

Considered: _____

WATER PERMIT NO. 1467-1

HAP No. same 223-2043

Name of Applicant Leland Johnson / Lower Power Canal

Post Office Address 391 E 8th Ave., Ft. Pierre SD 57532

Amount of Water Claimed no add'l cfs Total Acres 23.4 (5.1 add')

Source of Water Supply Red Water River

Water to be used for irrigation County Butte

About 4 miles S of Belle Fourche.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Apr 17, 1989 Fee \$50⁰⁰ Remarks appl is to irrigate 18.3 ac from Lower Power Canal, formerly irrigated from Concordia Ditch and also irrigate 5.1 add'l acres with no increase in diversion rate

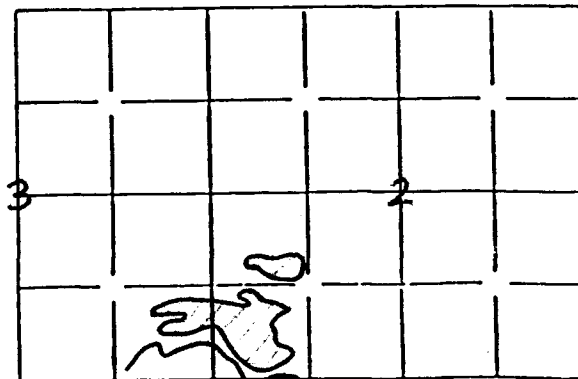
Corrected Application Received _____ Period of Annual Use May 1 - Oct 31

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

WI-1 Description same as Application YES ☒ NO _____ REMARKS 5/6 is for 23.4 acres, the only acreage that is new is 5.1 acres

Diversion Point Redwater River: SW 1/4 NE 1/4
section 4-T7N-R2E

Land to be Irrigated SW 1/4 SW 1/4, NW 1/4 SW 1/4
section 2; SE 1/4 SE 1/4 section 3; all in
T7N-R2E



Well Log: Driller N/A Licensed YES _____ NO _____ Redwater R.

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY Rassoul Ahadi Reviewed and the Number assigned on August 1, 1989 By Ron Duvall

(See instructions)

No. 1467-1 Hydrologic Unit 10120703
Basin Belle Fourche River
Newspaper Queen City Mail, Box 7 Tues/Sat 57783
Belle Fourche Daily Post, 1004 5th Ave 57717



Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☒ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☒ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant LELAND JOHNSON/LOWER POWER CANAL Phone No. 223-2043

Post Office Address 391 E. 8th Avenue Ft. Pierre SD 57532
(Street, RR or Box) (City) State Zip Code

2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 23.4 (5.1 add'l)

3. Source of Water supply Red Water River

4. Location of point of diversion ~~NW 1/4 Sec 2~~ Section 4, T7N-R2E
SW 1/4 NE 1/4

County Butte

5. Counties where water will be used Butte

6. Annual period during which water is to be used May 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.
SW 1/4 SW 1/4 Section 2	16.2
NW 1/4 SW 1/4 Section 2	3.2
SE 1/4 SE 1/4 Section 3	4.0
all in T7N-R2E <u>Total</u>	<u>23.4</u>

Land Description	No. Acres Irr.
<u>Add'l Acreage 5.1 ac</u>	
<u>NW SW Sec 2-TN-2E</u>	<u>3.2</u>
<u>SW SW Sec 2-TN-2E</u>	<u>0.5</u>
<u>SE SE Sec 3-TN-2E</u>	<u>1.4</u>

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____

9. Crops to be Irrigated: _____

10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to change location of the diversion point from Vested Right Claim No. 1395-1, Concordia Ditch to Vested Right No. 1402-1, Lower Power Canal to irrigate 18.3 acres. This application is also to add 5.1 acres of land with no additional water.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Hughes)^{ss}

I, Leland Johnson, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

KAREN SCHLAACK
NOTARY PUBLIC
SOUTH DAKOTA
My Commission Expires Apr. 1, 1993

Signed Leland Johnson

Subscribed and sworn to before me this 17th day of April 19 89

Karen Schlaack
Notary Public

SOUTH DAKOTA
WATER PERMIT NO. 1467-1 FOR IRRIGATION

Date of first receipt of application April 17, 1989.

Date Soil/Water Compatibility Permit received July 18, 1989.

The Water Management Board approved Water Permit Application No. 1467-1 on September 28, 1989 for Lower Power Canal, c/o Leland Johnson, Box 636, Fort Pierre, SD 57532 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1467-1 authorizes a change in the location of the Redwater River diversion point for a claimed diversion rate of 0.52 cubic feet of water per second from the Concordia Ditch to the Lower Power Canal for irrigation of 18.3 acres claimed under Vested Water Right Claim No. 1395-1. The Redwater River diversion point for the Lower Power Canal is located in the SW1/4 NE1/4 Section 4; and the 18.3 irrigated acres are in the SW1/4 SW1/4 Section 2; SE1/4 SE1/4 Section 3; all in T7N, R2E. No increase in acreage or new water appropriation is authorized by this permit.
2. The amount of the appropriation may not exceed 3 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - October 31.
3. The date from which applicant may claim right is June 24, 1879 (see No. 1395-1).
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAR 14 1994
date

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 17, 1989

RECEIVED OF Leland Johnson, Box 667, Ft Pierre, SD 57532

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

Fee for Application for Permit No. <u>1467-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	000
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	50 00

By [Signature]
Chief Engineer

1"=660'

N

Diversion point location
shown on map for
Appl. No. 1467-1

Power Canal

center of
section 3

5.1 acres NOT
approved for irrigation

18.3 irrigated acres

280' of camp
buried in ditch

1485-1

Map prepared by:
Don Darvall
Natural Resources Engineer
10/14/97

No. 10-72

No. 1467-1

NOT TO SCALE



 Land being irrigated
 Lower Power Canal
 Underground Pipe.

M. J. Shad
 North Res. Eng.
 4/17/89

Appl. No. 1467-1



Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4188

WR#

OWNERS NAME: Leland Johnson OWNERS ADDRESS: 391 E. 8th Avenue
Pt. Pierre, SD 57532

COUNTY LAND LOCATED IN: Butte PHONE: 605-223-2043

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION NW 1/4 Sec. 4-T7N-R2E

Depth _____

Legal Description	Acres	Legal Description	Acres
Sec. 2-T7N-R2E	16.2		
Sec. 2-T7N-R2E	3.2		
Sec. 3-T7N-R2E	4.0		

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

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:

4. WATER SAMPLE NUMBER: Red Water River 7. ADJUSTED (SAR): _____
5. SALINITY (EC X 10⁶): 1700 8. PERCENT SODIUM: 16.5
6. SODIUM (SAR): 1.31

Requirements:

Maximum allowable limits of salt and sodium buildup in the soil at the root zone (upper 12 inches of the soil profile) beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.



APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS

Director, Division of Conservation

Date

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

 **Department of
Water & Natural Resources**

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

April 11, 1989

Leland Johnson
391 E. 8th Avenue
Ft. Pierre, S.D. 57532

RE: Application to Change Location of Diversion Point.

Dear Mr. Johnson:

Enclosed you will find two copies Form 2 required to change location of your diversion point from Concordia Ditch to Lower Power Canal. Please note that 18.3 acres covered under Concordia Ditch will keep the same priority date as before. The 5.1 acres, above the abandoned railroad track will have a new priority date. Please review the forms for accuracy, sign and notarize them, and return them to our office with \$50.00 application fee.

If you have any questions, please contact me.

Sincerely,



M. RASSOOL AHADI
Natural Resources Engineer
(605)773-3352

enclosures



SOUTH Dakota Department of
Water & Natural Resources

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

June 14, 1990

Leland Johnson
Box 636
Fort Pierre SD 57532

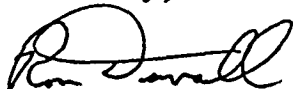
Dear Mr. Johnson:

I am writing in regard to action taken by the Water Management Board concerning Water Permit Nos. 1467-1 and 1485-1.

The board approved each of these permits to allow acreage formerly irrigated by the Concordia Ditch to be irrigated from the Lower Power Canal. The permits will be issued upon validation of the vested right claim for Concordia Ditch. The vested right claim is currently in deferred status to allow flow data to be collected for Concordia Ditch. Tentatively, the vested right claim for Concordia Ditch will be reconsidered by the Board in March 1991.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

Report on Application No. 1467-1
Leland Johnson/Lower Power Canal
August 7, 1989

Background

Application No. 1467-1 requests a change in the location of the diversion point from the NE1/4 NW1/4 Section 10, T7N-R2E, (Concordia Ditch) in Lawrence County to the SW1/4 NE1/4 Section 4, T7N-R2E, (Lower Power Canal) in Butte County. The water from the Lower Power Canal will be used to irrigate 23.4 acres of land located in the W1/2 SW1/4 Section 2 and SE1/4 SE1/4 Section 3, T7N-R2E.

Discussion

The applicant requests the change in the point of diversion for 18.3 acres of land listed under Vested Right Claim No. 1395-1, Concordia Ditch, to the Lower Power Canal diversion point (Vested Right Claim No. 1402-1). He is also requesting authorization to irrigate an additional 5.1 acres.

The priority date, claimed by the Concordia Ditch Company, for the 18.3 acres is June 24, 1879. The additional 5.1 acres would require a priority date of April 17, 1989. To irrigate the additional 5.1 acres, no additional water is requested. SDCL 46-5-31 allows an appropriator to change the place of diversion under conditions approved by the Water Management Board with exceptions. Under SDCL 46-5-34, "No increase in total acres irrigated may be allowed under this section." Therefore, the additional 5.1 acres would have to be considered as a new appropriation, and would have a priority date from the date the application was received (April 17, 1989).

The amount of water recommended for Vested Right Claim No. 1395-1 was based on 1.0 cubic foot of water per second for irrigation of 35 acres. Since only 18.3 acres of the total 23.4 acres are covered under this claim, the amount of water for irrigation of the 18.3 acres would be 0.52 cubic feet of water per second.

The acreage and the amount of water needed to irrigate 18.3 acres should be subtracted from the water and the acreage claimed by Concordia Ditch and be added to the water and acreage of Lower Power Canal.

Water availability in the Redwater River to irrigate the 5.1 acres is questionable. These lands would be subject to the Belle Fourche Reservoir receiving its fill and subject to other prior appropriators downstream on the Redwater River

such as the Redwater Irrigation Association's deferred Vested Right Claim No. 1417-1. A determination of the quantity of water required by the Redwater Irrigation Association has not been set to date, but based on 5,311 acres of irrigation, they would be capable of using 75 cfs at the rate of 1 cfs for each 70 acres. These flows have not occurred during the past couple of years during the irrigation season.

Conclusions and Recommendations

1. The 18.3 acres are claimed under Vested Right Claim No. 1395-1, Concordia Ditch Company.
2. If approved, the priority date for the 18.3 acres from the Lower Canal diversion point should remain as June 24, 1879, the priority date of Concordia Ditch Company.
3. The additional 5.1 acres would have a new priority date of April 17, 1989.
4. It is recommended that the Application No. 1467-1 be approved for the 18.3 acres and that irrigation of the additional 5.1 acres be denied. The change in the point of diversion will reduce Vested Right Claim No. 1395-1 for Concordia Ditch by 18.3 acres and reduce the diversion rate 0.52 cfs. The priority date for the 18.3 acres is June 24, 1879. The additional 5.1 acres must be denied pursuant to SDCL 46-5-34. The low flow bypass and irrigation questionnaire qualification should also be included.

Rassool Ahadi /ks

M. RASSOOL AHADI
Natural Resources Engineer II
(605)773-3352

Approved by:

James E. Winterton

JAMES E. WINTERTON, P.E.
Natural Resources Engineer IV
(605)773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1467-1, Leland Johnson/Lower Power Canal

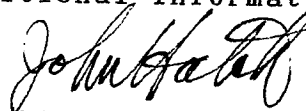
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1467-1, Leland Johnson/Lower Power Canal, 391 East 8th Street, Ft. Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 1467-1 for 18.3 acres because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

And that irrigation of the additional 5.1 acres be DENIED pursuant to SDCL 46-5-34.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
August 22, 1989



Department of Water & Natural Resources

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

August 23, 1989

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

Leland Johnson/Lower Power Canal
391 E. 8th Avenue
Ft. Pierre, SD 57532

Dear Mr. Johnson:

Water Permit Application No. 1467-1 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publishers of the Queen City Mail and the Belle Fourche Daily Post printed at Spearfish and Belle Fourche SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication 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 Intent to Appropriate Water 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,

on Duvall
Natural Resources Engineer
505 773-3352

enclosures



Department of Water & Natural Resources

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

August 23, 1989

Belle Fourche Daily Post
1004 5th Ave
Belle Fourche, SD 57717

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1467-1 to be published twice. Please publish the first notice on or before August 30, 1989 with the second publication 7 days later.

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 Leland Johnson/Lower Power Canal, 391 E. 8th Avenue, Ft. Pierre, SD 57532.

