

Considered: _____

Vested Right Claim
WATER PERMIT NO. 1401-1

MAP No. same

Name of Applicant Schuft Irrigation c/o Bruce Carlson

Post Office Address RR1, Box 184, Spearfish SD 57783

Amount of Water Claimed 2.5 cfs Total Acres 202.4

Source of Water Supply Redwater River

Water to be used for irrigation County Lawrence & Butte

About 7 miles N of Spearfish

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received May 26, 1987 Fee \$15.00 Remarks _____

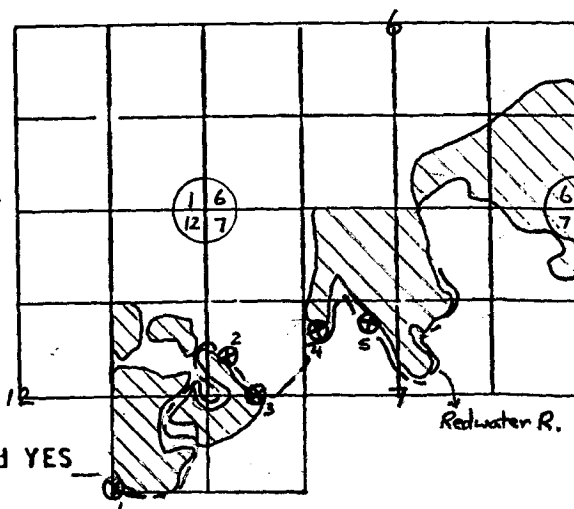
Corrected Application Received _____ Period of Annual Use Apr. 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Redwater River: near center of SE 1/4
section 12-T7N-R1E; SW 1/4 NW 1/4, SE 1/4 NW 1/4 (2 points), adja-
cent to quarter line between SW 1/4 NW 1/4 and NW 1/4 SW 1/4 section 7-T7N-R2E

Land to be Irrigated SE 1/4 NE 1/4, NE 1/4 SE 1/4 section 12-T7N-R1E;
section 7-T7N-R2E;
SW 1/4 NW 1/4, NW 1/4 SW 1/4, E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4, S 1/2 SE 1/4,
NE 1/4 SE 1/4 section 6-T7N-R2E



Well Log: Driller NA Licensed YES _____

Depth of Well _____ REMARKS _____

Type of Map aerial photos & plat PREPARED BY Rasool Ahadi Reviewed and the Number
assigned on August 11, 1987 By Ron Duvall

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1401-1 FOR IRRIGATION

(1) Schuft Irrigation & Bruce Carlson of RR #1 Box 184, Spearfish, SD 57783 made Application No. 1401-1, May 26, 1987, for validation of a vested right claim to appropriate 2.50 cubic feet of water per second from Redwater River, Lawrence and Butte Counties, South Dakota for irrigation purposes. Vested Water Right No. 1401-1 was validated December 2, 1987 with priority dates of (58.9 acres) October 15, 1876; (52.0 acres) July 13, 1877; (19.5 acres) January 1, 1878 and (72.0 acres) November 11, 1894. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

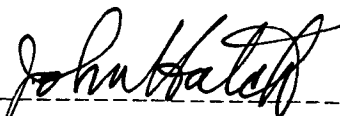
(2) The applicant is entitled to divert 2.50 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 1) 1260 ft W, 1500 ft N from SE corner of Section 12, T7N, R1E
- 2) 300 ft E, 2180 ft S from NW corner of Section 7, T7N, R2E
- 3) 700 ft E, 2650 ft N from SW corner of Section 7, T7N, R2E
- 4) 1630 ft S, 1500 ft E from NW corner of Section 7, T7N, R2E
- 5) 2270 ft E, 1560 ft S from NW corner of Section 7, T7N, R2E

The location of the irrigated acreage is:

Legal description	acres	Priority Date
T7N, R1E Section 12 SE 1/4 NE 1/4	20.4	October 15, 1876
NE 1/4 SE 1/4	28.1	"
T7N, R2E Section 7 SW 1/4 NW 1/4	2.0	"
NW 1/4 SW 1/4	8.4	"
NE 1/4 NW 1/4	36.0	July 13, 1877
SE 1/4 NW 1/4	6.0	"
SW 1/4 NE 1/4	10.0	"
NE 1/4 NE 1/4	7.0	January 1, 1878
NW 1/4 NE 1/4	12.5	"
Section 6 SW 1/4 SE 1/4	24.0	November 11, 1894
SE 1/4 SE 1/4	39.0	"
NE 1/4 SE 1/4	9.0	"
TOTAL	202.4	

(3) Pursuant to Section 46-5-30.1 Schuft Irrigation % Bruce Carlson of RR #1 Box 184, Spearfish, SD 57783 the holder(s) and/or owner(s) of Vested Water Right No. 1401-1 is issued a license to appropriate 2.50 cubic feet of water per second from Redwater River with priority dates of October 15, 1876, July 13, 1877, January 1, 1878 and November 11, 1894 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1401-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources
APR 29 1988

No. 1401-1 Hydrologic Unit 10120203
 Map No. same Basin Belle Fourche R.
 Newspaper Queen City Mail Box 7 Spearfish (Wed)
Belle Fourche Daily Post, 1004 5th Ave

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐

☐ Application to amend Permit No. _____ with old priority date retained

☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐

☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)

☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____

☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____

1. Name of Applicant Schuft Irrigation/Bruce Carlson Phone No. 892-2487

Post Office Address RR 1, Box 184 Spearfish, South Dakota State 57783
(Street, RR or Box) City Zip Code

2. Amount of water claimed (c.f.s) 2.5 Total acres irrigated 202.4

3. Source of Water supply Redwater River

4. Location of point of diversion See Attached Sheet

_____ County Lawrence-Butte

5. Counties where water will be used Lawrence and Butte

6. Annual period during which water is to be used April 1 - October 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
See attached Sheet	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is to file a vested right claim pursuant to SDCL 46-5-49 and also to change the location of the diversion point from so called the Upper Power Canal (which was abandoned in the 70's) to Redwater River.

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

STATE OF SOUTH DAKOTA
 County of Butte ss

I, Schuft Irrigation/Bruce Carlson the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

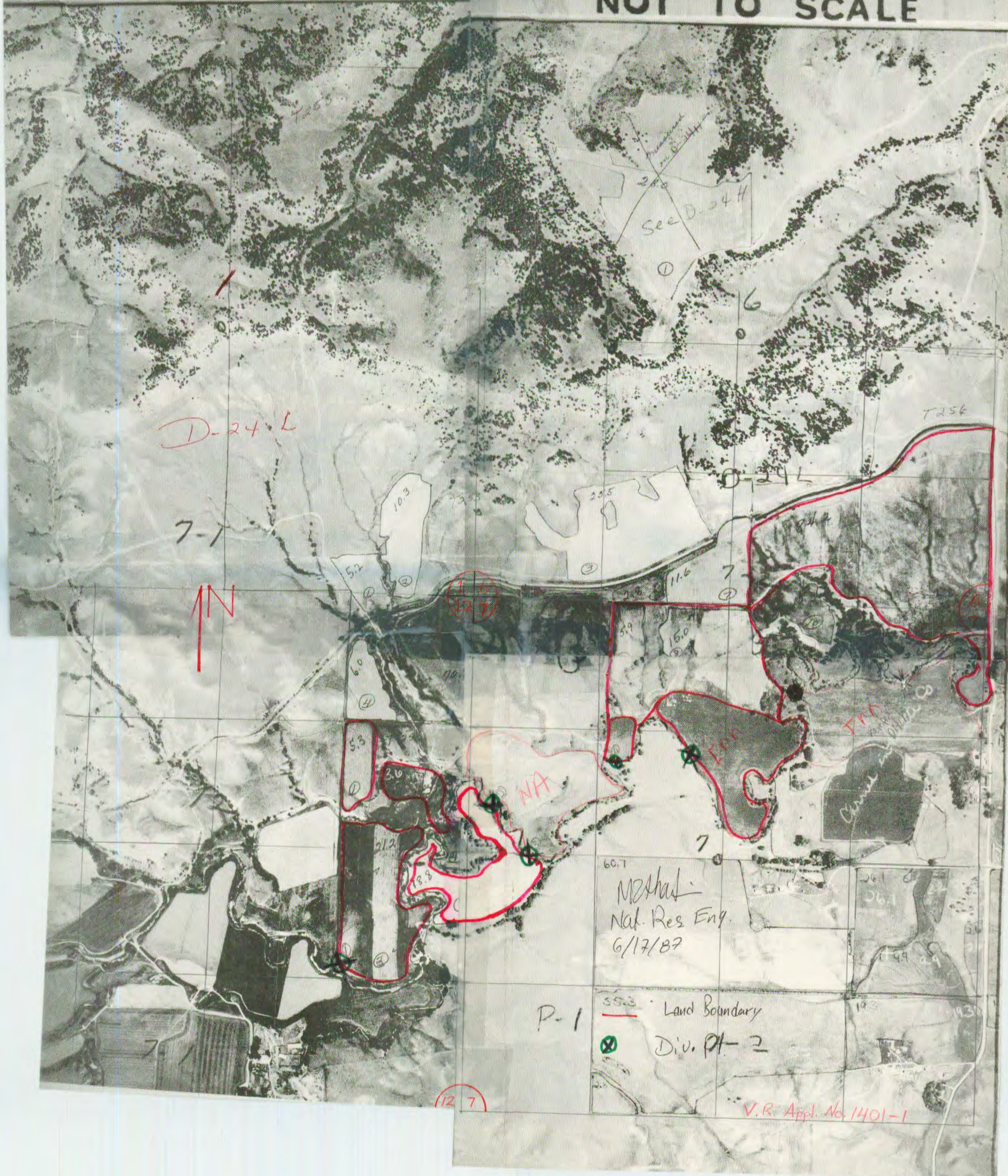
Signed Max Schuft Trust by Jeb H. Carlson ATO
Bruce R. Carlson

Subscribed and sworn to before me this 19th day of May 1987

Cherie Gorder - Comm Expires 12-31-91



NOT TO SCALE



VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right No. 1401-1

Schuft Irrigation RR1 Box 184 Spearfish
(applicant) (post office address)

SD 57783
(state) (zip code)

Date of receipt of Application May 26, 1987.

Validated December 2, 1987.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

- (58.9ac) Oct. 15, 1876
(52.0ac) July 13, 1877
(19.5ac) Jan. 1, 1878
(72.0ac) Nov. 11, 1894
1. The date from which the applicant may claim right is Jan. 1, 1878.
 2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
 3. The water appropriated is used for the purpose of irrigation.
 4. The prior rights 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 unlawfully impaired by this appropriation.
 5. The amount of the appropriation hereby validated shall not exceed _____

2.50 cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water has been actually and beneficially applied for irrigation. The water is to be used during the following described annual period Apr 1 - Oct 31.

The applicable portions of Water Right Filing No. 034-1 have been incorporated into Vested Water Right No. 1401-1 and the abandoned portions of Filing No. 034-1 have been cancelled.

Vested Water Right No. 1401-1 was validated subject to the qualifications listed in Attachment A.

WATER MANAGEMENT BOARD

By: John Hatch
(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

APR 29 1988, 1988.

ATTACHMENT A
VESTED WATER RIGHT NO. 1401-1

1. That Vested Water Right No. 1401-1 is subject to domestic use rights. Diversion of water under Water Right No. 1401-1 is contingent upon supplies being available first to domestic users.

