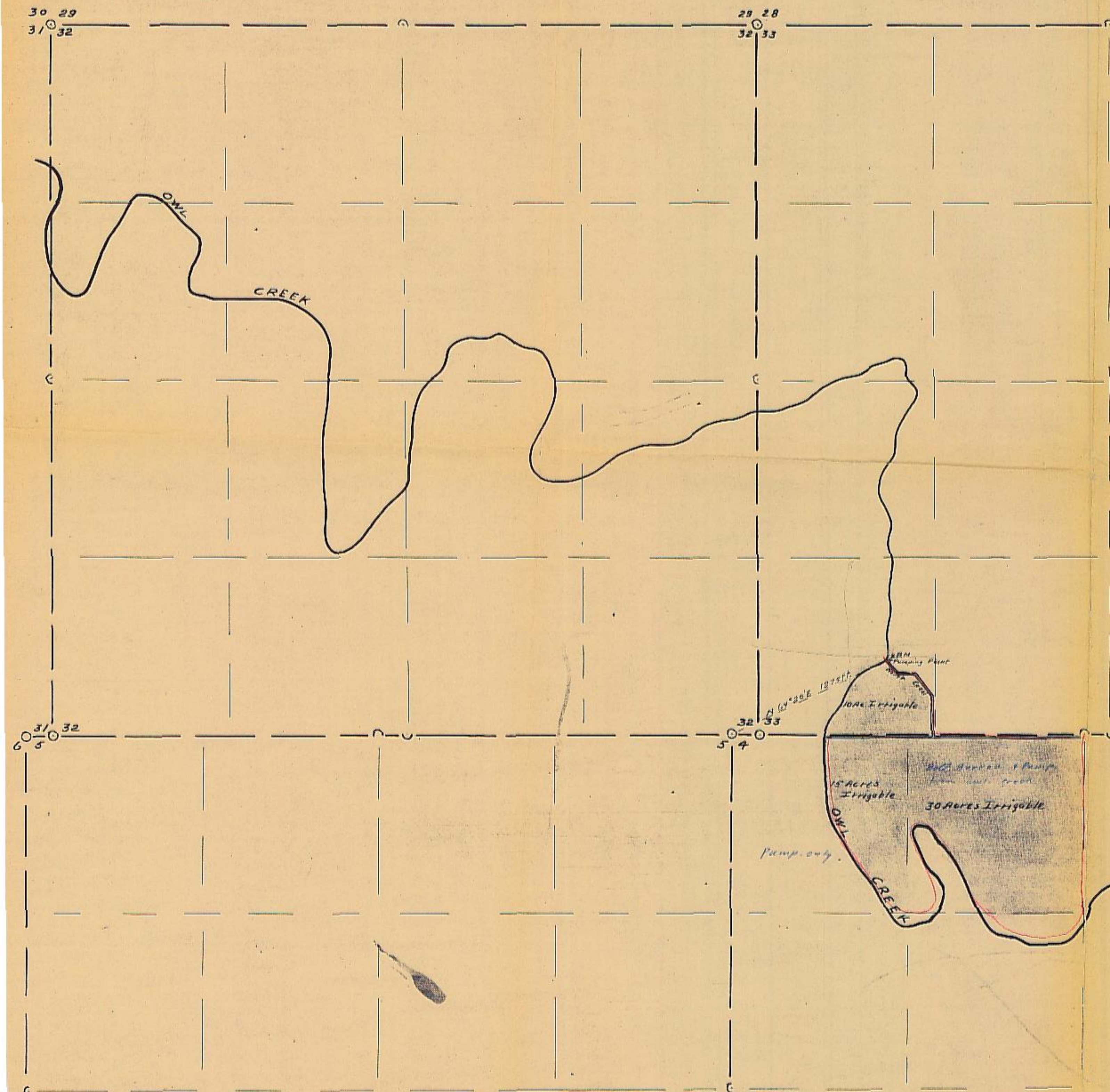
Subscribed and sworn to before me this 24th day of April 1917.

(S E A L)

O. H. Juckett,
 Notary Public (or other qualified officer.)

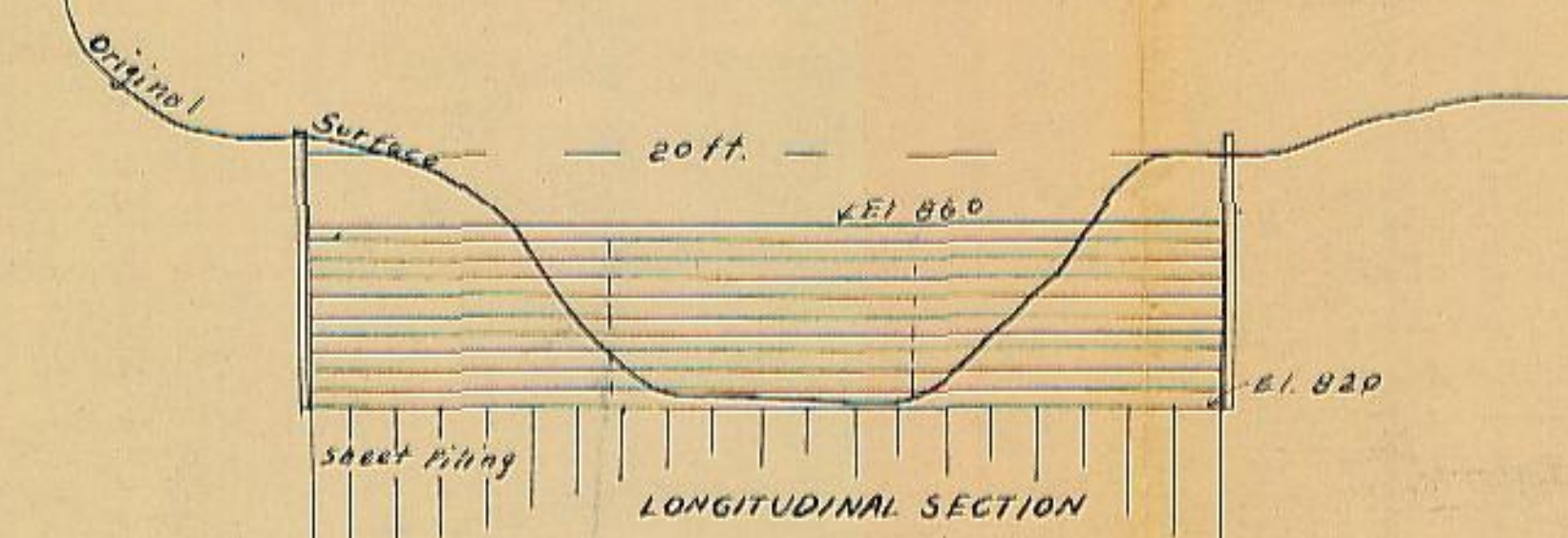
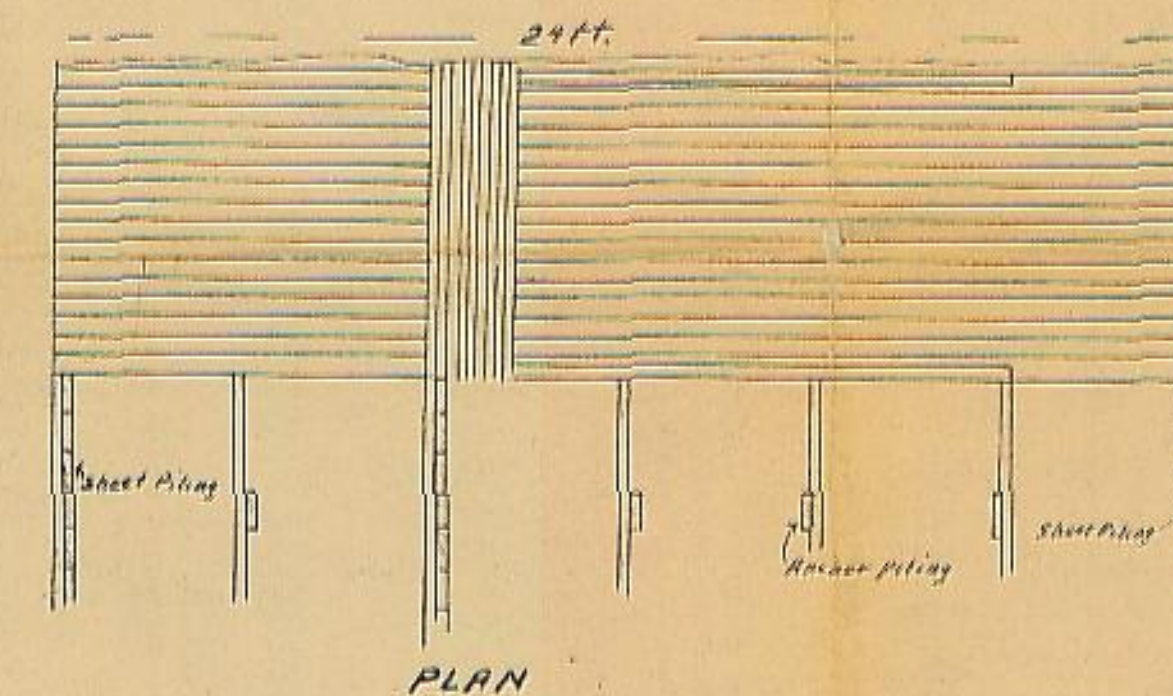
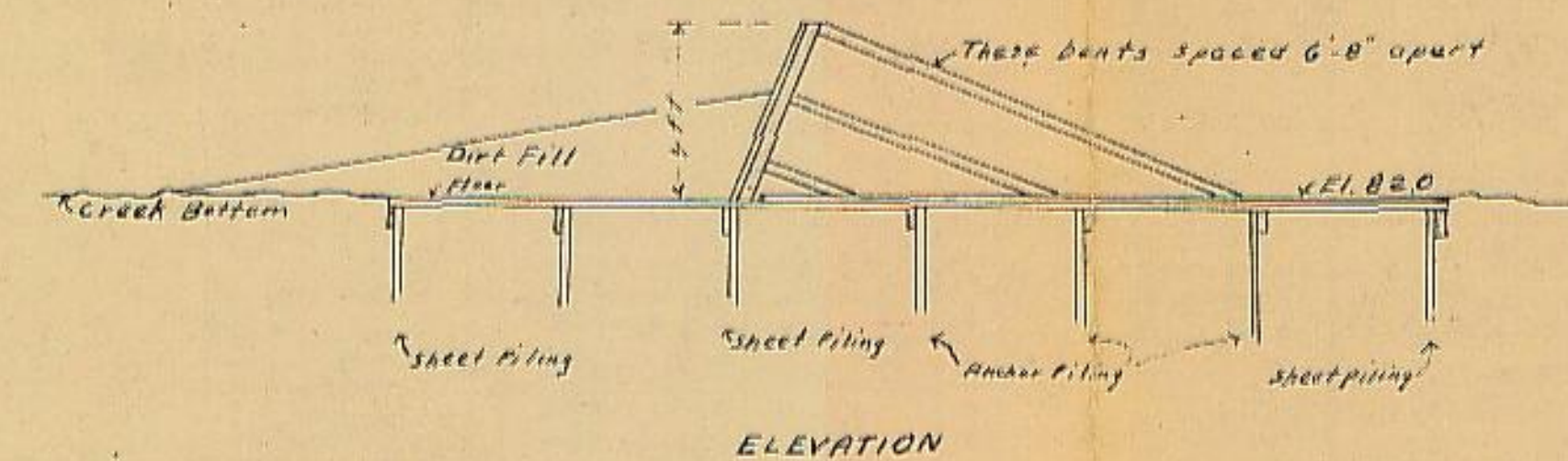
My Commission Expires Oct. 3rd, 1920.