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____ Newspaper _____



Department of Water & Natural Resources

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

August 23, 1989

Queen City Mail
Box 7
Spearfish SD 57783

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1467-1 to be published twice. Please publish the first notice on or before August 29, 1989 with the second publication 7 days later.

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 Leland Johnson/Lower Power Canal, 391 E 8th Avenue, Ft. Pierre, SD 57532.

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
505 773-3352

Enclosures

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

FIRST TRANSMITTAL NOTICE

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

Re: _____

Date: _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____ Newspaper _____

Instruction to Newspaper - Publish first Notice on or before August 29, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1467-1 to Change Diversion
Location and Add Acreage

Notice is given that Leland Johnson/Lower Power Canal, 391 E. 8th Avenue, Ft. Pierre, SD 57532 has filed an application for a water permit to change the location of the Redwater River diversion point from the Concordia Ditch to the Lower Power Canal for irrigation of 18.3 acres. An additional 5.1 acres are also to be irrigated via the Lower Power Canal. The Redwater River diversion point for Concordia Ditch is located in the NE1/4 NW1/4 Section 10 and the Redwater River diversion point for the Lower Power Canal is located in the SW1/4 NE1/4 Section 4; both in T7N-R2E. The 18.3 irrigated acres and the 5.1 additional acres to be irrigated are located in the W1/2 SW1/4 Section 2; SE1/4 SE1/4 Section 3; all in T7N-R2E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1467-1 for 18.3 acres because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest and, that irrigation of the additional 5.1 acres be DENIED pursuant to SDCL 46-5-34. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to 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; 46-5-1 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; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.



I, Rhonda Schultz
certify that the attached printed Notice was taken
from the Butte County Daily Press

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 Butte

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

August 30, 1989
September 6, 1989

Rhonda Schultz
(Signature)

Bookkeeper
(Title)

9-6-89
(Date Signed)

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also

Cost of Printing: 33.66

be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to 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; 46-5-1 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; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.
2/8/90-9/6

NOTICE OF HEARING

on Application No. 1467-1
to Change Diversion

Location and Add Acreage

Notice is given that Leland Johnson/Lower Power Canal, 391 E. 8th Avenue, Ft. Pierre, SD 57532 has filed an application for a water permit to change the location of the Redwater River diversion point from the Concordia Ditch to the Lower Power Canal for irrigation of 18.3 acres. An additional 5.1 acres are also to be irrigated via the Lower Power Canal. The Redwater River diversion point or Concordia Ditch is located in the NE1/4 NW1/4 Section 10 and the Redwater River diversion point for the Lower Power Canal is located in the SW1/4 NE1/4 Section 4; both in T7N-R2E. The 18.3 irrigated acres and the 5.1 additional acres to be irrigated are located in the W1/2 SW1/4 Section 2; SE1/4 SE1/4 Section 3; all in T7N-R2E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1467-1 for 18.3 acres because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest and, that irrigation of the additional 5.1 acres be DENIED pursuant to SDCL 46-5-34. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

Affidavit of Publication



STATE OF SOUTH DAKOTA }
COUNTY OF LAWRENCE }

SS.

Bill T. Masterson, Jr. of said County and State being first duly sworn, on his oath says: That The QUEEN CITY MAIL is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Bill Kunerth, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and That I Bill T. Masterson, Jr. the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

\$537 Notice of Hearing on
Application No. 1467-1 To Change
Diversion Location and Add Acreage

a printed copy of which is hereto attached, was printed and published in said newspaper for

two successive and consecutive weeks, the first publication being made on the 29th day of August, 19 89,

and the last publication on the 5th day of September, 19 89
and 7th day of September 1989
that the full amount of fees charged for publishing same, to-wit: The sum of \$ 537

inures solely to the benefit of the publisher of the QUEEN CITY MAIL, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this

7th day of Sept, 19 89



NOTARY PUBLIC, LAWRENCE COUNTY, SOUTH DAKOTA
My Commission Expires
10-24-1996

My commission expires

NOTICE OF HEARING on Application No. 1467-1 to Change Diversion Location and Add Acreage

Notice is given that Leland Johnson/Lower Power Canal, 391 E. 8th Avenue, Ft. Pierre, SD 57532 has filed an application for a water permit to change the location of the Redwater River diversion point from the Concordia Ditch to the Lower Power Canal for irrigation of 18.3 acres. An additional 5.1 acres are also to be irrigated via the Lower Power Canal. The Redwater River diversion point for Concordia Ditch is located in the NE1/4 NW1/4 Section 10 and the Redwater River diversion point

for the Lower Power Canal is located in the SW1/4 NE1/4 Section 4; both in T7N-R2E. The 18.3 irrigated acres and the 5.1 additional acres to be irrigated are located in the W1/2 SW1/4 Section 2; SE1/4 SE1/4 Section 3; all in T7N-R2E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1467-1 for 18.3 acres because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest and, that irrigation of the additional 5.1 acres be DENIED pursuant to SDCL 46-5-34. This application will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD on September 27, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)". The petition may be informal, but must include a statement

describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to 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; 46-5-1 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; 46-5-33 thru 46-5-35; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Aug. 29
Sept. 5
S-537

P.O. Box 255
Spearfish, SD 57783
December 4, 1990

SD DWR
Water Rights Division
523 East Capitol
Pierre, SD 57501

In regard to irrigation water use Questionnaire #1467-1, Leland Johnson, Ft. Pierre, SD. I would assume it pertains to the point of diversion change to the power house canal. The irrigated fields are covered under the Concordia and the Power House canal quantities.

Thank you,

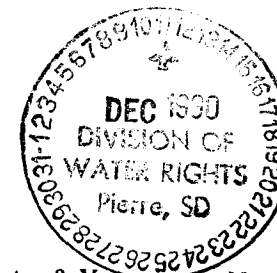
Leland Johnson

Leland Johnson



PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 14, 1990

OCTOBER 1990 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE



1467-1
LELAND JOHNSON
391 E 8TH
FT PIERRE
SD 57532

BU/BF

S

1. SURFACE WATER ☒ GROUNDWATER ☐
2. Did you irrigate during 1990? Yes ☒ No ☐
3. Number of acres irrigated in 1990 140 *see note*
4. Has your system been constructed? Yes ☒ No ☐
5. Do you apply fertilizer, insecticide or herbicide through your irrigation system? Yes ☐ No ☒
6. If no, do you apply above chemicals by other methods? Yes ☒ No ☐
7. If yes, please describe under comments.