Pertaining to item #4, Form 2

Location of Point of Diversion

Diversion Points:

- #1- 1260 ft. W, 1500 ft. N, from SE Corner of Section 12, T7N-R1E.
- #2- 300 ft. E, 2180 ft. S, from NW Corner of Section 7, T7N-R2E.
- #3- 700 ft. E, 2650 ft. N, from SW Corner of Section 7, T7N-R2E.
- #4- 1630 ft. S, 1500 ft. E, from NW Corner of Section 7, T7N-R2E.
- #5- 2270 ft. E, 1560 ft. S, from NW Corner of Section 7, T7N-R2E.

All measurments have been made from SCS aerial photographs.

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Schuft Irrigation/Bruce Carlson

Post Office Address RR 1, Box 184 Spearfish South Dakota 57783
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation NA* Nov. 11, 1894 Date of Posting NA Dec. 11, 1894
 ALSO See Court Case Redwater L & C Co. vs
 Date of recording NA Recording date D. T. Reed, etal
Where Book Page

B. Date of start of construction of water supply system NAC. Date that water was first applied to beneficial use See attached sheetD. Name of owner of original water supply system D. T. ReedE. Amount of water originally applied to beneficial use 125 Miner's InchesF. Present Use of Water - Amount of water now being used Irrigation, 125 Miner's InchesDate that this water was first used See attached sheet

G. Chronological History of Water Use

The Max Schuft irrigation used to divert water from so called Upper Power Canal. After abandonment of the canal in the 70's, the Schuft Irrigation started to divert water directly from the Redwater River.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Butte) ss

I, Schuft Irrigation/Bruce Carlson the applicant, certify that I have read the foregoing
(print or type) Max Schuft Trust; by Jeb H. Clarkson ATO
 and that the matters therein stated are true.

Signed x Bruce M. Carlson LesseeSubscribed and sworn to before me May 19, 19 87

Elsie Gorder
 Notary Public or other qualified officer Comm Expire 12-20-91

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

*NOT AVAILABLE

MAX SCHUFT TRUST by Jeb H. Clarkson 19 87
(Print name)
BRUCE M. CARLSON, Lessee 19 87
(Print name)

Max Schuft Irrigation Acreage

Section 12, T7N-R1E

NE $\frac{1}{4}$ SE $\frac{1}{4}$	28.1 Acres	Subtotal	28.1 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	20.4 Acres	Subtotal	20.4 Acres

Section 7, T7N-R2E

SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 Acres		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0 Acres		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 Acres	Subtotal	44.0 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.4 Acres	Subtotal	8.4 Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	7.0 Acres		
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12.5 Acres		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 Acres	Subtotal	29.5 Acres

Section 6, T7N-R2E

SW $\frac{1}{4}$ SE $\frac{1}{4}$	24.0 Acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0 Acres		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.0 Acres	Subtotal	72.0 Acres

TOTAL ACRES FOR THE MAX SCHUFT IRRIGATION 202.4 ACRES

Pertaining to the Priority Date - Part C and F, Form 2B

<u>Priority Date</u>	<u>Location</u>	<u>Acres</u>	
October 15, 1876	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T7N-R1E	20.4	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, T7N-R1E	28.1	
	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T7N-R2E	2.0	
	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 7, T7N-R2E	8.4	
	Subtotal		58.9
July 13, 1877	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T7N-R2E	36.0	
	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T7N-R2E	6.0	
	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T7N-R2E	10.0	
	Subtotal		52.0
January 1, 1878	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T7N-R2E	7.0	
	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T7N-R2E	12.5	
	Subtotal		19.5
November 11, 1894	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T7N-R2E	24.0	
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T7N-R2E	39.0	
	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, T7N-R2E	9.0	
	Subtotal		72.0
TOTAL		202.4	ACRES

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, May 26, 1987

RECEIVED OF (Schuft Irrigation) Max Schuft Trust, Jeb H. Clarkson, Trust Officer
the following amount in fees for services rendered as provided for by law: PO Box 729, Belle Fourche, SD
57717

Fee for Application for Permit No. 1401-1 to Appropriate Water, to construct works and to put water to beneficial use _____

15 00 VR

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 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

15 00

By

Chief Engineer

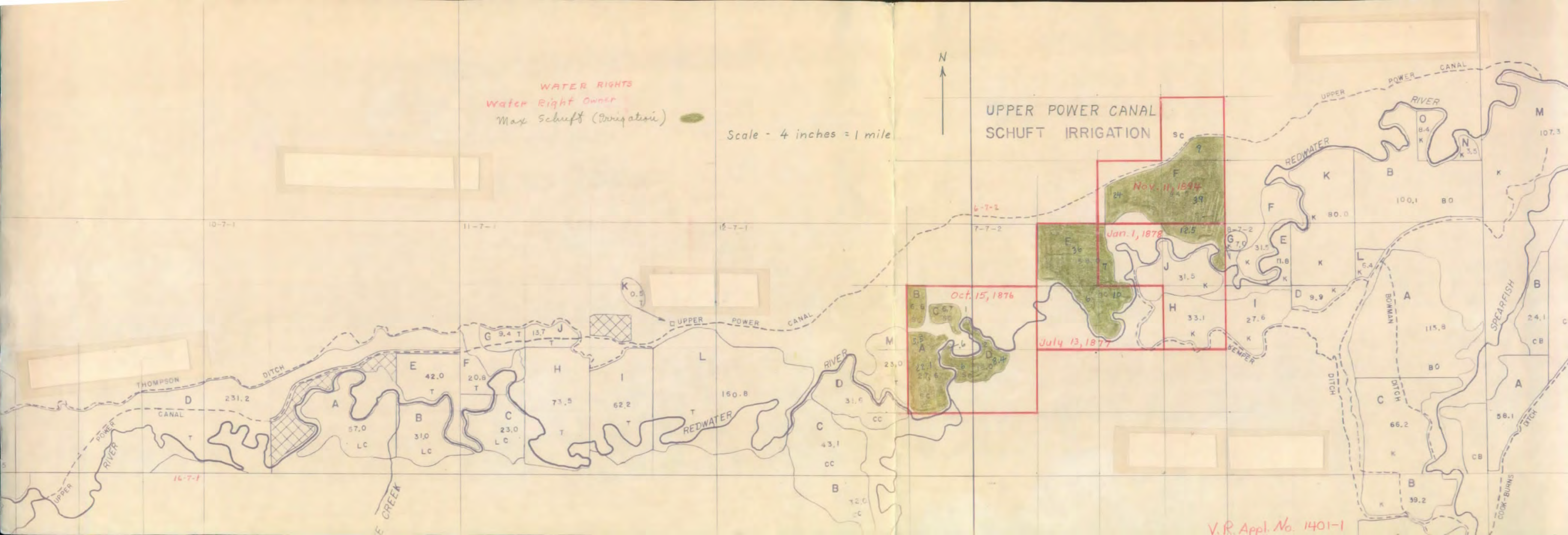
JOHN HATCH

WATER RIGHTS
Water Right Owner
Max Schuft (Irrigation)

Scale - 4 inches = 1 mile



UPPER POWER CANAL
SCHUFT IRRIGATION



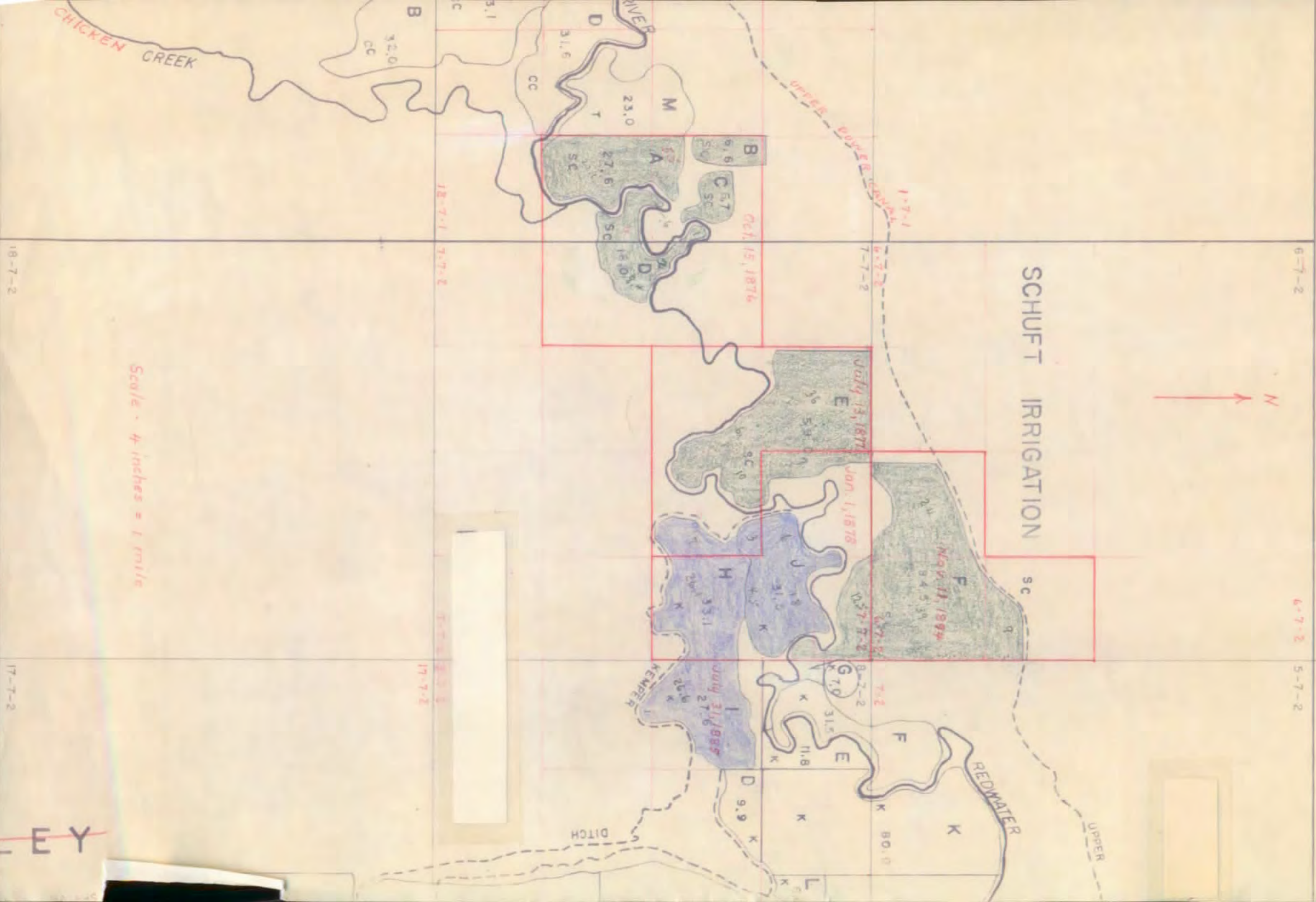
V.R. Appl. No. 1401-1

WATER RIGHTS

Water Right Owner MAX SCHUFT (1910)