**MAP OF
SORENSEN PUMPING PROJECT, NORTH DIVERSION.**
Section 33, T 9 N, R 5 E, Butte Co., S.D.
Scale 1" = 500'



The source of water supply is Owl Creek, a running stream which has a continuous flow of water throughout the year. A timber dam is to be built raising the water level four feet above the creek bottom. From this dam water will be pumped into a canal 14 ft. higher than the top of dam. Canal will be three feet wide in bottom one foot deep and 3/4 mile in length. All land crossed by this canal is owned by Mr. Hans Sorensen. Land to be irrigated is as shown on the map and is all owned by Mr. Hans Sorensen. Bench Mark has an assumed elevation of 100, and is a stake near the bank of creek and is N 61° E 50 feet from head of canal. Total irrigable area 55 Acres.

DIVERSION DAM
Scale 1" = 4'



State of South Dakota } ss.
County of Butte }

I, Stephen C. Berry, being duly sworn, upon my oath say, that I am the engineer of the Sorensen Pumping Project, North Diversion; that the survey and map thereof were made by me, and that I have read the accompanying statement and know of my own knowledge that the statements therein made are true.

Stephen C. Berry
DEPUTY STATE SURVEYOR, SOUTH DAKOTA.

Subscribed and sworn to before me this 30th. day of April, 1917.

James M. Derr
COUNTY JUDGE, BUTTE CO., S.D.

Approved July 9, 1917.
Hans M. Sorensen
State Engineer.

Permit # 136-1

Remarks by State Engineer:

This application is for the right to appropriate for irrigation purposes four (4) second feet of the waters of Owl Creek at the point herein designated in Butte County, diversion to be by means of a pumping plant.

STATE OF SOUTH DAKOTA
County of Hughes

ss.

Pierre, South Dakota, July 9, 1917.

This is to certify that the foregoing application was received at this office at nine o'clock a m. upon the 3rd day of May 1917 and that after examination it was found to comply with the provisions of the Irrigation Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office, July 9, 1917.

Harmon M. Derr

State Engineer.

Number of permit 136-1

Date of first receipt of application May 3, 1917.

Date of return to applicant for correction " " " " " " 19

Date of receipt of corrected application " " " " " " 19

Date from which applicant may claim right May 3, 1917.

Approved July 9, 1917. Recorded in Book 2 Page 8 316 & 317.

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions.

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 9, 1920.

2nd. The whole of said work is to be completed on or before July 9, 1922.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is July 9, 1922.

4th. The water appropriated shall be used for the purpose of irrigation.

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed one (1) cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1-70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before July 9, 1922; said water to be used during the following described annual periods.

From April 1st to November 1st.

Witness my hand this 9th day of July 1917.

Harmon M. Derr

State Engineer.

AFFIDAVIT OF PUBLICATION.

STATE OF SOUTH DAKOTA,
County of Butte.

ss.

J. O. Grant of said
County and State, being first duly sworn, upon his oath says: That

The Butte County Press

is a legal weekly newspaper of general circulation, and an official newspaper as required by the Session Laws of 1893, printed and published in Nisland, in said County and State, by THE VALLEY PUBLISHING CO., and has been such

newspaper during the time herein after mentioned; and that I, _____

J. O. Grant the undersigned, am
Manager of said newspaper in charge of the ad-
vertising department thereof, and have personal knowledge of all the facts
stated in this affidavit, and that the advertisement headed _____

Appropriation of Water
a printed copy of which is hereto attached, was printed and published in said
newspaper for Four Times the first publication being made on

May 26th 1917 and the last publication on
June 16th 1917; that the notice was pub-
lished in the regular and entire issue of every number of the paper during the
period and time of publication and in the newspaper proper and not in a sup-
plement; that the full amount of the fees charged for publishing the same, to-
wit: the sum of 7.85 inures solely to the benefit of THE BUTTE
COUNTY PRESS; that no arrangement or understanding for a division thereof
has been made with any other person, and that no part thereof has been
agreed to be paid to any person whatsoever.

Subscribed and sworn to before me this 23rd day of July
A. D., 1917 _____
Notary Public, Butte County.

My Commission Expires July 5th 1919

APPROPRIATION OF WATER.

Office of the State Engineer,
Pierre, S. D., May 10, 1917.