Telephone No. _____

Type of Power	No. of acres Irrigated
1. Electric	
2. Gravity	<u>120</u>
3. Gasoline	<u>20+</u>
4. Nat. Gas pipeline	
5. Diesel	
6. Propane	
7. Other	
Type of System	
1. Hand moved sprinklers	
2. Portable booms	
3. Center pivots (# of)	
4. Gated pipes	☒
5. Sidewheels	
6. Towlines	
7. Big gun	
8. Siphons	
9. Flood	
10. Other	

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimated Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used
April									
May									
June									
July	☒								
August	☒								
Sept.									
Oct.									
Other Months									

Owner or address change, if any:

COMMENTS:

Note: point of diversion change is under construction and should be ready for 1991 season

Note Herbicide: 30 acres of land was sprayed with Roundup for detiny

Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

Leland Johnson
Lower Power Canal
Box 636
Ft. Pierre, SD 57532

Dear Mr. Johnson:

Enclosed is Water Permit No. 1467-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

c: Dwight Johnson, HCR 30 Box 172, Belle Fourche, SD 57717



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 20, 1995

1467-1

Dwight Johnson
HCR 30 Box 172
Belle Fourche, SD 57717

Dear Mr. Johnson:

I am contacting you regarding ownership of land described in Water Permit No. 1467-1. The permit is currently listed as Lower Power Canal, % Leland Johnson. It was brought to our attention that Water Permit No. 1485-1, transferred to your name in March 1994, was done in error. The permit that should have been transferred to your name was No. 1467-1.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Permit No. 1467-1. Please review the form for accuracy and complete the area labeled "*be transferred to: (name & address).....*". Upon completion, please sign the form in the presence of a notary public and return it to our office.

Since the first permit was transferred in error, we will apply the filing fee you originally paid toward this transfer. **You do not need to submit another filing fee.**

Please return the completed transfer form to our office as soon as possible. Thank you for your assistance in this matter. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIPT

414105

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 23, 19 94

RECEIVED OF Ruby Johnson, HCR 30 Box 172, Belle Fourche, SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 1485-1</u>	2	50
Fee for Filing Extension Request 		
Fee for <u>this fee should have been for 1467-1</u>		
<u>George McMath</u>		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1467-1

Date: July 17 1995

I/We request that Water Permit No. 1467-1

formerly owned by: Lower Power Canal - Leland Johnson

be transferred to: (name & address) Dwight and Ruby Johnson HCR 30 Box 172
Belle Fourche SD (Telephone No) 605 892-4095

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

23.4 acres on the W 1/2 SW 1/4 Section 2 and the SE 1/4 SE 1/4 Section 3, T7N, R2E

I/We understand that the validity of Water Permit No. 1467-1 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 Ruby C. Johnson 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.

Ruby C. Johnson
(Signed)

Subscribed and sworn to before me this 19th day of July, 1995.

Helvis Olson
(Notary Public)

My commission expires April 18, 1998

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 1995

1467-1

Dwight and Ruby Johnson
HCR 30, Box 172
Belle Fourche, SD 57717

Dear Mr. and Ms. Johnson:

This is to notify you that transfer of ownership has taken place on Water Permit No. 1467-1. Our records now show you as owner of Water Permit No. 1467-1.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1997

1467-1

Dwight and Ruby Johnson
HCR 30, Box 172
Belle Fourche, SD 57717

Dear Mr. and Ms. Johnson:

The investigation of your water use system was conducted on August 13, 1997, by Ron Duvall, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1467-1. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,

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

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

RECEIPT

415538

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 26, 19 97

RECEIVED OF Dwight W. and Ruby C. Johnson, HCR 30, Box 172, 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. <u>1467-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatcher
Chief Engineer

Permit No. 1467-1
Belle Fourche River - Water District

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

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

I have this day, August 13, 1997, made a thorough examination of the water use system owned by Dwight and Ruby Johnson of HCR 30, Box 172, Belle Fourche SD 57717 holder of Permit No. 1467-1, bearing the priority of June 24, 1879 authorizing the diversion of 0.52 cu. ft. per second of the waters of Redwater River via the Lower Power Canal for irrigation purposes, in Butte County.

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

A. Works used to divert/transport the water:

Lower Power Canal to 8 inch buried pipe

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

Type PVC Size 8 inches Length 2,400+ feet
Type PVC Size 15 inches Length ≈ 130 feet

C. Works used to apply water to beneficial use:

Gated Pipe: 5 risers hooked to gated pipe

Length 630 feet (21 sections @ 30 feet per section)

The system is in the following condition good. The point of diversion is located Redwater River: 330 feet E and 100 feet N from the center of section 4-T7N-R2E (SW¼NE¼) via Lower Power Canal. The works are capable of diverting and conveying to the place of use 7.04 (see No. 1402-1) cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

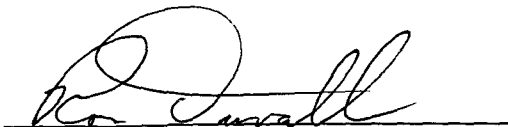
SE¼SE¼ section 3-T7N-R2E	2.6 acres	SW¼SW¼ section 2-T7N-R2E	15.7 acres
---------------------------------	------------------	---------------------------------	-------------------

comprising a total of 18.3 acres of land and the license should be issued for 0.52 cfs.

Applicable permit qualifications have been complied with: Yes Y

Exceptions to compliance are: none (Provided the denied 5.1 acres is not irrigated)

Date report completed: October 14, 1997



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 1467-1

DATE OF INVESTIGATION	August 13, 1997
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Dwight Johnson
NAME & ADDRESS OF PERMIT HOLDER	Dwight and Ruby Johnson HCR 30, Box 172 Belle Fourche SD 57717
DIVERSION POINT LEGAL LOCATION	Redwater River: 330 feet E and 100 feet N from the center of section 4-T7N-R2E (SW$\frac{1}{4}$NE$\frac{1}{4}$) via Lower Power Canal

Other permit(s) associated with the project: 1485-1 and 1402-1

DISTRIBUTION LINES OR CANALS:

1) Type PVC 2) Size 8 inches 3) Length 2,400+ feet

1) Type PVC 2) Size 15 inches 3) Length $\approx$ 130 feet

Water is diverted from the Redwater River via the Lower Power Canal

SYSTEM TYPE:

Gated Pipe: 5 risers hooked to gated pipe

1) Length 630 feet (21 sections @ 30 feet per section)

PERMIT QUALIFICATIONS:

1) Special qualifications to permit being abided by Y

2) All structures, wells and lands on map Y

3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable

COMMENTS:

The land located north of the old railroad grade (5.1 acres) was not approved by the Water Management Board. Dwight Johnson believes the 5.1 acres was too high in elevation to have been irrigated from Concordia Ditch. I informed Mr. Johnson that the 1995 and 96 irrigation questionnaires indicated that 28 acres were irrigated and that the 5.1 acres may not be irrigated. Mr. Johnson indicated that he understood that the area was not covered by No. 1467-1. It should be noted that the pipeline location described by Mr. Johnson would allow irrigation of this area.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1467-1

(1) Lower Power Canal, % Leland Johnson, Ft Pierre, SD made Application No. 1467-1, April 17, 1989 for a water permit to change the location of the Redwater River diversion point for a claimed diversion rate of 0.52 cubic feet of water per second from the Concordia Ditch to the Lower Canal for irrigation of 18.3 acres (claimed under Vested Water Right Claim No. 1395-1), located in Butte County, South Dakota. Water Permit No. 1467-1, with a priority date of June 24, 1879 (established under No. 1395-1) was approved September 28, 1989 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

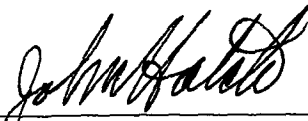
On July 20, 1995, Water Permit No. 1467-1 was transferred to Dwight and Ruby Johnson, Belle Fourche, SD.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.52 cubic feet of water per second for beneficial use. The location of the diversion point is from the Redwater River: 330'E and 100'N of the center of Section 4, T7N, R2E (SW¼ NE¼) via the Lower Power Canal.

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

Section 2, T7N, R2E	SW¼ SW¼	15.7 acres
Section 3, T7N, R2E	SE¼ SE¼	2.6 acres
Total		18.3 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dwight and Ruby Johnson, HCR 30 Box 172, Belle Fourche, SD 57717 the holders and/or owners of Water Permit No. 1467-1 is issued a license to appropriate water, the right to use 0.52 cubic feet of water per second from the Redwater River via the Lower Power Canal with a priority date of June 24, 1879 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1467-1 and subject to South Dakota State Law.


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

JAN 07 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 07 1998

1467-1

Dwight and Ruby Johnson
HCR 30, Box 172
Belle Fourche, SD 57717

Dear Mr. and Ms. Johnson:

Enclosed is Water License No. 1467-1 and Receipt No. 415538 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1467-1 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1467-1

Date: _____

I/We request that Water Right/Permit No. 1467-1 formerly owned by:

Dwight W. Johnson + Ruby C. Johnson be transferred to:

New Owner Name: Harvey Keene and Cathy Nott

Address: 10978 Redwax Hill Road

City, State, Zip Belle Fourche S.D. 57117

Telephone No. 605-892-2015

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

RECEIVED

OCT 12 2004

WATER RIGHTS
PROGRAM

☐ I understand that the validity of Water Right/Permit No. 1467-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Harvey Keene + Cathy Nott, the new owner, certify that the above information is true and correct.

 Cathy Nott
(Signed by new owner)

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

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

Prepared By:

BENNETT, MAIN & GUBBRUD, P.C.
618 State Street
Belle Fourche, SD 57717
Phone No. 605-892-2011

WARRANTY DEED

DWIGHT W. JOHNSON and RUBY C. JOHNSON, husband and wife, grantors, of Butte County, State of South Dakota, for and in consideration of Four Hundred Thirty-Five Thousand Dollars (\$435,000), **grant, convey and warrant** to **HARVEY KEENE and CATHY NOTT**, as joint tenants with right of survivorship and not as tenants in common, grantees, of 10978 Redwater Hill Rd., Belle Fourche, South Dakota 57717, the following described real estate:

Township 7 North, Range 2 East of the Black Hills Meridian, Butte County, South Dakota:

Section 2: S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$; That part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying North of the Redwater River.

Section 3: S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; That part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying North of the Redwater River, less Lot 1A-1 and 1A-2 as shown by the Plat recorded in Plat Book 10 on Page 126.

Section 10: That part of the W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of the Redwater River.

Section 11: That part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying North of the Redwater River.

Subject to all reservations, easements and rights-of-way expressly conveyed or reserved in prior grants and/or deeds, or created by operation of Federal or State law.

DATED this 8 day of October, 2004.

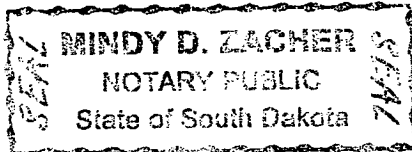
Dwight W. Johnson
DWIGHT W. JOHNSON

Ruby C. Johnson
RUBY C. JOHNSON

STATE OF SOUTH DAKOTA)
County of Butte) ss.

On this the 8 day of Oct., 2004, before me, the undersigned officer, personally appeared **DWIGHT W. JOHNSON and RUBY C. JOHNSON**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Mindy D. Zacher
Notary Public
My Comm. Exps.: 7-22-2010

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 12, 2004

RECEIVED OF Belle/Butte Title Company, PO Box 636, 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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1467-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 001442

By

Darland Erbe
Chief Engineer
gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 2004

1467-1

Harvey Keene
& Cathy Nott
10978 Redwater Hill Rd
Belle Fourche SD 57717

Dear Mr. Keene & Ms. Nott:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee submitted for changing ownership of Water Right No. 1467-1. The transfer has been completed. The water right, formerly held by Dwight & Ruby Johnson is now listed in your names.

The receipt for the filing fee of \$2.50 is being forwarded to the Belle/Butte Title Company.

Each year, we mail irrigators in South Dakota an irrigation questionnaire to report how many acres they irrigated and how much water was applied. The information supplied by the irrigators is one of the tools we use to help manage water resources of the state. I am enclosing a copy of last year's form submitted by the Johnsons. This will give you an idea of what the form looks like and the information that is needed to complete it.

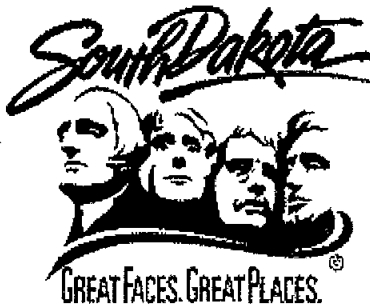
If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

c: Belle/Butte Title Company



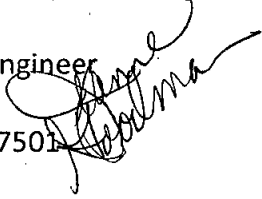
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2014

NOTICE

TO: Harvey Keene and Cathy Nott, 10983 Redwater Rd, Belle Fourche SD 57717

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program,
523 E Capitol, Pierre SD 57501 

SUBJECT: Removal of Irrigation Questionnaire Qualification from Water Right No. 1467-1

Water Right No. 1467-1 authorizes diversion of water from the Redwater River via the Lower Power Canal for irrigation purposes. The water right was originally issued with the following qualification:

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

Water Management Board Rule 74:02:01:14.02 states all irrigation permit owners except water spreading permit owners shall report water use annually on the forms mailed to them each year by the chief engineer. It is our understanding your water use system is strictly a gravity flow water spreading type system. Since the qualification was originally placed on the permit by the Water Management Board, removal of the qualification must also be considered by the Board.