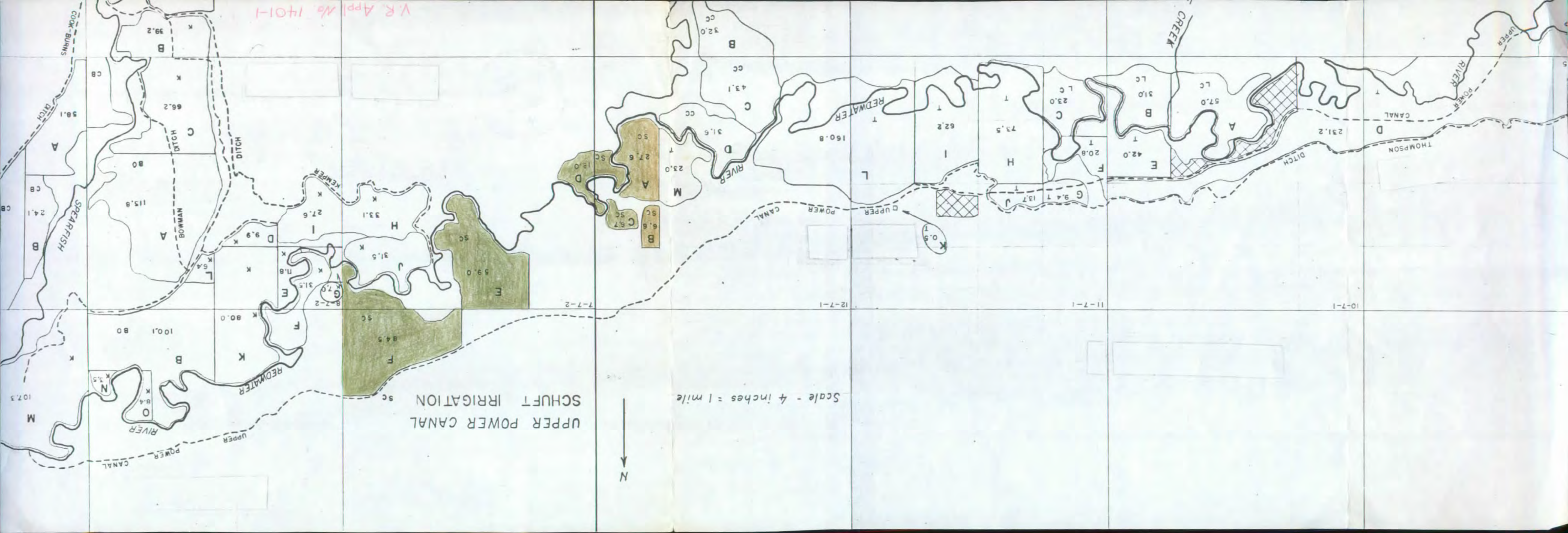
SCHUFT IRRIGATION



Scale - 4 inches = 1 mile

LEY

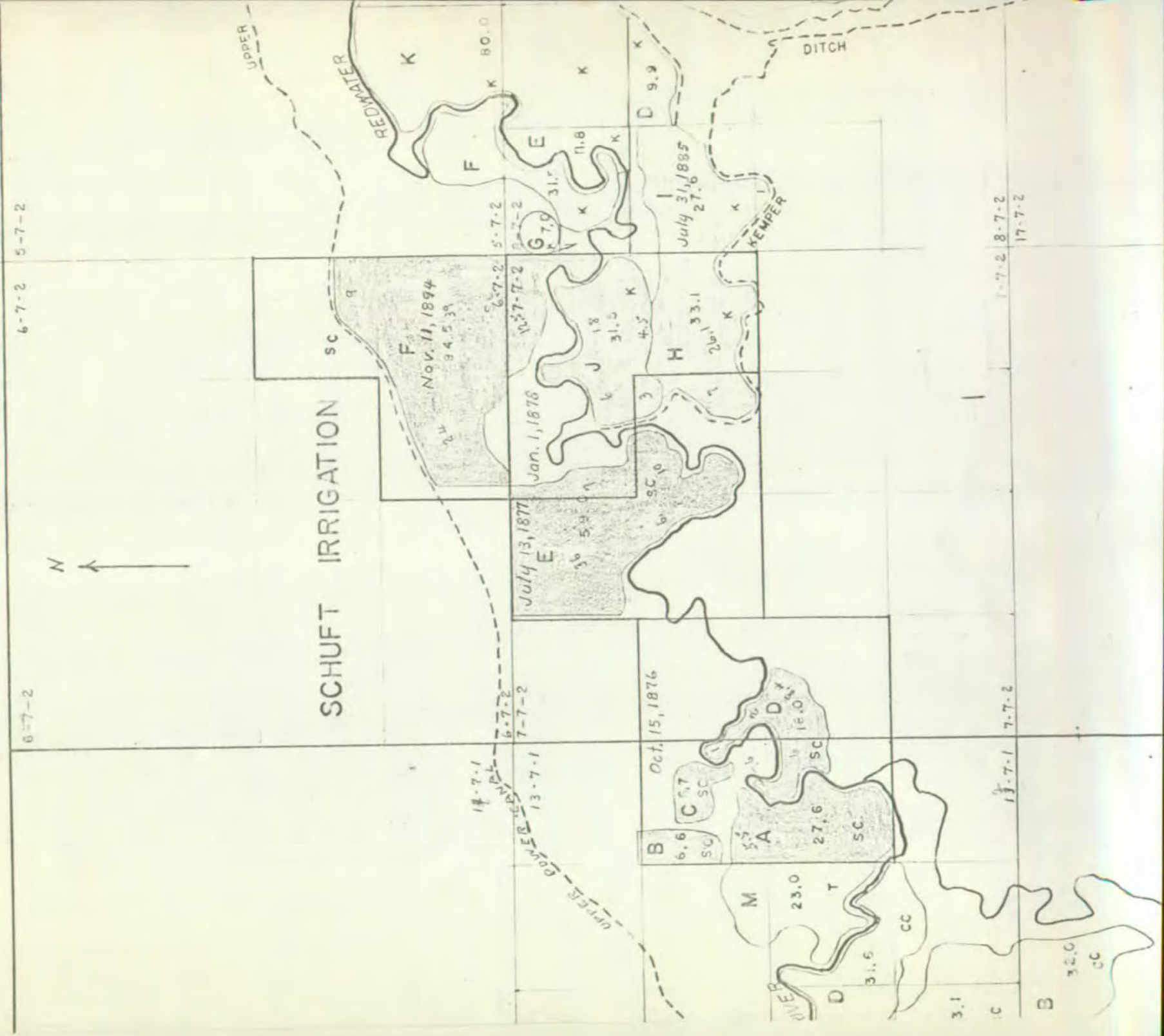
V.R. Appl. No. 1401-1



Dec. 1964

WATER RIGHTS

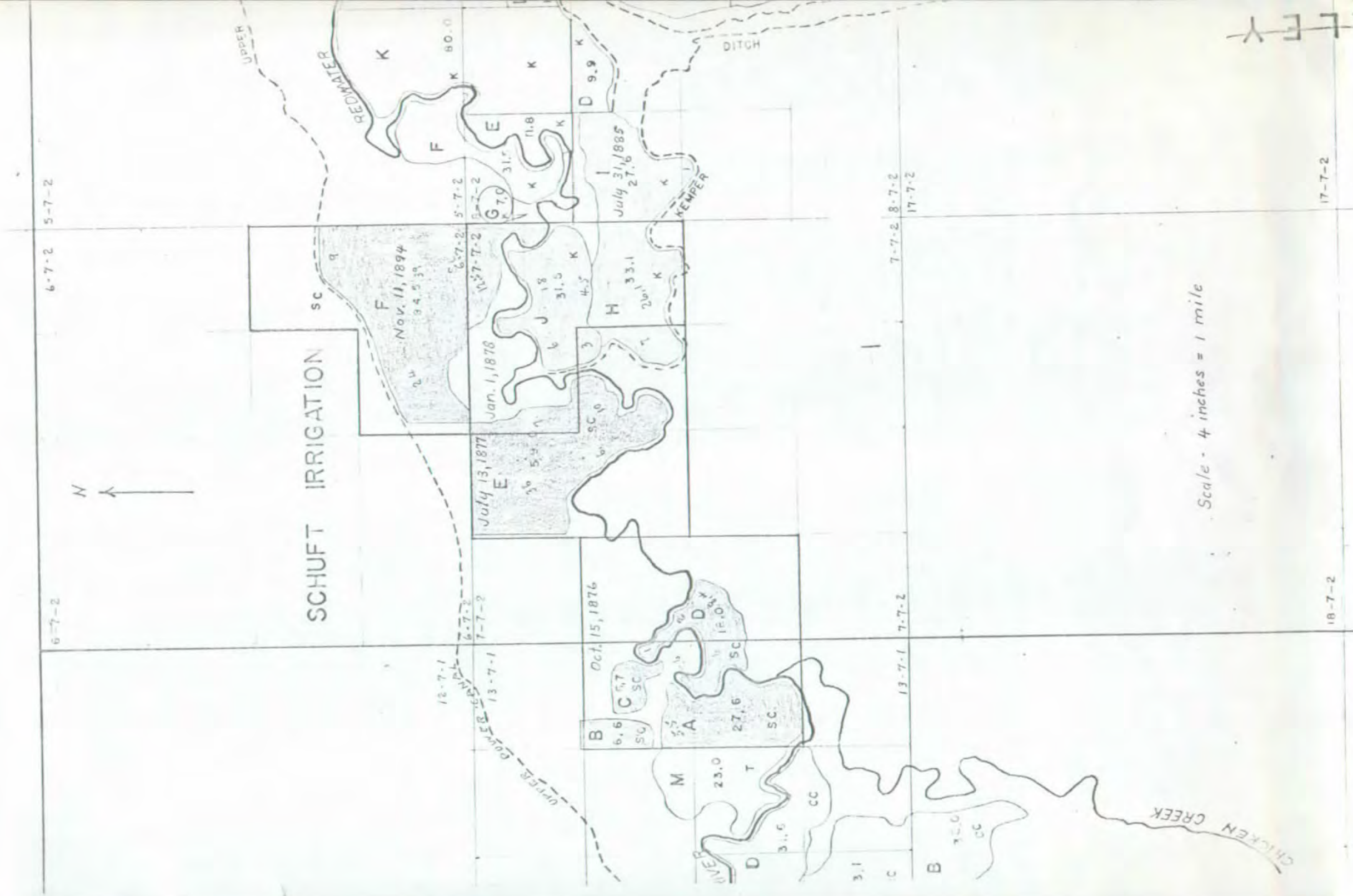
Water Right Holder MAX SCHUFT (1962)



WATER RIGHTS

Water Right Holder MAX SCHUFT (1962)

Dec. 1964



Scale - 4 inches = 1 mile

— Red 7500

Red R. & C. Co. & Co.

Calicut County Recorder
Superior Court
County Court - Bureau

Aug. 2, 1906
Nov. 26, 1910 25.00.00
Jan. 5, 1911

3rd. Cl.