Notice is hereby given that Hans Sorensen, whose post office address is Nisland, Butte County, S. D. has made application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use 4 cubic feet of water per second of time from Owl Creek through the Sorensen Diversion Works, the point of diversion of which is to be located upon the left bank of said stream in the sw 1-4 of the sw 1-4 of section 33, township 9 north, range 5 east, said water to be used for the purpose of irrigation upon 55 acres of land in the nw 1-4 nw 1-4, ne 1-4 nw 1-4, of section 4, township 8 north, and sw 1-4 sw 1-4 section 33, township 9 north, range 5 east.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action the 9th day of July, 1917, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting and relative testimony.

HOMER M. DEER,
State Engineer.

First publication, May 20, 1917.

No. any fees..... .25

Total \$

Received Payment.

Valley Pub. Co.
J. O. Grant, Mgr.

(First Publication _____ 191____)

APPROPRIATION OF WATER.

Office of the State Engineer,

Pierre, S. D., May 10, 1917.

Notice is hereby given that Wans Sorenson,
whose postoffice address is Hisland, Baile County,
S. D., has made an application in accordance with the provisions of the
irrigation laws of South Dakota for a permit to appropriate for beneficial
use 4 cubic foot of water per second of time from
Owl Creek through the Sorenson Diversion Works
the point of diversion of which is to be located upon the left
bank of said stream in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section
33 township 9 N. range 5 East, said water
to be used for the purpose of irrigation
55 acres of land in the
upon ~~SW~~ SW $\frac{1}{4}$ of Section 4, Township 8 N., and SW $\frac{1}{4}$ of
Section 33, Township 9 North, Range 5 East.

This application will be taken up by the state engineer at his office
at Pierre for consideration and appropriate action upon the 9th
day of July 1917, at 9 a. m., at which time all persons
who believe that the prior rights would be injuriously affected, or that
the allowance of the permit would be detrimental to the public welfare,
and also parties making the application, and to be benefited, are notified
to be present either by sworn affidavit or in person for the purpose of
presenting any relative testimony.

Homer E. Gorr
State Engineer.

Permit No. 136-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Walter Hoffmanof Nisland, S-Dak. holderof Permit No. 136-1, bearing date of priority of May 3, 19 17authorizing the diversion of 1.0 permit # 135-1 cu. ft. per second of the waters of Owl Creekfor 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:

Homemade Crisafulli Pump. Pumps 1500 gpm
Tractor Power Take-off.
pump also used for permit # 135.

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

100 ft Rubber Hose.
Ditches

C. Works used to apply water to beneficial use.

Water spreading Thru Ditches. Flood IrrigationThe system is in the following condition. FairThe point of diversion is located On Owl Creek Between Points "B" 1130' N of the
SW Cor Sec. 33 T9N R5E and Point "C" 1110' S of the NE Cor Sec. 4
T8N R5EThe works are capable of diverting and conveying to the place of use 3.33cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in Sec. 33T9N R5E, SW 1/4 SW 1/4 - 16 AC., S E 1/4 SW 1/4 - 3 AC. The following
in Sec. 4, T8N R5E NW 1/4 NW 1/4 - 34 AC., NE 1/4 NW 1/4 - 32 AC.
SW 1/4 NW 1/4 - 2 AC., SE 1/4 NW 1/4 - 2 AC.comprising a total of 89 acres of land.

89.00 = 1.57 cfs.

1.57 cfs = 1.57 cfs.

Note - This Permit incorporates portions of Permit # 135-1

Date August 5, 1981
L. Roy J. Mernagh
(Signature)



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division (605) 773-3352

June 10, 1981

Dave Carr
Valentine, NE 69201

Mr. Carr:

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

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

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
136-1	.80 cfs	55.00	\$23.75
TOTAL			\$23.75

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

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/cy

Equal Opportunity Employer

136-1



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

July 6, 1981

NOTICE

Dave Carr
Valentine, NE 69201

Subject: Shut Off Order

Under the rules established by the Water Management Board for the Belle Fourche River Water Use Control Area, Chapter 174:02:08, each water right holder was assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the office of Water Rights. Also it was required that all fees shall be paid to the Division of Water Rights by July 1, 1981.

Any fees not paid by July 1, 1981 are a violation of SDCL 46-10-26 and the water master (or Chief Engineer) shall refuse the water right holder the right to divert water.

According to our records, you have not paid the assessed fee, therefore, it is hereby ordered that you are not to divert water pursuant to your Permit No. 136-1 until the 1982 irrigation season. Any intakes that you may have in the river or creek must be removed by July 9, 1981 and remain out of the river or creek until the 1982 irrigation season.

Any violation of this order shall be considered to be in violation of State Statutes and subject to penalties provided in SDCL 46-1-11 and SDCL 46-1-12.

Please advise this office if you have any questions.

Very truly yours,

James E. Hatcher
JOHN HATCH, Chief Engineer
Water Rights Division

JW/gy
cc: Marlin Lee, Water Master

Equal Opportunity Employer

(605) 773-3352
Water Rights Division

Re: Permit No. 136-1

December 22, 1981

Walter Hoffman
Nisland, SD 57762

Dear Mr. Hoffman:

On August 7, 1981 notice was sent to you concerning the transfer of Water Permit No. 136-1 in the name of Hans Sorenson which covers irrigation of 89 acres of land in Section 33, T9N, R5E and Section 4, T8N, R5E. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. This must be signed by the owner before a notary public and returned to this office with a filing fee of \$2.50. Upon receipt of this form and filing fee, the permit can then be transferred to your name.

The inspection of permit system has been completed and the Water License can now be issued. State Statutes require a \$12.00 filing fee for the inspection and issuance of the Water License. Upon receipt of the \$12.00 filing fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your Water Permit.

Please remit the form 20, "Notice of Transfer" and the \$2.50 filing fee for the transfer and the \$12.00 filing fee for inspection and issuance of the Water License (total of \$14.50) at your earliest convenience.

If you have any questions, please contact this office.

Sincerely,

GEMMY YOUNG
Water Rights Specialist

GY/bt
Enc.

R 5 E



Area under Permit # 135-1
Now owned by Walter Hoffman.
12-21-51

Hoffman

Hoffman

IBM
Pumping Plant

N 64° 20' E 1215 ft.