A hearing has been scheduled for **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD. The Chief Engineer's recommendation is removal of the qualification to report annual water use since this is a water spreading system. This action will not alter the remaining portions of the water right.

If you have any questions or intend to participate in the hearing, please contact Genny McMath with the Water Rights Program at 605 773-3352.

**REPORT ON
IRRIGATION QUESTIONNAIRE QUALIFICATION
FOR WATER RIGHT NO. 1467-1, HARVEY KEENE & CATHY NOTT
March 6, 2014**

DISCUSSION

Water Right No. 1467-1 authorizes diversion of water from the Redwater River via the Lower Power Canal for irrigation purposes in Butte County, SD. The water right was originally issued with the following qualification:

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

Mr. Keene has submitted irrigation questionnaires on an annual basis. Although the forms were filled out, he did not include a rate at which water was applied and typically checked the box indicating use of a "flood" type system.

A review of Water Right No. 1467-1, including the inspection report completed in 1997 reflects water is diverted via the Lower Power Canal to an 8 inch buried pipe and is applied to beneficial use by gravity through gated pipe.

Upon submission of the irrigation questionnaire for 2013, Mr. Keene was contacted to find out if he had a rate at which water was applied. He confirmed he did not have a pump nor other mechanism to measure the amount of water diverted.

RECOMMENDATION

Water Management Board Rule 74:02:01:14.02 states all irrigation permit owners except water spreading permit owners shall report water use annually on the forms mailed to them each year by the chief engineer.

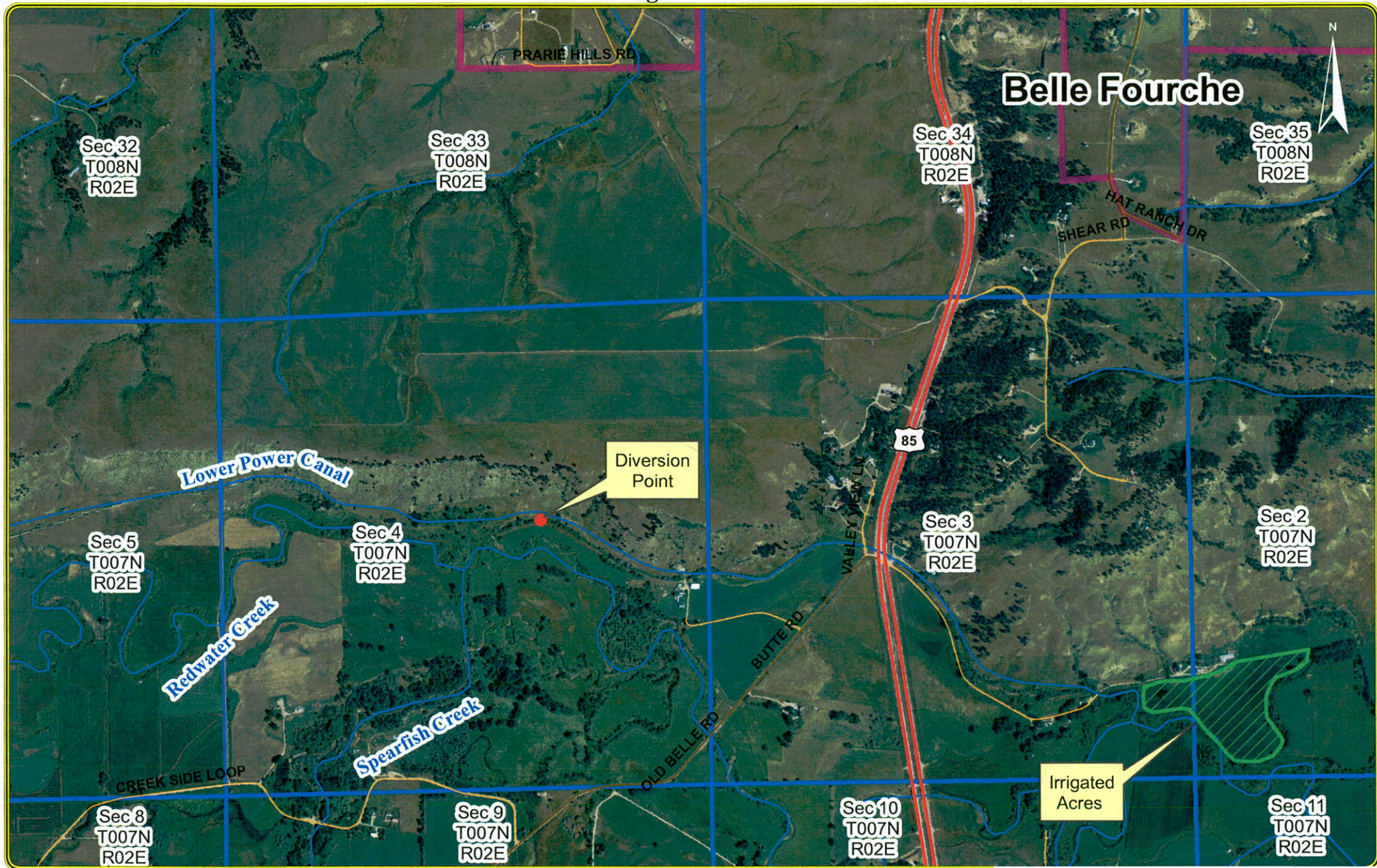
Based on Water Management Board Rule 74:02:01:14.02; a review of the water right; past irrigation questionnaires and conversations with Mr. Keene, staff recommends the irrigation questionnaire qualification be removed from Water Right No. 1467-1.

Removal of the qualification from the water right does not alter the remaining portions of the water right; it only removes the requirement to report annual water use.