	Acres	Dim. in	Settlement Date	Priority
Henry K. B. T. N. R. 1/2 Sec. 11 E 1/2 SW 1/4 Sec. 12 NW 1/4 SW 1/4 E 1/2 SW 1/4 NW 1/4 SW 1/4 SW 1/4 SW 1/4 Sec. 13 E 1/2 NW 1/4 NW 1/4 SW 1/4		140 ac all 100	Nov. 24, 1870 all 100	Superior Red. L. & C. Co.
		all 100	Apr. 1, 1878	
		20 acres	July 10 1880	all 100 Red. L. & C. Co.
David M. Smith T. N. R. 1/2 Sec. 12 SW 1/4 NW 1/4 NW 1/4 SW 1/4 T. N. R. 1/2 Sec. 7 NW 1/4 E 1/2 NW 1/4 SW 1/4 NW 1/4 NW 1/4 SW 1/4 E 1/2 NW 1/4 Sec. 14 NW 1/4 SW 1/4 SW 1/4 SW 1/4		34 1/2 ac all	Oct. 12, 1876	Superior Red. L. & C. Co.
		all 100	July 13, 1877	
		115 ac	Jan. 1, 1878	
		not remain (under protest)		
David T. Smith T. N. R. 1/2 Sec. 14 NW 1/4 SW 1/4 E 1/2 SW 1/4 SW 1/4 SW 1/4		100 ac all except as above	Nov. 1, 1877	all 100 Red. L. & C. Co.

all settled on Red. L. & C. Co.
and all remaining
as above

Red. L. & C. Co.

Feb. 1, 1877 20.00.00

DITCH DIVERSION SERVICE

DEC. 1964

Name of Ditch UPPER POWER CANAL Stream REDWATER RIVERAddress _____ Purpose IRRIGATIONLocation of Diversion Point NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 16, T7N, R1E, B.H.M.

Maximum Diversion Rate _____.

Total Irrigated Acreage Served 202.4.Description of Lands ServedAcreageOwner

T7N, R1E

Sec. 12

A	SE $\frac{1}{4}$, NE $\frac{1}{4}$ *	5.5	
	NE $\frac{1}{4}$, SE $\frac{1}{4}$ *	27.1	
			27.6
B	SE $\frac{1}{4}$, NE $\frac{1}{4}$ *	6.6	
			6.6
C	SE $\frac{1}{4}$, NE $\frac{1}{4}$ *	6.7	
			6.7
	SE $\frac{1}{4}$, NE $\frac{1}{4}$ *	1.6	
	NE $\frac{1}{4}$, SE $\frac{1}{4}$ *	6	

T7N, R2E

D	Sec. 7		
	Lot 2	2	
	Lot 3	8.4	
			18
	NE $\frac{1}{4}$, NW $\frac{1}{4}$	36	
	SE $\frac{1}{4}$, NW $\frac{1}{4}$	6	
E	SW $\frac{1}{4}$, NE $\frac{1}{4}$	10	
	NW $\frac{1}{4}$, NE $\frac{1}{4}$	7	
			59
	NE $\frac{1}{4}$, NE $\frac{1}{4}$	12.5	

Sec. 6

	NE $\frac{1}{4}$, SE $\frac{1}{4}$	9	
	SW $\frac{1}{4}$, SE $\frac{1}{4}$	24	
	SE $\frac{1}{4}$, SE $\frac{1}{4}$	39	
			24.5
			202.4

258-2206

Max Schuft Irrigation Acreage

Section 12, T7N-R1E

NE $\frac{1}{4}$ SE $\frac{1}{4}$	28.1 Acres	Subtotal	28.1 Acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	20.4 Acres	Subtotal	20.4 Acres

Section 7, T7N-R2E

SW $\frac{1}{4}$ NW $\frac{1}{4}$	2.0 Acres		
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36.0 Acres		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	6.0 Acres	Subtotal	44.0 Acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.4 Acres	Subtotal	8.4 Acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	7.0 Acres		
NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.5 Acres		
SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.0 Acres	Subtotal	29.5 Acres

Section 6, T7N-R2E

SW $\frac{1}{4}$ SE $\frac{1}{4}$	24.0 Acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39.0 Acres		
NE $\frac{1}{4}$ SE $\frac{1}{4}$	9.0 Acres	Subtotal	72.0 Acres

TOTAL ACRES FOR THE MAX SCHUFT IRRIGATION	202.4	ACRES
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MAX SCHUFF INDIVIDUAL IRRIGATION PRIORITY AND WATER RIGHT.

A notice of "Location of Water" showing an appropriation date of November 11, 1894 is filed in Book 7, Page 213 in Butte County South Dakota. The amount of water claimed was 2000 inches and the notice was signed by Daniel T. Reed. This is recorded as Water Right 034-1 in the Office of the State Water Resource Commission.

Redwater Land and Canal Company was the plaintiff and D. T. Reed, David M. Dorsett, and Harry Reurs were the Defendants in a case trial before the circuit court in Butte County on or about September 15, 1904. This was appealed to the Supreme Court and the resulting decree of the Circuit Court was signed January 5, 1911.

The defendant David M. Dorsett owned the land now owned by Max Schuff described in the decree as the SE1/4 NE1/4 and the NE 1/4 of the SE1/4 of Section 12-7N-1E and Lots 2 and 3, the E1/2 of NW1/4, the SW1/4 of NE1/4, the NW1/4 of the NE1/4 and E1/2 of the NE1/4 of Section 7-7N-2E.

The decree stated the defendant David M. Dorsett had a right prior to that of the plaintiff to irrigate the land described. As shown by the opinion of the Supreme Court this prior right was based on the land being settled upon on July 13, 1877.

David M. Dorsett was the plaintiff and the Black Hills Traction Company was the defendant in a case trial before the Circuit Court in Lawrence County on May 19, 1911. This case was appealed to the Supreme Court and the judgement of the Circuit Court was affirmed.

The plaintiff David M. Dorsett owned the land described above in the Redwater case plus the S1/2 and the NE1/4 of the SE1/4 of Section 6, 7N, 2E, the SW1/4 of the NW1/4 of Section 8-7N-2E and the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 of Section 7-7N-2E.

It was ordered and judged and decreed the plaintiff David M. Dorsett is the owner of and entitled to permanently use one hundred and twenty-five miner's inches of water to be taken from the power canal.

The Black Hills Traction Company case mentions additional land to that listed in the Redwater case as being owned by Dorsett and having a water right prior to that of the Redwater Land and Canal Co. However, the Redwater decree states that of the Dorsett land listed, 395 acres are irrigable from Redwater Creek. This compares to a total acreage of 233.9 now being irrigated in the Max Schuff system.

In view of the above discussed records and priority date of July 13, 1877 and a water right amount of 2 1/2 cfs is acceptable for the Max Schuff Irrigation system out of the power canal.

c47201 jw.vr

NAME OF PERSON OR FILE: Upper Power Canal Ditch Co.

ADDRESS: Spearfish SD COUNTY Lawrence & Butte

DATE: 6-5-85 TELEPHONE _____

RE: Cancellation of ditch

COMMENTS:

In May 1985 I met with Wes Thompson on the Thompson & Murray Ditches. The Upper Power Canal runs through Mr. Thompson's land. The diversion no longer exists and the canal has been pushed in on Wes Thompson's land. Max Schuft used to irrigate from this canal. I have not contacted Mr. Schuft. Upon contacting Mr. Schuft this canal should be closed and probably, the water right cancelled.

Re: Close the Upper Power Canal for nonuse.

** WRONG **

6-12-85 Apparently the diversion was changed and now the Bryan Bros. pump out of Redwater to irrigate the Schuft land.

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

December 14, 1961

Mr. Max Schuft
1102 5th
Belle Fourche, S. Dak.

Re: Irrigation from the Upper Power Canal

Dear Mr. Schuft:

The State Water Resources Commission has been making a study of water use pertaining to the surface flows of Redwater River and its tributaries in South Dakota.

As a part of this study, a search has been made for written records and documents which pertain to the diversions of the water. The Commission found the following pertaining to your irrigation out of the Upper Redwater River Power Canal:

(1) A "Location of Water" dated November 11, 1894, signed by Daniel T. Reed, claiming 2000 miner's inches. This is recorded with the Register of Deeds, Butte County, as Instrument No. 5759.

(2) An order of the Eighth Judicial Circuit Court, dated June 30, 1899 in which the defendant, Horace E. Reed, was ordered not to dam the "Reed Ditch".

(3) The Circuit Court findings of Fact and Conclusions of Law, dated August 26, 1904, the Circuit Court Decree, after the Supreme Court Opinion, dated January 5, 1911, and the Supreme Court Opinion, filed November 26, 1910, in the case of Redwater Land and Canal Company v. D. T. Reed, David M. Dorsett and Henry Keets.

(4) The stipulation, dated March 17, 1905, in which the Redwater Land and Canal Company and D. T. Reed, H. Reed, Pauline Thompson, John H. Burns and Henry Keets agreed that the Redwater v. Reed case was similar to the Redwater v. Thompson case and, as the Reed case was being appealed to the Supreme Court, both parties agreed that any Supreme Court action affecting the Reed case would apply to the Thompson case.

(5) The Supreme Court Opinion, filed December 3, 1912, in the case of Dorsett v. Black Hills Traction Company.

Mr. Max Schuft

December 14, 1961

(6) Decree, Decision, Findings of Fact and Conclusions of Law of the Eighth Judicial Circuit Court in the case of Dorset v. Black Hills Traction Company.

The Court Case, Redwater Land and Canal Company v. D. T. Reed, David N. Dorsett and Henry Keets, ((3) above), concerned lands then being irrigated from the "Reed Ditch". These lands included land which you now irrigate from the power canal as well as lands which are now owned and irrigated by others. As concerns your land, the Court specified that the following described lands were settled on before February 1, 1879, which was the date the Court recognized as the water right location date for the Redwater Land and Canal Company Ditch, and that the owners of these lands have a right prior to that of the Redwater Land and Canal Company to use and divert from Redwater River sufficient water for the proper irrigation of all arable land upon these lands, and for domestic and agricultural purposes connected therewith:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12, T7N, R1E, BHM, settled on October 15, 1876;

Lot 2 and 3, Section 7, T7N, R2E, BHM, settled on October 15, 1876;

E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T7N, R2E, BHM, settled on July 13, 1877;

E $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, T7N, R2E, BHM, settled on January 1, 1878.

Your irrigation of portions of NE $\frac{1}{4}$, Section 7 from the Kemper Ditch will be covered by another letter which concerns the Kemper Ditch.

Also in the Court case, Redwater Land and Canal Company v. D. T. Reed, David M. Dorsett and Henry Keets, the Court declared that the E $\frac{1}{2}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 6, T7N, R2E, portions of which you now irrigate from the power canal, were not riparian to Redwater River. The only record found which may cover water rights for irrigation of this land is the water right location for the "Reed Ditch", dated November 11, 1894.

In the Court case, Dorsett v. Black Hills Traction Company, the Court stated that the Black Hills Traction Company should construct the necessary facilities in the power canal to deliver 125 miner's inches of water to lands then owned by Dorsett. These lands are now owned by you. The Court, in this Court case, did not consider the water right priority associated with this delivery of water.

It would be advisable for you to check to see if you can locate additional records that pertain to your irrigation from the Power Canal. The Water Resources Commission

Mr. Max Schuft

December 14, 1961

would appreciate being informed about any additional data you find that you deem applicable, in order to obtain as complete a record as possible, and would arrange to have a representative meet with you to discuss the information contained in this letter and such additional information as you might find, if you so desire.

A letter, dated January 14, 1961, was sent to you enclosing a map showing fields reported to be irrigated and the acreages of these fields. With your help these fields and acreages have been revised. Enclosed, for your information, is a copy of the revised map and the revised list of owners and acreages.