10 AC. Irrigable

32
33

5
4

15 ACRES
Irrigable

30 ACRES Irrigable

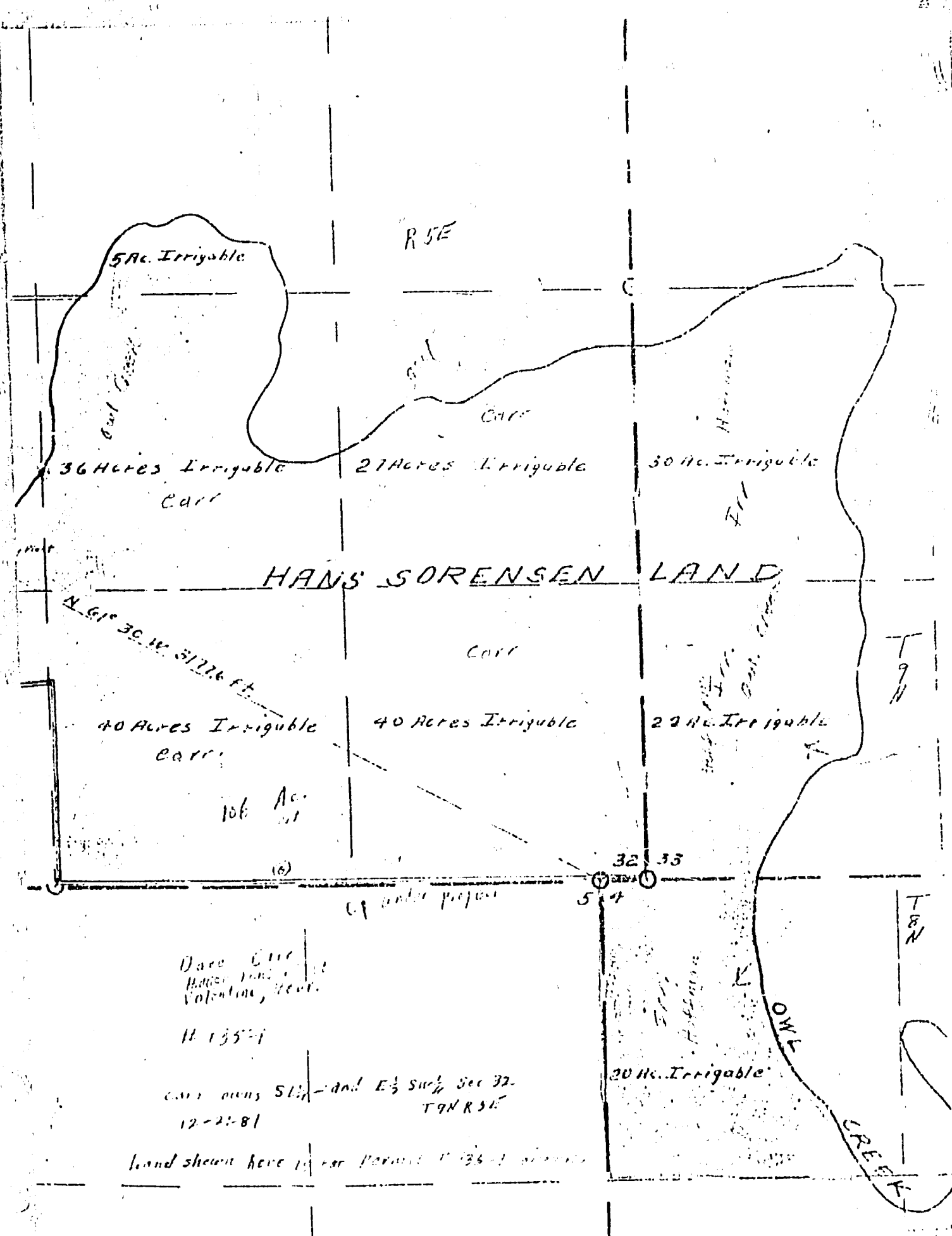
OWL

CREEK

T
9
N

T
8
N

Walter Hoffman
136-1



Dave Carr
Hager, Ind.
Volentine, Nev.

11 135-1

Carr owns SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 32.
12-23-81 T9N R5E

Land shown here is for permit 136-1

DATE MICROFILMED

ORIGINAL SOURCE

R 5 E

Walter Hoffman
H 136-1

Point "B"

16 AC

SE 1/4 SW 1/4

3 AC

44.2

SW 1/4 NW 1/4
34 AC

NW 1/4 NW 1/4
32 AC

2 AC

3.6

2 AC

SE 1/4 NW 1/4
7.6

104.0

SE 1/4 NW 1/4

Point "C"

1-12-1

CH 11

7.7

T 8 N

102.4

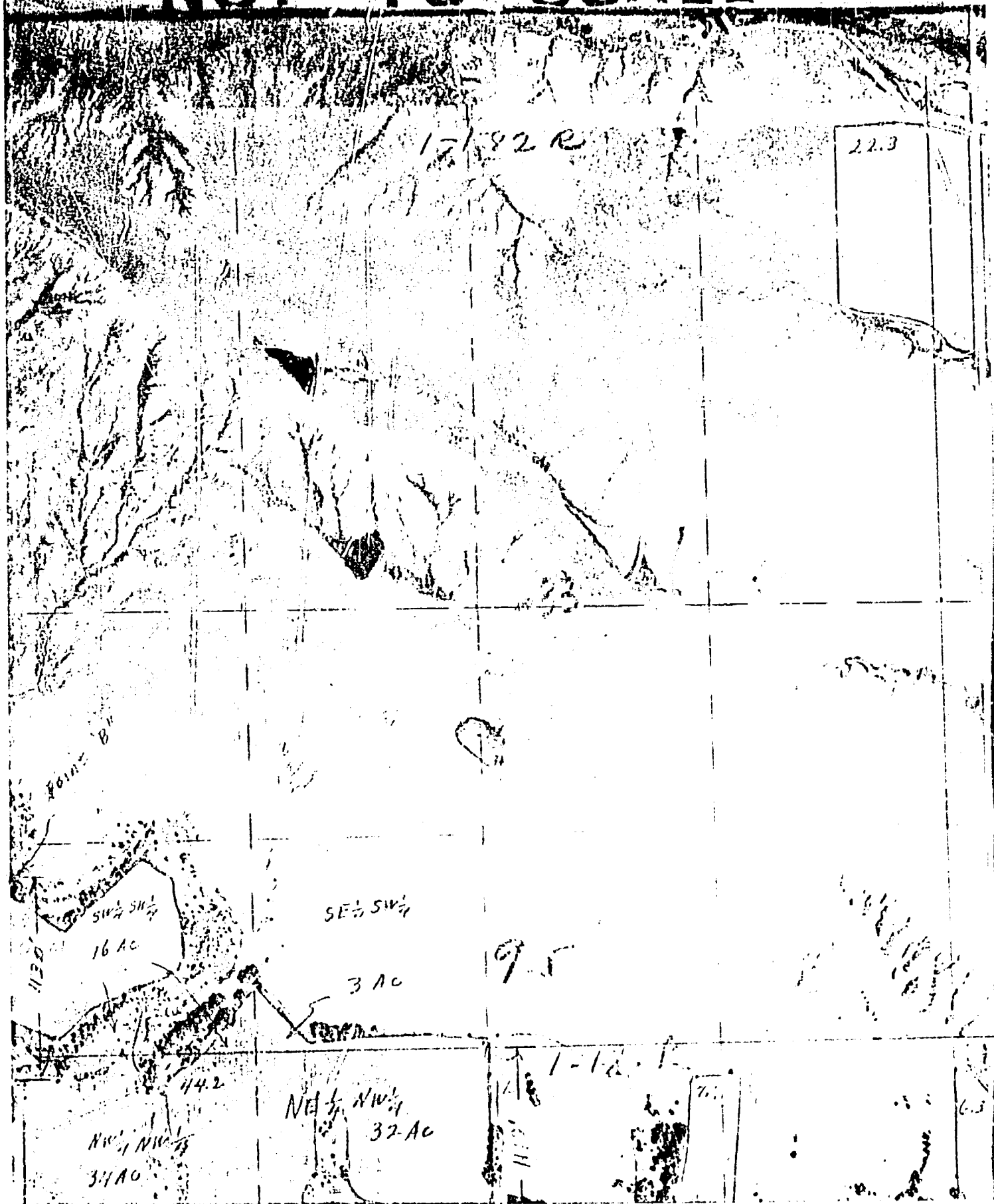
9.3

3.1

10.0

22.0

NOT TO SCALE



RECEIPT

WATER RIGHTS COMMISSION

No 4 8819

State of South Dakota

PIERRE, April 29, 1932

RECEIVED OF Walter G. Hoffman, Star Route, Nisland, SD 57762

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. 136-1	12	00
Fee for inspecting Beneficial Use, and Issuing Water License No. 136-1		
Fee for issuing Location Certificate-Dry Draw. No.		
Fee for filing Transfer of WD#136-1	2	00
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	14	50

WATER RIGHTS COMMISSION

By John Hatch,
Chief Engineer, Executive Officer

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

89 acres - S $\frac{1}{2}$ SW $\frac{1}{4}$ 33-T9N, R5E; NW $\frac{1}{4}$ 4-T8N-R5E

formerly owned by Hans Sorenson

has been transferred to Walter Hoffman, Nisland, SD 57762 (Star Rt)
(please add RR or Box #, if applicable)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 136-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Walter Hoffman 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.

Walter Hoffman
(Signed)

Subscribed and sworn to before me this 27th Day of Apr, 1982.