Genny McMath
Water Rights Program

Harvey Keene and Cathy Nott
Water Right No. 1467-1



DENR, Water Rights Program
February 27, 2014

0 0.125 0.25 0.5 0.75 1 Miles





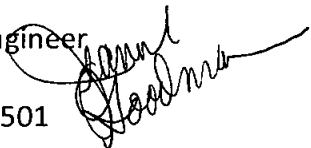
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2014

NOTICE

TO: Harvey Keene and Cathy Nott, 10983 Redwater Rd, Belle Fourche SD 57717

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program,
523 E Capitol, Pierre SD 57501 

SUBJECT: Removal of Irrigation Questionnaire Qualification from Water Right No. 1467-1

Pursuant to our "Notice" dated February 11, 2014 and following the March 6, 2014 Water Management Board meeting, the Board removed the mandatory irrigation questionnaire qualification from Water Right No. 1467-1.

This action was taken based on your irrigation system falling within the perimeters of Water Management Board Rule 74:02:01:14.02 stating all irrigation permit owners except water spreading permit owners shall report water use annually.

The Board action to remove the qualification means that you will no longer receive an irrigation questionnaire each year and do not have to report water use. The remaining qualification on Water Right No. 1467-1 which states "**Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed**" must still be followed.

Additionally, you will no longer need to report water use under Water Right No. 1485-1 which utilizes the same water use system. Water Right No. 1485-1 did not contain the mandatory irrigation questionnaire qualification therefore Board action was not required.

If you have any questions, please contact Genny McMath with the Water Rights Program at 605 773-3352.

CERTIFICATION

I hereby certify that on March 10, 2014, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10, 2014 regarding removal of irrigation questionnaire qualification addressed as stated below:

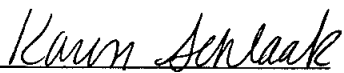
Harvey Keene & Cathy Nott, 10983 Redwater Rd, Belle Fourche SD 57717

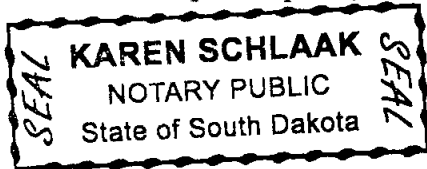
Water Right No. 1467-1


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 2014.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019



NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

JUL 19 2019

Ck# 150123

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

RECEIVED

JUL 19 2019

WATER RIGHTS
PROGRAM

Water Right/Permit No. 1467-1

Date: July 17, 2019

I/We request that Water Right/Permit No. 1467-1 formerly owned by:
Harvey Keene and Catherine M. Nott be transferred to:

New Owner Name: Richard L. Hamm and Judith E. HammAddress: 10983 Redwater RdCity, State, Zip Belle Fourche SD 57717 Telephone No. 518-369-3696

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

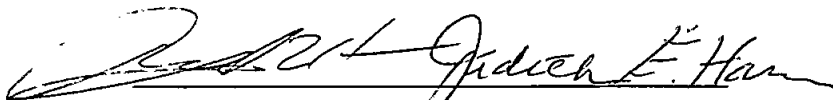
See Attached Legal Description

☒ I understand that the validity of Water Right/Permit No. 1467-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Richard L. Hamm and Judith E. Hamm, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

EXHIBIT "A"
LEGAL DESCRIPTION

RECEIVED

JUL 19 2019

**WATER RIGHTS
PROGRAM**

File No.: 81376

Township 7 North, Range 2 East, B.H.M., Lawrence County, South Dakota:

Section 2: SW1/4SW1/4 lying South of the Redwater River EXCEPT that part deeded to the Chicago & Northwestern Railway Company in Book 247 Page 74

Section 3: SE1/4SE1/4 lying South of the Redwater River EXCEPT that part deeded to the Chicago & Northwestern Railway Company in Book 247 Page 74

Section 10: NE1/4NE1/4 lying South of the Redwater River;

Section 11: NW1/4NW1/4 lying South of the Redwater River;

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **July 19**

20¹⁹

Black Hills Title, Inc. 245 N Main Street PO Box 459 Spearfish, SD 57783

RECEIVED OF _____

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 1467-1	50	00
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **09170**

By

Jeanne Goodman
Chief Engineer
zm

1467-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 22, 2019

1467-1
1485-1

Richard L & Judith E Hamm
10983 Redwater Rd
Belle Fourche SD 57717

Dear Mr. & Mrs. Hamm:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 1467-1 and 1485-1.

The ownership changes have been completed. Water Right Nos. 1467-1 and 1485-1, formerly held by Harvey Keene and Catherine M Nott are now listed in your names.

The receipts for the filing fees will be sent by copy of this letter to the Black Hills Title Company in Spearfish SD. If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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

c: Black Hills Title Inc., PO Box 459, Spearfish SD



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 28, 2022

Ryan S Vogel
Richardson Law Firm
PO Box 1030
Aberdeen SD 57402-1030

Dear Mr. Vogel:

On behalf of Richard Hamm you filed a request to change the point of diversion authorized by Water Right Nos. 1467-1 and 1485-1. The current authorized diversion point is the headgate located in the SW 1/4 NE 1/4 Section 4-T007N-R02E which diverts water from the Redwater River via the Lower Power canal for irrigation. The request is to change the diversion point to be directly from the Redwater River in the SE 1/4 SE 1/4 Section 3-T007N-R02E.

Water Right No. 1467-1 appropriates 0.52 cubic feet of water per second (cfs) from the Redwater River to irrigate 18.3 acres in the SW 1/4 SW 1/4 Section 2 and SE 1/4 SE 1/4 Section 3; all in T007N-R02E. Water Right No. 1485-1 appropriates 1.32 cfs to irrigate 46.4 acres located in the SW 1/4 SW 1/4 Section 2, SE 1/4 SE 1/4 Section 3 NE 1/4 NE 1/4 Section 10 and NW 1/4 NW 1/4 Section 11; all in T007N-R02E. The water rights share a common priority date of June 24, 1879.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change of diversion point location on the Redwater River to the SE 1/4 SE 1/4 Section 3-T007N-R02E is authorized as set forth above without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the diversion rate of 1.84 cfs from the Redwater River or irrigated acreage is authorized by the granting of the change of diversion point.

If you have any questions regarding the granting of the request for a change of diversion point, please contact Mark Rath at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Richard L and Judith E Hamm

ADDRESS: 10983 Redwater Rd

DATE: June 23, 2022

COUNTY: Butte

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The vested water right holder is authorized to divert a total of 1.84 cfs from the Redwater River to irrigate a combined total of 64.7 acres in Sections 2, 3, 10, and 11: all in T7N-R2E with a June 24, 1879, priority date. The vested right holder is requesting a change of diversion from a ditch headgate located in the SW1/4 NE1/4 of Section 4 T7N-R2E and move it approximately 3.3 river miles downstream to the SE1/4 SE ¼ of Section 3 T7N-R2E. The vested water right holder is not requesting an increase in the diversion rate nor a change in the location of the authorized irrigated acres.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The source of water, the Redwater River, will not change.