Sincerely,

J. W. GRIMES
Executive Officer and
Chief Engineer

Encls: Map and List

9.3.7

5759

Location of Water

Know all men by these presents, That the undersigned, Daniel T. Reed of the County of Butte and State of South Dakota hereby locates and appropriates the waters of Redwater stream, to be taken and diverted therefrom at a point on the same on the preemption claim of said Reed in Butte County, South Dakota and carried thence by a ditch and flume on a line as near as may be to the ranch of Henry Keets and is intended to be used on the various ranches over which it passes. The number of inches of water claimed and appropriated, is 2,000 miners inches. The purpose of the appropriation is for irrigating, milling, manufacturing and domestic use.

Dated of appropriation November 11, 1894

Date of posting at the head ditch, Dec. 11, 1894

Date of certificate, Dec. 11, 1894.

Daniel T. Reed.

NOTES FROM DON DRISCOLL'S
INVESTIGATION DURING THE 1960'S

MAX SCHUFF INDIVIDUAL IRRIGATION DESCRIPTION

Water for the Max Schuff Irrigation project is taken from the upper Black Hills Power and Light Company power canal on Redwater Creek. This particular power canal diverts water from the Redwater Creek about 2 1/2 miles east of the South Dakota-Wyoming line and runs on the north side of Redwater Creek in a easterly direction for about six miles. The individual irrigation project of Max Schuff is the only irrigation project regularly taking water from this upper power canal for irrigation.

There are two headgates out of the power ditch which are opened when lands owned by Max Schuff are to be irrigated. Both are substantial structures and both have devices which show the maximum amount of water to be released from either structure. Both Charles Clem operator of the power plant and Paul Cadwallader tennant on the Max Schuff land agree that only one headgate is opened at one time and under no circumstances does irrigation take place at the same time out of both headgates.

The easterly headgate, which is the original headgate provides water for irrigation of fields in the north half of Section 7, 7N-2E and in the SE1/4 of Section 6, 7N, 2E in acreages as follows:

	59	acres
	84.5	
	<u>31.5</u> *	
Total	175.0	

The westerly headgate which is of recent construction provides water for irrigation in the east 1/4 of Section 12, 7N-1E and the west 1/4 of Section 7, 7N, 2E in acreages as follows:

	6.6	acres
	6.7	
	18.0	
	<u>27.6</u>	
Total	58.9	

These fields or portions of these fields were originally irrigated out of the Reed Ditch. The Reed Ditch was abandoned as an irrigation ditch some years ago.

c42109jw.wr

ORIGINAL RECORD AND THIS PHOTO-COPY IN THE REGULAR COURSE OF BUSINESS MAINTAINED IN THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS AND IN A FORM
 AND IN A FORM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR MICROFILMING OF DOCUMENTS
 SECTION 25 FILE NO. 1
 DATE MICROFILMED 5-4-82
 BY [signature]



Department of Water & Natural Resources

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

February 3, 1987

Bruce Carlson
RR 1, Box 184
Spearfish SD 57783

RE: Max Schuft Irrigation

Dear Mr. Carlson:

Enclosed you will find a set of application forms to file a vested right claim pursuant to SDCL 46-5-49. The application forms have been completed in pencil for your review and corrections.

Part 4, Form 2, I was not sure where the diversion point(s) is. Please mark down all the diversion points on the enclosed aerial photos. The boundary of the land being irrigated under Schuft Irrigation should also be shown on the photos. Enclosed you will also find a map, compiled in the 60's which shows the land being irrigated from Schuft Irrigation. If this map is correct you do not have to draw the boundary of the lands on the aerial photos, but the diversion point(s) must be shown on the aerial photos.

You do not have to sign these forms. Please return the forms,, the map and aerial photos to us after review and necessary corrections have been made. The forms will then be typed and returned to you to be signed and notarized.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rassool Ahadi".

RASSOOL AHADI
Natural Resources Engineer
605 773-3352

RA:ks

enclosures

PS Form 3871, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
☒ Show to whom and date delivered	—¢
☐ Show to whom, date, and address of delivery..	—¢
2. ☐ RESTRICTED DELIVERY	—¢
(The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: <i>Bruce Carlson</i> <i>Rt 1, Box 184</i> <i>Spearfish SD 57783</i>	
4. TYPE OF SERVICE: ☒ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER <i>P 321 925 611</i>
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☐ Authorized agent	
<i>Sheila Carlson</i>	
5. DATE OF DELIVERY <i>2-4-87</i>	POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS <i>al</i>



Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 13, 1987

Bruce M. Carlson
RR 1, Box 184
Spearfish, South Dakota 57783

RE: Max Schuft Irrigation

Dear Mr. Carlson:

Enclosed you will find a set of application forms to file your vested right claim. Please review the forms for accuracy, sign and notarize them and return them to our office with a \$15.00 filing fee.

Please note that the section of land designated as "J" on the enclosed map (approximately 31 acres) is being covered under Kemper Ditch Water Right. This section of land was outlined by you on the aerial photos sent to you on February 3, 1987.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "RAhadi". The signature is written in a cursive, flowing style.

Rassool Ahadi
Natural Resources Engineer

RA:ms
Enc.



Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

May 11, 1987

Bruce Carlson
RR 1, Box 184
Spearfish, South Dakota 57783

RE: Max Schuft Irrigation

Dear Mr. Carlson:

Pursuant to SDCL 46-5-49, enclosed you will find a set of application forms to file your vested right claim. Please review the forms carefully and make any necessary changes. The forms must be signed in the presence of a notary and returned to this office with the \$15.00 filing fee.

Please note that failing to file your vested right may result in forfeiting your water right.

If you have any questions, please contact me.

Sincerely,

Rassool Ahadi
Natural Resources Engineer

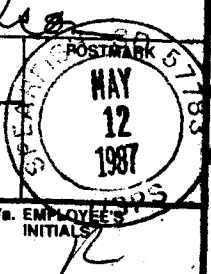
RA:ms
Enc.

File Copy

PS Form 3811, Dec. 1986

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

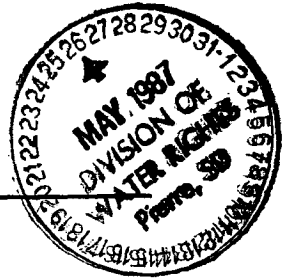
● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one).	
☒ Show to whom and date delivered —¢	
☐ Show to whom, date, and address of delivery.. —¢	
2. ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
3. ARTICLE ADDRESSED TO: Bruce Carlson RR 1, Box 184 Spearfish, SD 57783	
4. TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☒ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER P321 925 673
(Always obtain signature of addressee or agent)	
I have received the article described above.	
SIGNATURE ☐ Addressee ☐ Authorized agent	
5. DATE OF DELIVERY 5-12-87	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS JC





Pioneer Bank & Trust

P.O. BOX 729
700 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717
PHONE (605) 892-2536



May 22, 1987

South Dakota Department of Water
& Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Attention: Rassool Ahadi

Enclosed please find the application forms that you sent to Bruce Carlson on the 11th of this month. These forms have been signed by myself, representing the Max Schuft Trust as land owner, and by Bruce Carlson as lessee. I have also enclosed a \$15.00 check for filing fees.

If you have any questions or comments please feel free to contact either myself or Bruce.

Thank you.

Yours truly,

Jeb H. Clarkson
Trust Officer

eg

enclosures



"WE'RE PIONEERING NEW WAYS OF BANKING"

SOUTH Dakota Department of
Water & Natural Resources

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

August 12, 1987

Schuft Irrigation
c/o Bruce Carlson
RR 1, Box 184
Spearfish SD 57783

Dear Mr. Carlson:

This letter is to inform you that the vested right claim for Schuft Irrigation has been reviewed. A report on the investigation of the vested right claim is being prepared. When the report is finalized your application will be complete pursuant to SDCL 46-2A-2. A recommendation will then be prepared and notice of hearing will be given stating the time and place the Water Management Board will consider the vested right claim. Tentatively, the hearing is to be scheduled for December 2 and 3, 1987 in the Black Hills area.

Please contact us if you have any questions.

Sincerely,



RON DUVAL
Water Resources Engineer
605 773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER

RIGHT APPLICATION NO. 1401-1, Schuft Irrigation

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 1401-1, Schuft Irrigation, c/o Bruce Carlson, RR 1, Box 184, Spearfish, South Dakota.

The Chief Engineer is recommending VALIDATION of Application No. 1401-1 for 2.5 cfs and that the applicable portions of Water Rights Filing No. 034-1 have been incorporated into No. 1401-1 and the abandoned portions of Filing No. 034-1 have been cancelled, because 1) water has been appropriated as described for irrigation use with priority dates of October 15, 1876 (58.9 acres), July 13, 1877 (52.0 acres), January 1, 1878 (19.5 acres) and November 11, 1894 (72.0 acres) 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications.

1. That Vested Water Right No. 1401-1 is subject to domestic use rights. Diversion of water under Water Right No. 1401-1 is contingent upon supplies being available first to domestic users.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 15, 1987

Report on the Max Schuft Irrigation (Redwater River)
Vested Water Right Application No. 1401-1
September 21, 1987, 1987

Background

Pursuant to SDCL 46-5-49 and ARSD 74:02:01:20, Max Schuft Irrigation has filed an application to validate a vested right claim. The application claims 2.5 cfs of Redwater River water to irrigate 202.4 acres of land in Section 12, T7N-R1E; Sections 6 and 7, T7N-R2E in Lawrence and Butte Counties. The diversion points are located in the NE1/4 SE1/4 Section 12, T7N-R1E; SW1/4 NW1/4 and SE1/4 NW1/4 Section 7, T7N-R2E in Lawrence and Butte Counties. This application is also to change the location of the diversion point from the Upper Power Canal to Redwater River.

Document Search

The following documents were found pertaining to the Max Schuft Irrigation:

- 1) Water Right Filing No. 034-1, dated November 11, 1894, which was signed by Daniel T. Reed, claimed 2,000 miner's inches. This filing is also recorded with the Register of Deeds, Butte County, as Instrument No. 5759.
- 2) An order of the Eighth Judicial Circuit Court, dated June 30, 1899, in which the defendant, Horace E. Reed was ordered not to dam the Reed Ditch.
- 3) The Circuit Court Findings of Facts and Conclusions of Law, dated August 26, 1904, the Circuit Court Decree, after the Supreme Court Opinion, dated January 5, 1911, and the Supreme Court Opinion, filed November 26, 1910, in case of Redwater Land and Canal Company vs. D.T. Reed, David M. Dorsett, and Henry Keets.

This court case concerned lands then being irrigated from the Reed Ditch. The court specified that the following described lands were settled on or before February 1, 1879, which was the date the court recognized as the water right location date for the Redwater Land and Canal Company Ditch, and that the owners of these lands have a right prior to that of the Redwater Land and Canal Company to use and divert water from Redwater River sufficient water for the proper irrigation of all irrigable land, and for domestic and agricultural purposes:

SE1/4 NE1/4 and NE1/4 SE1/4 Section 12, T7N-R1E and Lot 2 and 3, Section 7, T7N-R2E, settled on October 15, 1876.
E1/2 NW1/4 and SW1/4 NE1/4 Section 7, T7N-R2E, settled on July 13, 1877.
E1/2 NE1/4 and NW1/4 NE1/4 Section 7, T7N-R2E, settled on January 1, 1878.

- 4) The Supreme Court Opinion, filed December 3, 1913, in the case of Dorsett vs. Black Hills Traction Company.
- 5) Decree, Decision, Findings of Facts and Conclusions of Law of the Eighth Judicial Circuit Court in the case of Dorsett vs. Black Hills Traction Company.