Joan Palo
(Notary Public)

JOAN PALO, Notary Public
My Commission Expires July 1, 1983

Permit No. 136-1

Water Diversion No. 1 Belle Fourche River Water District

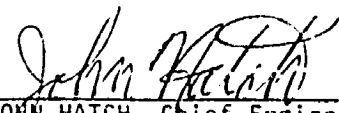
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Walter G. Hoffman

_____ the holder _____ of
Permit No. 136-1, issued upon Application No. 136-1, bearing date of priority of May 3, 1917
_____ authorizing the diversion of 1.2 cu. ft. per second of the waters of _____
Owl Creek County of Butte, State of South Dakota
located on Owl Creek between points "B" 1130'N of the SW corner Section 33,
T9N, R5E and Point "C" 1110'S of the N 1/4 corner, Section 4, T8N, R5E
_____, for irrigation

purposes, has B complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.33 cu. ft. per second of water.

Date April 29, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 136-1*

(1) WHEREAS, On the 3rd day of May A. D. 19 17

Hans Sorenson

made Water Right Application No. 136-1 for a permit to use 1.0 cubic feet per second of the waters of Owl Creek

County of Butte, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 9th day of July A. D. 19 17

Permit No. 136-1, with a date of priority of May 3, 1917

was issued to said applicant for the diversion of said water, and provide for the completion of construction of the water supply system therein described on or before the 9th day of July A. D. 19 22 and for the application to beneficial use of said water on or before the 9th day of July A. D. 19 22

WHEREAS, on the 29th day of April, 1982, Permit No. 136-1 was transferred to Walter G. Hoffman of Nisland, South Dakota

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 1.27 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 described as:

Section 33, T9N, R5E SW $\frac{1}{4}$ -SW $\frac{1}{4}$ 16 acres (CC)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 acres (CD)

Section 4, T8N, R5E NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 32 acres (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 2 acres (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 2 acres (BD)

TOTAL 89 acres

* Applicable portions of Permit No. 135-1 have been incorporated into this License.

(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 Walter G. Hoffman

_____ of Nisland, South Dakota

the holder _____ and owner _____ of said permit No. 136-1 a water right, dating from May 3, 1917

_____ to use of 1.27 cubic feet per second of the waters of Owl Creek

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 Owl Creek between points "B" 1130'N of the SW

corner Section 33, T9N, R5E and Point "C" 1110'S of the N 1/4 corner, Section
4, T9N, R5E

and conducted to and upon Portions of land in Section 33, T9N, R5E and Section 4, T8N, R5E
more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 136-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of April A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

136-1

 **Department of
Water & Natural Resources**

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

July 18, 1990

136-1

Rich Cleland
201 Lariat Drive
Spearfish, SD 57783

Dear Mr. Cleland:

Enclosed, as you requested, are copies of Water Right Nos. 827-2A and 1024-2 and Vested Water Right Claim Nos. 1207-2 and 1221-2. These are currently listed in the name of Clarence L. Werner. Also enclosed are a copy of Water Right No. 136-1, listed in the name of Walter Hoffman and a partially completed "Notice of Transfer of Ownership" form.

You should be aware that although these water rights and vested water right claims are on file in our office, this does not constitute validity. Validity of a water right or vested right claim depends upon whether or not the water is being put to beneficial use as described in each specific right or claim. SDCL 46-5-37 states that when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and be regarded as unappropriated public water.

Please check over the enclosed transfer form for accuracy. You will need to sign the form in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions concerning the enclosed information, please contact us.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

136-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

April 27, 1993

136-1

Dean & Julie Brunner
HC 76 Box 130
Hiland, SD 57762

Dear Mr. & Mrs. Brunner:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" for use in filing an ownership change on Water Right No. 136-1. I have also included a copy of No. 136-1 for your records.

Please review the transfer form for accuracy, complete where necessary and then sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50. The water right and all other pertinent records will be transferred to your name as soon as we receive the form and filing fee.

also enclosed is a blank irrigation questionnaire. This type of questionnaire is mailed to all irrigators in the State (with the exception of those with waterspreading systems) in October of each year. You do not have to complete the form right now. I am sending it along so you will have an idea of what type of records to keep through the irrigation season.

If you have any questions concerning the enclosed material, please contact me.

Sincerely,

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

Penny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 136-1

Date: 5/25/93

I\We request that Water Right No. 136-1

formerly owned by: Walter Hoffman

be transferred to: (name & address)

Dear & Belie. Friends

HR 76 5/13/30

W.D. & D. 57762

(Telephone No) 257-2172

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

S 1/2 SW 1/4 Section 33, T9N, R5E; NW 1/4 Section 4, T8N, R5E

I/We understand that the validity of Water Right No. 136-1 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 _____

Butte

I/We James D. Williams 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.

David B. Brown
(Signed)

Subscribed and sworn to before me this 25th day of May, 19 23

Charita Bremer
(Notary Public)

**My Commission Expires
February 1, 2001**

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

1. Abandonment - no intent to use water and water 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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

136-1
413781

Pierre, May 27, 1993

RECEIVED OF Dean J. Julie Brunner, HCR 76 Box 130, Nisland, SD 57762

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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 _____ Right No. 136-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

J. L. Hatch
Chief Engineer

JOHN HATCH

(Signature)



136-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 3, 1993

No. 135-1
(136-1)

Dean and Julie Brunner
HCR 76, Box 130
Nisland, SD 57762

Dear Mr. and Ms. Brunner:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 135-1 and 136-1.

Our records now show you as the owner of Water Right Nos. 135-1 and 136-1.

Sincerely,

Cheryl F. Frost
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

DEAN/JULIE BRUNNER
HCR 76 BOX 130
NISLAND SD 57762

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 136-1. 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 hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 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. Following the hearing, the Water Management Board can:

1. Amend Permit No 136-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 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: 136-1

DEAN/JULIE BRUNNER
HCR 76 BOX 130
NISLAND, SD 57762

4a. Article Number
P 837 692 688

4b. Service Type

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

7. Date of Delivery

FEB 10 1995

5. Signature (Addressee)

Julie Brunner

6. Signature (Agent)

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

Thank you for using Return Receipt Service.

136-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1995

136-1

Todd Moore
HC 76 Box 130
Nisland, SD 57762

Dear Mr. Moore:

I am contacting you in regard to ownership of Water Right No. 136-1. The water right is currently listed in the name of Dean & Julie Brunner. They have notified our office that you now own the land described in the water right.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form for accuracy and complete the portion titled "to be transferred too.....". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

South Dakota Water Law requires that notice of any sale, grant, lease conveyance or other transfer of a water right or permit, be filed with this office within 90 days.

I am enclosing a copy of Water Right No. 136-1. You may keep this for your records. I am also enclosing a 1994 irrigation questionnaire. If you had ownership of the land during the irrigation season, please complete the form and return it along with the transfer and filing fee.

If you have any questions, please contact me.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 19, 1995

SECOND NOTICE
Permit No. 136-1

Todd Moore
HC 76, Box 130
Nisland, SD 57762

Dear Mr. Moore:

On February 24, 1995, notice was sent to you concerning the transfer of Water Right No. 136-1 in the name of Dean and Julie Brunner. To date, we have not heard from you on this matter.

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

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 10, 1995

NOTICE

136-1

TO: Todd Moore
HC 76, Box 130
Nisland, SD 57762

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

SUBJECT: Second Notice of Transfer of Ownership on Water Right No. 136-1

The attached notice and transfer of ownership form were sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you June 20, June 26, and July 5, 1995, to pick up and sign for the certified mail.