- **If irrigation, no new land is irrigated**

There is no change requested in the location of the irrigated acres authorized by vested water right Nos. 1467-1 and 1485-1.

- **Review of Existing Diversions**

The source of water is from Redwater River. There is one existing vested water right located between the existing diversion point and the proposed diversion point. Since this existing vested right will be located upstream of the proposed diversion point, this change should not adversely affect this right.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer III
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program

RICHARDSONLAWFIRM

RICHARDSON, WYLY, WISE, SAUCK & HIEB, LLP

ONE COURT STREET
POST OFFICE BOX 1030
ABERDEEN, SD 57402-1030

ROY A. WISE
JACK H. HIEB
ZACHARY W. PETERSON
KIMBERLY A. DORSETT
STACY M. JOHNSON
JOSHUA K. FINER
RYAN S. VOGEL
DOMINIC F. KING
CHRISTI M. WEIDEMAN

E-MAIL: rvogel@rwwsh.com

www.rwwsh.com

DWIGHT CAMPBELL	(1887-1964)
STANLEY R. VOAS	(1909-1972)
JAMES A. WYLY	(1939-2009)
LLOYD C. RICHARDSON, JR.	(1924-2012)
RICHARD L. RUSSMAN	(1967-2014)
WILLIAM K. SAUCK, JR.	(RETIRED)

TELEPHONE (605) 225-6310
FACSIMILE (605) 225-2743

June 22, 2022

VIA E-MAIL

(mark.rath@state.sd.us)

Mr. Mark Rath
South Dakota Department of
Agriculture & Natural Resources

Dear Mark:

**Re: Water Permits Nos. 1467-1 and 1485-1 -
Changing Diversion Points**

This letter is to inform you that Richard Hamm, who is the holder of the above-listed water permits, seeks to change the diversion point for the above listed permits pursuant to SDCL 46-5-13.1. Rich wishes to move the diversion point to within 150 feet east or west of N 44°35.530' W 103°51.196' on the Redwater River. He does not wish to change the flow or the irrigated acres.

Also, Rich has concerns regarding the existing diversion point as it appears it also is utilized by Permit #1402-1, which is held by Nancy L. Veal. Our understanding is that Ms. Veal has been deceased for quite some time, and this permit has not been transferred. It is our further understanding that the current owner of the land which utilized Permit #1402-1 is Tracy Vetter and/or Oak Meadow Limited Partnership.

Pg. 2

To: Mark Rath

Date: 6/21/22

By review of the statutes, specifically SDCL 46-5-37, the water appropriated pursuant to Permit #1402-1 has not been used for a period of three years and is forfeited; therefore, no one should be able to use the diversion point, if Rich's diversion point is changed. We are bringing this to your attention as Rich is concerned that if the headgate at the current diversion point is allowed to be used (it is currently plugged/shut by Tracy Vetter), Rich's side of the canal (and his land) will be flooded. Rich does not want to have any issues in the future regarding flooding. First, we are seeking clarification if Permit #1402-1 has been forfeited for non-use. If not, we are requesting assurances that if Permit #1402-1 is allowed to operate appropriate measures will be taken to ensure no flooding on Rich's land.

I appreciate your time and attention to this matter and look forward to hearing from you. If you have questions, please let me know.

Best regards,



Ryan S. Vogel

RSV/kkt

cc: Rich Hamm (e-mailed: juellhamm@mail.com)

Gronlund, Eric

From: Gronlund, Eric
Sent: Tuesday, June 28, 2022 11:37 AM
To: rvogel@rwwsh.com; ajimenez@rwwsh.com; Juellhamm@gmail.com
Cc: Rath, Mark; Mines Bailey, Ann (Ann.MinesBailey@state.sd.us)
Subject: Water Permits Nos. 1467-1 and 1485-1 - Changing Diversion Points
Attachments: Letter to Mark Rath 6-22-22 (00566013xC4BFD).PDF; DOC062822-06282022112152.pdf

Mr. Vogel:

You sent a letter to Mark Rath requesting a change of the Redwater River diversion point authorized by Water Right Nos. 1467-1 and 1485-1. Please find attached a letter granting the change of the diversion point.

Your letter also seeks clarification if Water Right No. 1402-1 has been forfeited for nonuse. The water right has not been cancelled. Your letter cites SDCL 46-5-37 which is the forfeiture for nonuse statute. However, SDCL 46-5-37.1 is the statute that provides a provision for the chief engineer to investigate whether or not a water right has been forfeited. It is unclear if your intention in the letter is a request to investigate as provided in SDCL 46-5-37.1. Please be aware that there are provision in rules for the legal excuse for the nonuse of water that may need factor into the consideration.

Finally, the letter seeks assurance that if Water Right No. 1402-1 is allowed to operate appropriate measures will be taken to ensure no flooding on Hamm's land. I am unable to provide blanket assurance that there will not be flooding. The issue regarding the Lower Power canal came up back in 2005 regarding the elevation that the culvert through Highway 85 was set. At that time, Department of Transportation staff indicated the new culvert was set to the same elevation at the previous culvert. They further indicated the culvert at this elevation will not function properly due to the severe sedimentation of the canal from not being maintained. Assuming that the canal has not been cleaned out it is likely the canal has much less carrying capacity than it historically had. As such, it may be unable to convey the water it once did due to not being maintained.

I have included Ann Mines Bailey who is legal counsel for the Water Rights Program in this response.

Eric Gronlund, Chief Engineer
Water Rights Program, SD DANR
605 773-3352

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Araceli Jimenez <ajimenez@rwwsh.com>
Sent: Wednesday, June 22, 2022 8:50:14 AM
To: Rath, Mark <Mark.Rath@state.sd.us>
Cc: Ryan Vogel <rvogel@rwwsh.com>; Juellhamm@gmail.com <Juellhamm@gmail.com>
Subject: [EXT] Water Permits Nos. 1467-1 and 1485-1 - Changing Diversion Points

Mark,

On behalf of Attorney Ryan S. Vogel, please find attached correspondence regarding the above-referenced matter.

Thank you,

Araceli Jimenez Magdaleno
Legal Assistant

RICHARDSONLAWFIRM

RICHARDSON, WYLY, WISE, SAUCK & HIEB, LLP

1 Court Street | Post Office Box 1030 | Aberdeen, SD 57402-1030 | [Map](#)

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