In this case, the court stated that the Black Hills Traction Company should construct the necessary facilities in the power canal to deliver 125 miner's inches of water to lands then owned by Dorsett. In this case, the court did not consider the water right priority associated with this delivery of water.

Discussion

The Water Resources Commission investigated the irrigation from Upper Power Canal. At that time 202.4 acres were mapped as being irrigated from the canal by Max Schuft. The maximum diversion rate was reported to be 2.5 cfs (125 miner's inches).

Recent investigations by Water Rights Division engineers have found that 202.4 acres of land are being irrigated under Max Schuft Irrigation. The Upper Power Canal was abandoned in the early 1970's and Max Schuft Irrigation started diverting water directly from the Redwater River in five different locations as described on the application. To divert water from the river, a pump with a maximum capacity of 1,400 gpm is being used.

To determine the amount of water needed to irrigate 202.4 acres under Max Schuft Irrigation, two different methods were used:

- 1) State Law, SDCL 46-5-6 allows 1.0 cfs for each 70 acres of irrigation. If 1.0 cfs is necessary to irrigate 70 acres, 2.9 cfs could be used to irrigate 202.4 acres.
- 2) Using SCS, S.D. Irrigation Guide, the peak consumption occurs in July. The crops in the area use 28.8% of their annual water consumption during the Month of July. Assuming the crops need 3 feet of water every season, a total of 607.2 acre-feet is needed for the season, from which 175 acre-feet or 2.85 cfs will be needed in the Month of July.

Conclusions and Recommendations

- 1) Due to the proximity of the lands to the diversion points, no significant water loss due to the irrigation system is anticipated.
- 2) The pump is capable of diverting more water than the amount claimed.

- 3) Based upon the 1.0 cfs per 70 acres criteria, the peak quantity of water necessary to irrigate the land served by Max Schuft Irrigation would be 2.8 cfs. Comparing this to SCS, South Dakota Irrigation Guide, this quantity of water appears to be reasonable. However, since the the applicant is entitled to 2.5 cfs, the claim should be validated for 2.5 cfs.
- 4) It is recommended that the Max Schuft Irrigation Vested Water Right Claim be approved for a diversion rate of 2.5 cfs to irrigate 202.4 acres as described in Application No. 1401-1 with the following priority dates based upon the dates of settlement on the land as determined by the court.

<u>Priority Date</u>	<u>Location</u>	<u>Acres</u>
October 15, 1876	SE1/4 NE1/4 Sec 12, T7N-R1E	20.4
	NE1/4 SE1/4 Sec 12, T7N-R1E	28.1
	SW1/4 NW1/4 Sec 7, T7N-R2E	2.0
	NW1/4 SW1/4 Sec 7, T7N-R2E	8.4
	Subtotal	58.9
July 13, 1877	NE1/4 NW1/4 Sec 7, T7N-R2E	36.0
	SE1/4 NW1/4 Sec 7, T7N-R2E	6.0
	SW1/4 NE1/4 Sec 7, T7N-R2E	10.0
	Subtotal	52.0
January 1, 1878	NE1/4 NE1/4 Sec 7, T7N-R2E	7.0
	NW1/4 NE1/4 Sec 7, T7N-R2E	12.5
	Subtotal	19.5
November 11, 1894	SW1/4 SE1/4 Sec 6, T7N-R2E	24.0
	SE1/4 SE1/4 Sec 6, T7N-R2E	39.0
	NE1/4 SE1/4 Sec 6, T7N-R2E	9.0
	Subtotal	72.0
Total		202.4 acres

- 5) It is recommended that if Vested Water Right No. 1401-1 is validated, that the applicable portions of Water Right Filing No. 034-1 be incorporated into No. 1401-1 and that the abandoned portions of Filing No. 034-1 be cancelled.


 Rassool Ahadi
 Natural Resources Engineer

South Dakota Department of
Water & Natural Resources

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

October 22, 1987

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPERS RIGHT AWAY.

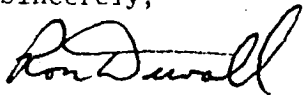
Schuft Irrigation
c/o Bruce Carlson
RR 1, Box 184
Spearfish SD 57783

Dear Mr. Carlson:

Your Application No. 1401-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publishers of the QUEEN CITY MAIL printed at Spearfish and the BELLE FOURCHE DAILY POST printed at Belle Fourche. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

October 22, 1987

BELLE FOURCHE DAILY POST
1004 5th Ave
Belle Fourche SD 57717

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1401-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Schuft Irrigation, c/o Bruce Carlson, RR 1, Box 184, Spearfish SD 57783.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

South Dakota Department of
Water & Natural Resources

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

October 22, 1987

QUEEN CITY MAIL
Box 7
Spearfish SD 57783

Dear Sir:

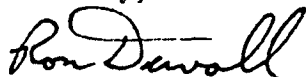
Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1401-1. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before October 28, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Schuft Irrigation, c/o Bruce Carlson, RR 1, Box 184, Spearfish SD 57783.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

No. 1401-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Lucas hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Daily Post

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city of Black Forest

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

October 24

October 31

Marion Lucas
(Signature)

Editor
(Title)

October 31, 1987
(Date Signed)

Cost of Printing: \$48.80

145 Lines - 2 times

Public Notice

NOTICE OF HEARING
TO VALIDATE
Vested Right Application
No. 1401-1

to Appropriate Water

Notice is hereby given that
Schuft Irrigation, c/o Bruce
Carlson whose mailing address
is RR1, Box 184, Spearfish,
South Dakota has filed an appli-
cation to validate a vested right
claim to appropriate 2.5 cubic
feet of water per second from
Redwater River to irrigate
202.4 acres with claimed prior-
ity dates of October 15, 1876
(58.9 acres); July 13, 1877 (52
acres); January 1, 1878 (19.5
acres) and November 11, 1894
(72 acres). Water was formerly
diverted to the irrigated acreage
from the Redwater River via the
Upper Power Canal. The Upper
Power Canal has been aban-
doned and water is now diverted
directly from the Redwater
River to the irrigated acreage.
The points of diversion are lo-
cated between and including
the center of the SE 1/4 Section
12, T7N, R1E and the SE 1/4
NW 1/4 Section 7, T7N, R2E.
The irrigated acreage is located
in the SE 1/4 NE 1/4, NE 1/4 SE
1/4, Section 12, T7N, R1E; NW
1/4 SW 1/4, SW 1/4 NW 1/4, NE
1/2 NW 1/4, W 1/2 NE 1/4, NE
1/4 NE 1/4 Section 7, T7N, R2E
S 1/2 SE 1/4, NE 1/4 SE 1/4 Sec-
tion 6, T7N, R2E.

Pursuant to SDCL 46-2A-
the Chief Engineer of the Water
Rights Division recommend
VALIDATION of Vested Water
Right Application No. 1401-
for 2.5 cfs and that the appli-
cable portions of Water Right
Filing No. 034-1 be incorporated
into No. 1401-1 and that the
abandoned portions of Filing
No. 034-1 be cancelled, because
1) water has been appropriated
as described for irrigation with
priority dates of October 15,
1876, July 13, 1877, January 1,
1878 and November 11, 1894,
the use has been developed
without unlawful impairment
of existing rights, 3) it is a ben-



The recommendation of the City Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel. The legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15, 46-2-3, 1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing, may be handicapped. Water Rights Division, Joe Foss Bldg., Pierre SD (605 773-3350) for assistance. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, 2211 LaCrosse, Rapid City, SD, December 2, 1987 at 1:00 p.m.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jimmie R. Stephenson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Queen City Mail

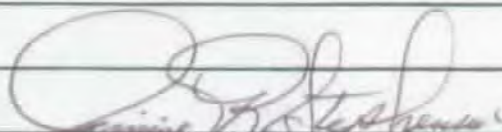
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Spearfish

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

October 28th

November 4th


(Signature)

Publisher
(Title)

11-4-87
(Date Signed)

Cost of Printing: _____

125 x .2564 = 32.05

125 x .2051 = 25.64

Total = 57.69



NOTICE OF HEARING
TO VALIDATE VESTED
RIGHT APPLICATION
NO 1401-1 TO
APPROPRIATE WATER

Notice is hereby given that Schuft Irrigation, c/o Bruce Carlson whose mailing address is RR 1, Box 184, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 2.5 cubic feet of water per second from Redwater River to irrigate 202.4 acres with claimed priority dates of October 15, 1876 (58.9 acres); July 13, 1877 (52 acres); January 1, 1878 (19.5 acres) and November 11, 1894 (72 acres). Water was formerly diverted to the irrigated acreage from the Redwater River via the Upper Power Canal. The Upper Power Canal has been abandoned and water is now diverted directly from the Redwater River to the irrigated acreage. The points of diversion are located between and including the center of the SE 1/4 Section 12, T7N, R1E and the SE 1/4 NW 1/4 Section 7, T7N, R2E. The irrigated acreage is located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4, Section 12, T7N, R1E; NW 1/4 SW 1/4, SW 1/4 NW 1/4, E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 7, T7N, R2E; S 1/2 SE 1/4, NE 1/4 SE 1/4 Section 6, T7N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1401-1 for 2.5 cfs and that the applicable portions of Water Right Filing No. 034-1 be incorporated into No. 1401-1 and that the abandoned portions of Filing No. 034-1 be cancelled, because 1) water has been appropriated as described for irrigation with priority dates of October 15, 1876, July 13, 1877, January 1, 1878 and November 11, 1894, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, 2211 LaCrosse, Rapid City SD, December 2, 1987 at 1:00 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny

validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26 must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed by the engineer by

Oct 28, 1987

Instruction to Newspaper -- Publish first publication of the following Notice on or before October 28, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 1401-1 to Appropriate Water

Notice is hereby given that Schuft Irrigation, c/o Bruce Carlson whose mailing address is RR 1, Box 181, Spearfish, South Dakota has filed an application to validate a vested right claim to appropriate 2.5 cubic feet of water per second from Redwater River to irrigate 202.4 acres with claimed priority dates of October 15, 1876 (52.9 acres); July 13, 1877 (52 acres); January 1, 1878 (19.5 acres) and November 11, 1894 (72 acres). Water was formerly diverted to the irrigated acreage from the Redwater River via the Upper Power Canal. The Upper Power Canal has been abandoned and water is now diverted directly from the Redwater River to the irrigated acreage. The points of diversion are located between and including the center of the SE 1/4 Section 12, T7N, R1E and the SE 1/4 NW 1/4 Section 7, T7N, R2E. The irrigated acreage is located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4, Section 12, T7N, R1E; NW 1/4 SW 1/4, SW 1/4 NW 1/4, E 1/2 NW 1/4, W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 7, T7N, R2E; S 1/2 SE 1/4, NE 1/4 SE 1/4 Section 6, T7N, R2E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1401-1 for 2.5 cfs and that the applicable portions of Water Right Filing No. 034-1 be incorporated into No. 1401-1 and that the abandoned portions of Filing No. 034-1 be cancelled, because 1) water has been appropriated as described for irrigation with priority dates of October 15, 1876, July 13, 1877, January 1, 1878 and November 11, 1894, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board at Howard Johnson's, Roosevelt and Jefferson Rooms, Rapid City SD, December 2, 1987 at 1:00 pm.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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 State Supreme Court as provided by law.

(cont)

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 20, 1987.