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

enclosure

CERTIFICATION

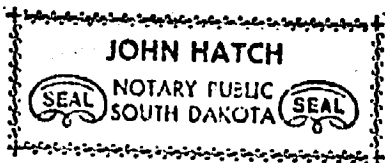
I hereby certify that on July 10, 1995, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 10, 1995, regarding Unclaimed Certified Mail Concerning the Second Notice for Transfer of Ownership on Water Permit No. 136-1, along with the Notice that was originally sent out Certified Mail on June 19, 1995, addressed as stated below:

Todd Moore
HC 76, Box 130
Nisland, SD 57762

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 1995



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



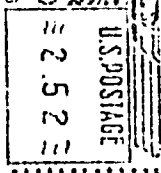
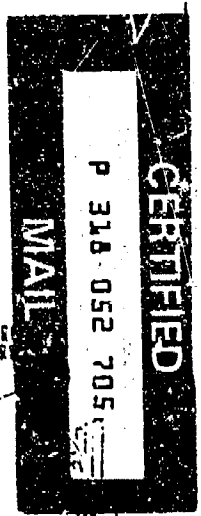
DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

ADDRESS CORRECTION REQUESTED



FINAL NOTICE

JUN 20 1995
JUN 26 1995
JUL - 5 1995



Todd Moore
HC 76, Box 130
Nisland, SD 57762

UNCLAIMED
RETURN TO SENDER

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 136-1

Date: _____



I/We request that Water Right No. 136-1

formerly owned by: Dean & Julie Brunner

be transferred to: (name & address) Archie Buckle Ranch Byn Maurice Moore
RR#2 Box 2660, Belle Fourche SD 57717 (Telephone No) 605-892-3053

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

89 acres S 1/2 SW 1/4 Section 33, T9N, R5E; NW 1/4 Section 4, T8N, R5E

I/We understand that the validity of Water Right No. 136-1 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 45-2-13.

STATE OF SOUTH DAKOTA)

County of Battle)

I/We Maurice Moore 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.

Maurice Moore
(Signed)

Subscribed and sworn to before me this 14 day of July, 19 95.

[Signature]
(Notary Public)

NORTHWEST BATTLE SOUTH DAKOTA, N.A.
Belle Fourche, S.D. 57717

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.

Maurice Moore

RECEIPT

414552

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 17, 19 95

RECEIVED OF Cinch Buckle Ranch, RR 2 Box 2660, Belle Fourche, SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. 136-1</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer



136-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 27, 1995

No. 136-1

Mauvee Moore
Cinch Buckle Ranch
RR 2, Box 2660
Belle Fourche, SD 57717

Dear Ms. Moore:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 136-1.

Our records now show you as the owner of Water Right No. 136-1.

Sincerely,

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

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

enclosure



January 30, 1996

136-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: CINCH BUCKLE RANCH, MAUVEE MOORE, RR 2 BOX 2660, BELLE FOURCHE, SD
57717

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 136-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

CINCH BUCKLE RANCH
MAUVEE MOORE
RR 2 BOX 2660
BELLE FOURCHE SD 57717

4a. Article Number

2 348 318 830

4b. Service Type

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

7. Date of Delivery

2-8-96

5. Received By: (Print Name)

8. Signature: (Addressee or Agent)

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

Thank you for using Return Receipt

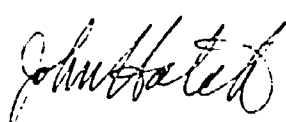


DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 7, 1996

NOTICE OF AMENDMENT OF WATER PERMIT

TO: CINCH BUCKLE RANCH, MAUVEE MOORE, RR 2 BOX 2660,
BELLE FOURCHE, SD 57717

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352 

SUBJECT: Amendment to Water Permit No. 136-1

Pursuant to the provisions of the notice dated January 30, 1996, and following the hearing March 6, 1996, the Water Management Board has amended Water Permit No. 136-1 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Water Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

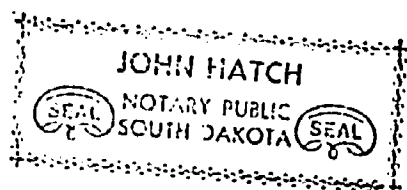
I hereby certify that on March 7, 1996, I have personally deposited with the United States m
Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7,
regarding Notice of Amendment of Water Permit Nos. 1280-2, 1335-3, 2097-3, 136-1, 2453-3, 7
1, 2534-3, 3255-3, 550-3, 910-2 and 3466-3, addressed as stated below:

- 1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.
- 1335-3: John M. Casey, RR 1, Box 262, Mitchell, SD 57301.
- 2097-3: Keven L. Christensen, RR 2, Box 220, Bruce, SD 57220.
- 136-1: Cinch Buckle Ranch, RR 2, Box 2660, Belle Fourche, SD 57717.
- 2453-3: Percy Coleman, Box 103, Springfield, SD 57062.
- 768A-1: Arlene Cox, HC 73, Box 2291, Deadwood, SD 57732.
- 2534-3: Barry Inslan, RR 2, Box 26, Conde, SD 57434.
- 3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.
- 550-3: Brad Schnabel, RR 4, Box 268, Huron, SD 57350-8915.
- 910-2: Frank W. Schooler, HCR 7, Box 18, Reliance, SD 57569.
- 3466-3: I A Schwan, P O. Box 97, Hitchcock, SD 57348-0097.

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of March, 1996



John Hatch
Notary Public
JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



February 4, 1997

136-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: CINCH BUCKLE RANCH, MAUVIE MOORE, RR 2 BOX 2660, BELLE FOURCHE, SD 57717

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

SUBJECT: Violation of Water Permit No(s). 136-1

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 136-1 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

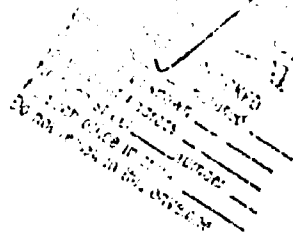
ADDRESS CORRECTION REQUESTED

CERTIFIED

P 378 081 422

MAIL

CINCH BUCKLE RANCH
MAUVIE MOORE
RR 2 BOX 2660
BELLE FOURCHE SD 57717



8-6-97
2-10
2-10

Fold at line over top of envelope to
the right of the return address

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

CINCH BUCKLE RANCH
MAUVEE MOORE
RR 2 BOX 2660
BELLE FOURCHE SD 57717

4a. Article Number

P 378 081 122

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

RECEIVED
U.S. POSTAL SERVICE
DEC 11 1994

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

CINCH BUCKLE RANCH
MAUVEE MOORE
RR 2 BOX 2660
BELLE FOURCHE SD 57717

4a. Article Number

Y378 081 422

4b. Service Type

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

7. Date of Delivery

5. Received by: (Print Name)

6. Signature: (Addressee or Agent)

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1997

NOTICE

TO: Mauvee Moore, Cinch Buckle Ranch, RR 2 Box 2660, Belle Fourche, SD 57717

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division 

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 136-1

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 5 and February 10, 1997 to pick up and sign for the certified mail.

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

enclosure

CERTIFICATION

I hereby certify that on February 21, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 21, 1997, regarding Unclaimed Certified Mail Concerning Violation of Water Permit No. 136-1 (Mauvee Moore, Cinch Buckle Ranch), and Water Permit No. 285-1 (Wilmer P. & Georgia Humann), addressed as stated below:

W.P. #136-1: Mauvee Moore, Cinch Buckle Ranch, RR 2, Box 2660, Belle Fourche, SD 57717.

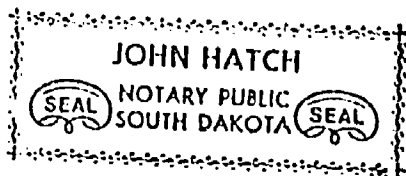
W.P. #285-1: Wilmer P. & Georgia Humann, RR 1, Box 247, Belle Fourche, SD 57717.

Karen Schlaak

Karen Schlaak
Environmental Scientist

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of February, 1997



John Hatch

Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 1997

136-1

Dean & Julie Brunner
HCR 76 Box 130
Nisland, SD 57762

Dear Mr. & Mrs. Brunner:

I am contacting you in regard to our March 7, 1997, telephone conversation concerning Water Right No. 136-1. In October, 1996, the annual irrigation questionnaire was mailed to Mauvee Moore with Cinch Buckle Ranch. On February 4, 1997, a notice was directed to Cinch Buckle Ranch notifying them the Water Management Board may consider suspending the water right for failure to submit the 1996 irrigation questionnaire. This action was deleted from the Board's agenda after Mrs. Moore notified us that they no longer owned the land.

Submission of the annual irrigation questionnaire is a qualification of Water Right No. 136-1. Failure to submit the form may result in suspension or cancellation of the water right. The 1997 irrigation questionnaire will be mailed to you in October, 1997.

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 136-1. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

Thank you, and if you have any questions, please contact me.

Sincerely,

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

encl.

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 136-1

Date: 3/24/97

I/We request that Water Right No. 136-1

formerly owned by: Cinch Buckle Ranch, % Mauvee Moore, RR 2 Box 2660, Belle Fourche, SD 57717

be transferred to: (name & address) Dean Brunner, Box 43
Rt. 2, Box 43, 57762 Telephone No. 605-457-2172

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

89 acres - S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33, T9N, R5E; NW $\frac{1}{4}$ Section 4, T8N, R5E

I/We understand that the validity of Water Right No. 136-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Pitt)

I/We Dean Brunner being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Dean Brunner
(Signed)

Subscribed and sworn to before me this 25th day of March, 19 97.

Charita Brunner
(Notary Public)

My Commission Expires
February 1, 2001

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

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

RECEIPT

415294

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 29, 1927

RECEIVED OF Ben and Julie Brunner, Box 43, Meland, SD 5776.

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. _____		2 50
Fee for Filing Transfer Form <u>Water Right No. 136-1</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Stetson
Chief Engineer



136-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 21, 1997

No. 136-1

Dean and Julie Brunner
Box 43
Nisland, SD 57762

Dear Mr. and Ms. Brunner:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 136-1.

Our records now show you as the owner of Water Right No. 136-1.

Sincerely,

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

enclosure

136-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DEAN & JULIE BRUNNER, BOX 43, NISLAND, SD 57762
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 136-1 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

136-1

DEAN & JULIE BRUNNER
BOX 43
NISLAND SD 57762

4a. Article Number

119 141 196

4b. Service Type

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

7. Date of Delivery

JAN 12 1998

5. Received By: (Print Name)

X Julie Brunner

6. Signature: (Addressee or Agent)

X Julie Brunner

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

Thank you for using Return Receipt Service.



136-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

136-1

Dean & Julie Brunner
Box 43
Nisland, SD 57762

Dear Mr. & Mrs. Brunner:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 136-1.

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

If you have any questions, please contact me.

Sincerely,

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



136-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DEAN & JULIE BRUNNER, BOX 43, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 136-1 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

136-1

Is your RETURN ADDRESS completed on the reverse side?

SENDER:
• Complete lines 1 and/or 2 for additional services.
• Complete lines 3, 4a, and 4b.
• Print your name and address on the reverse of this form so that we can return this card to you.
• Attach this form to the front of the mailpiece, or on the back if space does not permit.
• Write "Return Receipt Requested" on the mailpiece below the article number.
• This 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:

DEAN & JULIE BRUNNER
BOX 43
NISLAND SD 57762

4a. Article Number
2 119 141 645
4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD
7. Date of Delivery
JAN 25 1998

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X Julie Brunner

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
www.state.sd.us/denr

February 9, 1999

136-1

Dean & Julie Brunner
Box 43
Nisland, SD 57762

Dear Mr. & Mrs. Brunner:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 136-1.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

136-1

2000 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
Please fill out and return before December 1, 2000

136-1
DEAN & JULIE BRUNNER
BOX 43
NISLAND SD 57762

CHANGES TO ADDRESS LABEL, IF ANY:

Telephone No. _____

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS PROGRAM AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

1. Is the system constructed? *yes ____ no X

*Type of system used (check all that apply):

center pivots ____ towlines ____ big gun ____

flood ____ sprinklers ____ other ____

2. Did you irrigate in 2000? *yes X **no ____

*If yes, number of acres irrigated 176

**If no, list reason(s) in comment section:

3. Source of water: Onan/Demo

4. Is land enrolled in CRP? *yes ____ no X

*If yes, through what year? _____

5. Did you apply chemicals or fertilizer through the system in 2000? *yes ____ no X

* If yes, a separate chemigation form is NOT needed.

Comment Section:

*I have sold the farm on
Sept 15, 2000 would like you to
transfer water right to him if possible*
Mike & Malore Garber
Nisland S.D. 57762

Office use only



The portion of the form for reporting acres irrigated is on the back of this page. Listed below are two examples of how to complete the form:

EXAMPLE 1: In June & July, 130 acres were irrigated using a pivot system (70 acres of corn & 60 acres of alfalfa). The pump rate of the pivot is 800 gallons per minute and you pumped 8 days (@ 24 hours per day) on the corn and 22 days on the alfalfa:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	8	24
	ALFALFA	60	800 GPM	10	24
JULY					
	ALFALFA	60	800 GPM	12	24

EXAMPLE 2: In June, 40 acres of alfalfa were irrigated (using gated pipe @ 3000 gpm) for 5 days - 24 hours per day; 60 acres of beans were irrigated (using big gun @ 380 gpm) for 10 days at 24 hours per day:

JUNE	ALFALFA	40	3000 GPM	5	24
	BEANS	60	380 GPM	10	24

For ease in calculating water use, please specify if actual irrigation hours or kilowatt hours are being reported. For kilowatt hours, include depth to water & system pressure in comment section.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-1182
www.state.sd.us/denr

December 28, 2000

No. 136-1

Mike & Melora Torp
HC 76 Box 130
Nisland SD 57762-9711

Dear Mr. & Mrs. Torp:

The 2000 Irrigation Questionnaire recently returned to our office by Dean & Julie Brunner indicated they had sold their farm to you. Enclosed is a copy of the Water Right No. 136-1 held by the Brunner's. Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 136-1. If you do not own all of the land described on the transfer form, please indicate what land you do own.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form 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,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 2001

136-1

Mike & Melora Torp
HC 76 Box 130
Nisland, SD 57762-9711

Dear Mr. & Mrs. Torp:

On December 28, 2000, we contacted you regarding ownership of Water Right No. 136-1, currently listed in the names of Dean and Julie Brunner. The water right authorizes diversion of water from Owl Creek to irrigate 89 acres. Our December letter included a "Notice of Transfer of Ownership" form and a copy of the water right. To date, we have not heard from you concerning the transfer.

In the event you no longer have the original transfer form, I am including an additional one. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires that any sale, grant, lease, conveyance or other transfer of a water permit to appropriate water be filed with our program within ninety days.

If you have any questions, please contact me. Thank you in advance for your help.

Sincerely,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No. 416845

Pierre, June 4, 2001

RECEIVED OF Michael Trop, HC 76 Box 130, Wisland, SD 57762

(Dean & Julie Brunner)

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 136-1

Fee for Filing Extension Request _____

Fee for _____

2 50

Total

2 50

(Any Other Work Provided by Law)

By

David Eiche
David Eiche

NOTICE OF TRANSFER OF OWNERSHIP

No. 136-1



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

Date: 01-10-01

I/We request that Water Right No. 136-1

formerly owned by: Dean & Julie Brunner

be transferred to: (name & address) Mike + Melora Torp
HC 76 Box 130 Nisland, SD 57762 Telephone No. 605-257-2527

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

89 acres - S 1/2 SW 1/4 Section 33-T9N-R5E and NW 1/4 Section 4-T8N-R5E

I/We understand that the validity of Water Right No. 136-1 has not been determined by this transfer action. If I/We have any question on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Butte)

I/We Michael R. Torp 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.

Michael R. Torp (Signed) Melora L. Torp

Subscribed and sworn to before me this 31st day of May, 2001

Frances A. McCoy
(Notary Public)



Expires 7-21-05

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.



June 4, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

136-1

Mike & Melora Torp
HC 76 Box 130
Nisland, SD 57762-9711

Dear Mr. & Mrs. Torp:

Thank you for following up on the ownership change for Water Right No. 136-1. The water right, formerly held by Dean and Julie Brunner is now listed in your names.

Enclosed is your Receipt No. 416845 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

Also enclosed is a sample copy of the annual irrigation questionnaire. The form will give you an idea of what type of information you will need to keep track of during the irrigation season. The actual form that you will need to complete and return will be sent to you in October.