South Dakota
**Department of
Game, Fish and Parks**

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

November 16, 1987



Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Dear Mr. Hatch:

Pursuant to the notice provided by the Chief Engineer under SDCL 46-2A-4 the South Dakota Department of Game, Fish and Parks intends to be a party to water right claim 1401-1 on Redwater river, Lawrence & Butte County.

GF&P is an interested and potentially affected party by virtue of statutory authority to manage fish and wildlife resources of the state (SDCL Chapter 41). The pending water right claim could affect the quantity of water available for natural resource management.

Thank you for the opportunity to comment on this pending water right application.

Sincerely,

Richard J. Beringson
Secretary

RJB/ld

cc: Schuft Irrigation & Bruce Carlson

**South Dakota
Department of
Game, Fish and Parks**

**Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381**

November 20, 1987

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Pursuant to the filings made by the S.D. Department of Game, Fish and Parks to the attached list of applicants, some confusion exists regarding the intent of the filings. For your information when dealing with inquiries to the nature of the GF&P interest in the upcoming hearings the following information should be useful.

GF&P intends to participate in the upcoming water right validations by supporting the water rights staff recommendations that will bring each water right into legal compliance with existing laws, e.g. appropriate quantities of water for the land base, appropriately sized and gauged headgates for the right in question, abandonment of unused quantities of water, etc. GF&P filed with your office and each applicant so that we would officially be parties to the hearing process and be able to carry out the mandated duties of the Department under SDCL Chapter 41. We also are of the opinion that the Department would have been negligent in not participating in proceedings that relate to water resource allocation directly affecting waters that support fish and wildlife values.

I hope this information will aid you in describing the nature of the interest the Department of Game, Fish and Parks has in the upcoming proceedings. If you have any questions you can contact me at 773-5511.

Sincerely,

Ron Koth
Water Permits Coordinator

RK/ld

November 24, 1987
(date)

page 1

Parties of Record before Water Management Board regarding Vested Right
Application No 1401-1, Schuft Irrigation

For:

Interested:

Bruce Carlson
Schuft Irrigation
RR1, Box 184
Spearfish SD 57783

Richard Beringson, Secretary
SD Dept of Game, Fish & Parks
Anderson Bldg., 445 E Capitol
Pierre SD 57501



Department of Water & Natural Resources

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

APR 29 1988

Schuft Irrigation
c/o Bruce Carlson
RR 1 Box 184
Spearfish, South Dakota 57783

Dear Mr. Carlson:

Enclosed are your Validated Vested Water Right and Water License No. 1401-1.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

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

JH:jms

enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

February 9, 1990

B CARLSON- SCHUFT IRRIGATION
RR 1 BOX 184
SPEARFISH, SD 57783

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1401-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

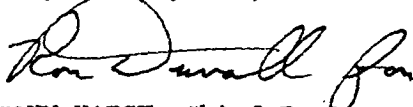
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1401-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



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

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS

February 12, 1990



R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: B. Carlson - Schuft Irrigation
Our File No. 5056.006

Dear Mr. Hatch:

Our client, Bruce Carlson, has asked us to respond to a Notice of Violation of Requirement to Submit a 1989 Irrigation Questionnaire. Mr. Carlson informs us that he never received the 1989 Questionnaire from your office and thus the explanation why it was not submitted. Your records will indicate that the Questionnaire has been submitted by Mr. Carlson in previous years and failure to do so in 1989 was a mere oversight.

Accordingly, I respectfully request that you send the Questionnaire to this office at your earliest convenience and we will assist Mr. Carlson in filling it out.

By the way, we did check with Schuft Trust and they do not recall receiving the Questionnaire, either. Perhaps this is a record-keeping oversight. At any rate, I will do everything I can to bring this matter current.

Very truly yours,

Kenneth E. Barker

KEB/bl

cc: Bruce Carlson

1401-1

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P.O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS

R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

February 28, 1990

Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

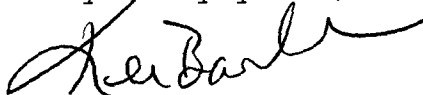
Re: B. Carlson - Schuft Irrigation
Water Permit No. 1401-1
Our File No. 5056.006

Dear Mr. Hatch:

Enclosed please find the 1989 Irrigation Questionnaire submitted by our client, Bruce Carlson, on behalf of Schuft Irrigation/Schuft Trust.

I am assuming that Permit No. 1401-1 will be deleted from the agenda of the Water Management Board. If I am incorrect, please advise.

Very truly yours,



Kenneth E. Barker

KEB/bl

Enclosure

cc: Bruce Carlson





Department of Water & Natural Resources

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

March 14, 1990

1401-1

B. Carlson
Schuft Irrigation
RR #1 Box 184
Spearfish, SD 57783

Dear Mr. Carlson:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1401-1. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer
Water Rights Division

cc: Kenneth E. Barker, Quinn, Day & Barker, 117 5th Avenue,
Belle Fourche, SD 57717-0370



1401-1

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

B CARLSON- SCHUFT IRRIGATION
RR 1 BOX 184
SPEARFISH SD 57783

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1401-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1401-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

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

3. Article Addressed to: B CARLSON- SCHUFT IRRIGATION RR 1 BOX 184 SPEARFISH SD 57783	4. Article Number 694 057 391 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature — Addressee <i>[Signature]</i> 6. Signature — Agent X 7. Date of Delivery	Always obtain signature of addressee or agent and DATE DELIVERED. 8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 198

FEB 5 1991

DOMESTIC RETURN RECEIPT

QUINN, DAY & BARKER

ATTORNEYS AT LAW

117 5TH AVENUE

P. O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743

TERENCE R. QUINN
MICHAEL W. DAY
KENNETH E. BARKER
ROBERT L. MORRIS
BRADLEY A. SCHREIBER

R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

February 5, 1991

Mr. Ron Duvall
Natural Resources Engineer IV
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Pioneer Bank & Trust/Schuft Trust - Trust Matters
Bruce Carlson - Schuft Irrigation
Our File No. 5056.006

Dear Mr. Duvall:

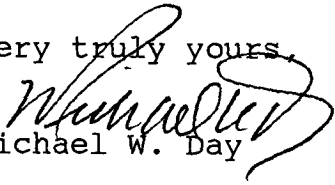
Our client, Bruce Carlson, and the Trustee of the John Max Schuft Trust, Pioneer Bank & Trust, has asked us to respond to a Notice of Violation of Requirement to Submit a 1990 Irrigation Questionnaire. Mr. Carlson informs us that he never received the 1990 questionnaire from your office and thus the explanation why it was not submitted. Your records will indicate that the questionnaire has been submitted by Mr. Carlson in previous years and failure to do so in 1990 was a mere oversight.

Accordingly, I respectfully request that you send the questionnaire to this office at your earliest convenience and we will assist Mr. Carlson in filling it out.

By the way, we did check with the John Max Schuft Trust and they do not recall receiving the questionnaire, either, if it was sent to them. Perhaps this is a record-keeping oversight. At any rate, I will do everything that I can to bring this matter current.

If you have any questions or comments, please advise. I will await to hear from you in regard to the above.

Very truly yours,


Michael W. Day

MWD/sm

cc: Jeb Clarkson
Bruce Carlson



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 7, 1991

1401-1

Michael W Day
QUINN, DAY & BARKER
Attorneys At Law
PO Box 370
Belle Fourche, SD 57717-0370

Dear Mr. Day:

Enclosed is a 1990 irrigation questionnaire pertaining to Vested Water Right No. 1401-1, Schuft Irrigation.

You stated in your letter of February 5, 1991, that Bruce Carlson had indicated to you that he had not received the questionnaire mailed in October. The questionnaire would have been mailed to the same address as the "Notice of Violation" (RR #1 Box 184 Spearfish, SD). All irrigation questionnaires (mailed in either October or November of each year) are sent by First Class Mail. If the Post Office does not return them to us, marked insufficient address or forwarding expired, we assume they have reached their destination.

If the correspondence pertaining to Schuft Irrigation should be directed to an address other than the Spearfish address, please let us know when returning the enclosed questionnaire.

If you have any questions or need assistance in completing the enclosed questionnaire, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

QUINN, DAY & BARKER

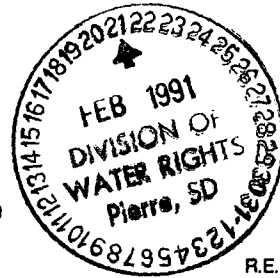
ATTORNEYS AT LAW

117 5TH AVENUE

P. O. BOX 370

BELLE FOURCHE, SOUTH DAKOTA 57717-0370

PHONE (605) 892-2743



TERENCE R. QUINN

MICHAEL W. DAY

KENNETH E. BARKER

ROBERT L. MORRIS

BRADLEY A. SCHREIBER

R.E. BRANDENBURG
OF COUNSEL

FAX (605) 892-4273

February 20, 1991

Genny McMath
Natural Resources Analyst
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Pioneer Bank & Trust/Schuft Trust - Trust Matters
Bruce Carlson - Schuft Irrigation
Our File No. 5056.006

Dear Genny:

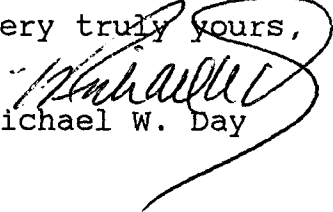
This in regard to your letter to me of February 7, 1991.
Enclosed is the 1990 Irrigation Questionnaire pertaining to Vested
Water Right No. 1401-1, Schuft Irrigation.

I am assuming that Permit No. 1401-1 will be deleted from the
agenda of the Water Management Board for the hearing on February
27, 1991. If I am incorrect in this assumption, please advise
immediately.

Perhaps from now on, until advised otherwise, you could send
the Irrigation Questionnaire to our attention at our office and we
will make sure that it is received and filled out and sent back
to you within the appropriate time frames.

If you have any questions, please advise. Thank you for your
time and attention to the above.

Very truly yours,


Michael W. Day

MWD/sm

Enc.

cc: Jeb Clarkson
Bruce Carlson



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 22, 1991

1401-1

Bruce Carlson
Schuft Irrigation
RR #1 Box 184
Spearfish, SD 57783

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Vested Water Right No. 1401-1. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

cc: Michael W Day, Attorney at Law, PO Box 370, Belle Fourche



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

SCHUFT TRUST
BRUCE CARLSON
RR 1 BOX 184
SPEARFISH SD 57783

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 1401-1. 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 1401-1 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:

SCHUFT TRUST
BRUCE CARLSON
RR 1 BOX 184
SPEARFISH, SD 57783

4a. Article Number

P347158294

4b. Service Type

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

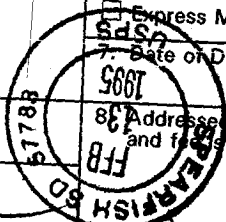
7. Date of Delivery

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

5. Signature (Addressee)

6. Signature (Agent)

Bruce Carlson



PS Form 3811, December 1991 ★ U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

BUCKMASTER AND MACY

ATTORNEYS AT LAW

1501 5th Avenue • P.O. Box 726

BELLE FOURCHE, SD 57717-0726

WESLEY W. BUCKMASTER

RANDALL L. MACY

THOMAS J. SCHMITZ

PHONE (605) 892-2623

FAX (605) 892-6337

February 28, 1995

Mr. Ron Duvall
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Re: Schuft Trust/Bruce Carlson
Irrigation Questionnaire
Our File #1683.008

Dear Mr. Duvall:

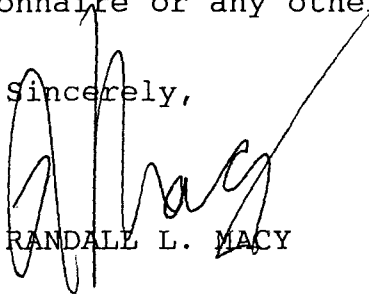
Enclosed is the 1994 Water Management Board Irrigation Questionnaire that has been completed on behalf of Bruce Carlson.