If you have any questions, please contact me.

Sincerely,

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

enclosures



136-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: MIKE & MELORA TORP, HC 76 BOX 130, NISLAND, SD 57762
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 136-1 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

136-1

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) _____ B. Date of Delivery _____	
1. Article Addressed to: MIKE & MELORA TORP HC 76 BOX 130 NISLAND SD 57762		C. Signature: <u>X <i>Mike Torp</i></u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 17? ☒ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	

7001 2510 0004 4797 3794

PS Form 3811, July 1989

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2002

136-1

Mike & Melora Torp
HC 76 Box 130
Nisland, SD 57762

Dear Mr. Torp:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 136-1.

I completed a questionnaire for you based on our January 24th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 2003

TO: Owl Creek Water Right Holders

Dear Water Right Holder:

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

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Peter C Stark
HC 76 Box 133
Nisland SD 57762

Mike & Melora Torp
PO Box 37
Forestville WI 54213

Lester E Reid
HCR 76 Box 96
Nisland SD 57762

Donald Meyers
HCR 76 Box 98
Nisland SD 57762

Allen R Lamb
HCR 76 Box 18
Nisland SD 57762

James A Mickelson
HCR 76 Box 146
Nisland SD 57762

Raymond Garness
Rt 1 Box 141
Newell SD 57760

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



136-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2003

136-1

Mike & Melora Torp
PO Box 157
Vale SD 57788-0157

Dear Mr. & Mrs. Torp:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to PO Box 37, Forestville WI. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



136-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: MIKE & MELORA TORP, PO BOX 157, VALE, SD 57788 0157

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 136-1 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



136-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0964

Your item was delivered at 8:55 am on January 22, 2005 in VALE, SD 57788. The item was signed for by M TORP.

[Shipment Details >](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
▶ Request Proof of Delivery [What is this?](#) [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0964

MIKE & MELORA TORP
PO BOX 157
VALE SD 57788 0157

alling.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail®
☐ Package Services

(See Reverse)

PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2005

136-1

Mike & Melora Torp
PO Box 157
Vale SD 57788-0157

Dear Mr. & Mrs. Torp:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 136-1.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



136-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: MIKE & MELORA TORP, PO BOX 157, VALE, SD 57788 0157

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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) 136-1 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5494

Your item was delivered at 8:23 am on January 25, 2006 in VALE, SD 57788. The item was signed for by B LANGE.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5494

MIKE & MELORA TORP
PO BOX 157
VALE SD 57788 0157

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

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

(See Reverse)

PS Form 153, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2006

136-1

Mike & Melora Torp
PO Box 157
Vale SD 57788-0157

Dear Mr. & Mrs. Torp:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 136-1.

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

If you have any questions, please contact me.

Sincerely,

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



136-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: MIKE & MELORA TORP, PO BOX 157, VALE, SD 57788 0157

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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) 136-1 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** 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) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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.

136-1

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7521

Detailed Results:

- Delivered, February 05, 2009, 9:19 am, BRUSSELS, WI 54204
- Notice Left, January 31, 2009, 2:38 pm, BRUSSELS, WI 54204
- Processed, January 31, 2009, 3:11 am, GREEN BAY, WI 54303
- Processed, January 30, 2009, 7:13 pm, OAK CREEK, WI 53154
- Processed, January 29, 2009, 5:50 pm, SIOUX FALLS, SD 57104
- Forwarded, January 27, 2009, 11:02 am, VALE, SD
- Forwarded, January 24, 2009, 8:50 am, VALE, SD

[< Back](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7521MIKE & MELORA TORP
PO BOX 157
VALE SD 57788 0157

iling.

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811**CHECK ONE (POSTAL USE ONLY)**

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

PS Form 3833, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2009

136-1

Mike & Melora Torp
PO Box 157
Vale SD 57788 0157

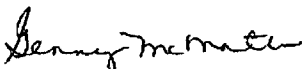
Dear Mr. & Mrs. Torp:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 136-1.

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

If you have any questions, please contact me.

Sincerely,


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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2009

136-1

Mike & Melora Torp
1450 County Road C
Brussels WI 54204

Dear Mr. & Mrs. Torp:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to PO Box 157, Vale SD 57788. The post office notified us that they were unable to forward the notice. The Butte County Register of Deeds gave me your current address and our records have been updated accordingly. If you no longer own this property, please let us know.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosures



**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 22, 2010

NOTICE

TO: MIKE & MELORA TORP, PO BOX 157, VALE, SD 57788 0157

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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) 136-1 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** 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) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2010

136-1

Mike & Melora Torp
PO Box 157
Vale SD 57788 0157

Dear Mr. & Mrs. Torp:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 136-1.

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

If you have any questions, please contact me.

Sincerely,

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



136-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: MIKE & MELORA TORP, 1450 COUNTY RD C, BRUSSELS, WI 54204
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 136-1. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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) 136-1 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 136-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2012

136-1

Jeff Nettleton
Covenant Lands Limited
PO Box 226
Piedmont SD 57769

Dear Mr. Nettleton:

Thank you for taking the time to visit with me about ownership of land described in Water Right No. 136-1. Enclosed as we discussed is a copy of the water license showing the land covered under the water right.

Also enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have completed the 2011 irrigation questionnaire for you indicating the land was irrigated with water from the Belle Fourche Irrigation District and diversion from Owl Creek as authorized under the water right was not needed.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

RECEIVED

FEB 10 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 136-1

Date: 2-1-2012

I/We request that Water Right No. 136-1

formerly owned by: Mike and Melora Torp

be transferred to: (name & address) Jeffrey and/or Jacqueline
Nettleton, P.O. Box 226, Piedmont, SD 57769

Telephone No. 605-787-4617

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

89 acres - S 1/2 SW 1/4 Section 33, T9N, R5E and NW 1/4 Section 4, T8N, R5E

I/We understand that the validity of Water Right No. 136-1 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 Jeffrey & Jacqueline, the new owner, certify that the above information is true and
Nettleton correct.

Jeffrey & Jacqueline
Nettleton
(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 2/10, 20 12

RECEIVED OF Jeffrey and/or Jacqueline Nettleton PO Box 226 Piedmont SD 57769

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>136-1</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. 05354

By *David E. White*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

February 13, 2012

136-1

Jeffrey & Jacqueline Nettleton
PO Box 226
Piedmont SD 57769 0226

Dear Mr. & Mrs. Nettleton:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 136-1.

The ownership change has been completed. Water Right No. 136-1 formerly held by Mike and Melora Torp is now listed as owned by "Jeffrey and/or Jacqueline Nettleton".

Enclosed for your records is Receipt No. 05354 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

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

enclosure

136-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 9, 2018

136-1

Jeff Nettleton
10162 Dowitcher Rd.
Klamath Falls OR 97601

Dear Mr. Nettleton:

I am writing in follow-up to our phone conversation concerning Water Right No. 136-1.

Your address in our files has been changed from Piedmont to Klamath Falls OR. After our conversation I completed a 2018 irrigation questionnaire for you indicating you did not irrigate with water from Owl Creek but did pump water on the acreage using purchased water from the Belle Fourche Irrigation District. This satisfies the reporting requirement for 2018.

Additionally, you asked about whether or not your water right would be protected if you didn't irrigate from Owl Creek but used purchased water from the District. The water authorized under Water Right No. 136-1 would be considered a backup source and therefore not be lost. You mentioned that at some point you would be using water as authorized under your water right to irrigate some of the acreage that Project water did not reach. Just for clarification, only the acreage covered under Water Right No. 136-1 can be irrigated.

Thank you for visiting with me today, if you have any questions, please get in touch with me.

Sincerely,

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



136-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 26, 2021

136-1

Jeffrey & Jacqueline Nettleton
PO Box 340
Belle Fourche SD 57717-0340

Dear Mr. & Mrs. Nettleton:

Enclosed is a "Notice" dated October 22, 2021 concerning the 2021 irrigation questionnaire.

The notice was originally mailed to 10162 Dowitcher Rd, Klamath Falls OR. 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