As we discussed in our recent telephone conversation, Bruce Carlson is now the sole owner of this property. In the past, the property was owned by the John Max Schuft Trust. You previously advised me that you would send a change of ownership form to be completed by Mr. Carlson. Perhaps this will alleviate the difficulties in getting forms completed in the future.

If I understand our conversation correctly, and the previous correspondence sent regarding the Questionnaire, since Mr. Carlson has completed and returned the Questionnaire prior to the March 3rd deadline, his water rights will remain in tact and he does not need to take any further action. If this is not correct, please contact me.

Thank you for your cooperation. If you have any questions or concerns regarding the Questionnaire or any other matter, please contact me.

Sincerely,


RANDALL L. MACY

RLM/cak
Enclosure
cc: Bruce Carlson



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 1995

1401-1

Randall L Macy, Attorney at Law
BUCKMASTER & MACY
PO Box 726
Belle Fourche, SD 57717-0726

Dear Mr. Macy:

I am writing to acknowledge receipt of the 1994 irrigation questionnaire completed by Bruce Carlson for Vested Water Right No. 1401-1. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.**

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

Enclosed, as requested, is a partially completed "Notice of Transfer of Ownership" form. Please review the form for accuracy and complete where indicated. The form must be signed by the "new owner" or his representative. Upon completion, please return the form to our office with a required filing fee of \$2.50. Vested Water Right No. 1401-1 will be transferred to Mr. Carlson upon our receipt of the completed transfer form and filing fee.

If you have any questions, please contact me.

Sincerely,

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

c: Bruce Carlson, RR #1 Box 184, Spearfish, SD 57783

BUCKMASTER AND MACY

ATTORNEYS AT LAW

1501 5th Avenue • P.O. Box 726

BELLE FOURCHE, SD 57717-0726

WESLEY W. BUCKMASTER
RANDALL L. MACY
CLARA KILEY, OFFICE MANAGER

PHONE (605) 892-2623
FAX (605) 892-6337

March 20, 1995



Ms. Genny McMath
Water Rights Division, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

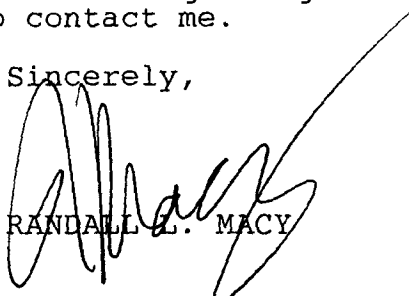
Re: Schuft Trust/Bruce Carlson
Notice of Transfer of Ownership
Our File #1683.023

Dear Ms. McMath:

Enclosed is the original Notice of Transfer of Ownership concerning the transfer of Vested Water Right No. 1401-1 from Schuft Irrigation/Schuft Trust to Bruce Max Carlson. I have also enclosed our check for \$2.50 for your filing fee.

If you need anything further regarding this transfer of ownership, please feel free to contact me.

Sincerely,


RANDALL L. MACY

RLM/cak
Enclosure
cc: Bruce Carlson

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1401-1

Date: March 15, 1995

I\We request that Vested Water Right No. 1401-1

formerly owned by: Schuft Irrigation/Schuft Trust

be transferred to: (name & address) Bruce Max Carlson, RR 1, Box 184, Spearfish, SD 57783

(Telephone No) 605-892-2487

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

202.4 acres - SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 12, T7N, R1E; portions of the N 1/2 and NW 1/4 SW 1/4 Section 7, portions of the SE 1/4 Section 6, T7N, R2E

I\We understand that the validity of Vested Water Right No. 1401-1 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 Bruce Max Carlson 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.

Bruce M Carlson
(Signed)

Subscribed and sworn to before me this 15th day of March, 19 95.

Randall H. Macy
(Notary Public)

RANDALL H. MACY
Notary Public, Butte County, S. Dak.
My commission expires June 23, 1996

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

414441

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 21, 19 95

RECEIVED OF Buckmaster & Macy (Bruce Carlson), PO Box 726, 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>Vested Water Right No. 1401-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch / gmk
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 1995

No. 1401-1

Buckmaster & Macy
P.O. Box 726
Belle Fourche, SD 57717

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Vested Water Right No. 1401-1.

Our records now show Bruce Max Carlson as the owner of Vested Water Right No. 1401-1.

Sincerely,

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

enclosure

c: Bruce Max Carlson, RR 1, Box 184, Spearfish, SD 57783



January 30, 1996

1401-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: BRUCE MAX CARLSON, RR 1 BOX 184, SPEARFISH, SD 57783

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) 1401-1. 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) 1401-1 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.

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:

BRUCE MAX CARLSON
RR 1 BOX 184
SPEARFISH SD 57783

4a. Article Number

Z 348 318 825

4b. Service Type

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

7. Date of Delivery

DEC 15 1994

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Bruce M. Carlson*

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 13, 1996

1401-1

Bruce Max Carlson
RR 1 Box 184
Spearfish, SD 57783

Dear Mr. Carlson:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, **Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.**

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



1401-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: BRUCE MAX CARLSON, RR 1 BOX 184, SPEARFISH, SD 57783

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1401-1. 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 hearing to determine if any Board action is to be taken concerning the violation.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1401-1 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 February 28, 1997, 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.

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:

BRUCE MAX CARLSON
RR 1 BOX 184
SPEARFISH SD 57783

4a. Article Number

1401-1
P 378 081 331

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)

X *Bruce Carlson*

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 20, 1997

1401-1

Bruce Max Carlson
RR 1 Box 184
Spearfish, SD 57783

Dear Mr. Carlson:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.**

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



**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: BRUCE MAX CARLSON, RR 1 BOX 184, SPEARFISH, SD 57783

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 has not been submitted for Permit No(s) 1401-1. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1401-1 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, 1999, 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.

ed 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:

BRUCE MAX CARLSON
RR 1 BOX 184
SPEARFISH SD 57783

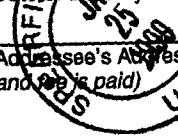
4a. Article Number

2 119 141 654

b. Service Type

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

Date of Delivery



5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Bruce Max Carlson*

Is your RETURN

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 18, 1999

1401-1

Bruce Max Carlson
RR 1 Box 184
Spearfish, SD 57783

Dear Mr. Carlson:

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. 1401-1.

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



1401-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: BRUCE MAX CARLSON, RR 1 BOX 184, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 1401-1. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, 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) 1401-1 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 February 28, 2000, 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.

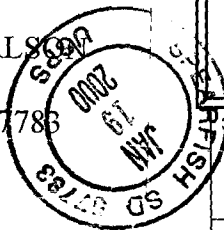
Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

BRUCE MAX CARLSON
RR 1 BOX 184
SPEARFISH SD 57786

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)

B. Date of Delivery

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PS Form 3811, July 1999

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**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

February 8, 2000

1401-1

Bruce Max Carlson
RR 1 Box 184
Spearfish, SD 57783

Dear Mr. Carlson:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 1401-1.

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



1401-1
**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: BRUCE MAX CARLSON, RR 1 BOX 184, SPEARFISH, SD 57783

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 has not been submitted for Permit No(s) 1401-1. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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. Following the hearing, the Water Management Board can:

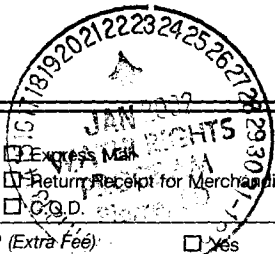
1. Amend Permit No(s) 1401-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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 8, 2002, 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.

1401-1

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1. Article Addressed to:			
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		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No	
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and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2002

1401-1

Bruce Max Carlson
RR 1 Box 184
Spearfish SD 57783

Dear Mr. Carlson:

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. 1401-1.

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



DEPARTMENT of ENVIRONMENT
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January 17, 2003

NOTICE

TO: BRUCE MAX CARLSON, RR 1 BOX 184, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 1401-1. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1401-1 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 **February 28, 2003**, 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.



1401-1

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You entered 2301 0370 0000 7540 5638

Your item was delivered at 1:41 pm on January 21, 2003 in SPEARFISH, SD 57783. The item was signed for by S CARLSON.

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www.state.sd.us/denr

January 24, 2003

1401-1

Bruce Max Carlson
RR 1 Box 184
Spearfish SD 57783

Dear Mr. Carlson:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 1401-1.

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



1401-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
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www.state.sd.us/denr

January 20, 2005

NOTICE

TO: BRUCE MAX CARLSON, RR 1 BOX 184, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 1401-1. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1401-1 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 February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



1401-1

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You entered 2301 3460 0000 8516 1237

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BRUCE MAX CARLSON
RR 1 BOX 184
SPEARFISH SD 57783

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001



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www.state.sd.us/denr

February 1, 2005

1401-1

Bruce Max Carlson
19365 Wood Rd
Spearfish SD 57783

Dear Mr. Carlson:

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. 1401-1.

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



1401-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: BRUCE MAX CARLSON, 19365 WOOD RD, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No. 1401-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 7, 2007, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 1401-1 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 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed is an additional questionnaire 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/E0455V5-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.

1401-1

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www.state.sd.us/denr

February 5, 2007

1401-1

Bruce Max Carlson
19365 Wood Rd
Spearfish SD 57783

Dear Mr. Carlson:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 1401-1.

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



1401-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 23, 2009

NOTICE

TO: BRUCE MAX CARLSON, 19365 WOOD RD, SPEARFISH, SD 57783

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 has not been submitted for Permit No(s) 1401-1. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1401-1 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 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.pd>

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.

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Status: **Delivered**

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BRUCE MAX CARLSON
19365 WOOD RD
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Waiver of Signature ☐ YES ☐ NO

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 3, 2009

1401-1

Bruce Max Carlson
19365 Wood Rd
Spearfish SD 57783

Dear Mr. Carlson:

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. 1401-1.

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

If you have any questions, please contact me.

Sincerely,

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

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



1401-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: BRUCE MAX CARLSON, 19365 WOOD RD, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 1401-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 9, 2011**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1401-1 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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

1401-1

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- Notice Left, January 22, 2011, 7:47 am, SPEARFISH, SD 57783
- Arrival at Post Office, January 22, 2011, 6:04 am, SPEARFISH, SD 57783

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19365 WOOD RD
SPEARFISH SD 57783

Waiver of Signature ☐ YES ☐ NO

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and NATURAL RESOURCES**

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www.state.sd.us/denr

January 31, 2011

1401-1

Bruce Max Carlson
19365 Wood Rd
Spearfish SD 57783

Dear Mr. Carlson:

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

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 1401-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

1401-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: BRUCE MAX CARLSON, 19365 WOOD RD, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 1401-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1401-1 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 before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: AWBILE**

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.

1401-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

1401-1

Bruce Max Carlson
19365 Wood Rd
Spearfish SD 57783

Dear Mr. Carlson:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 1401-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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