

Considered: _____

WATER PERMIT NO. 1470-1

MAP No. 892-2132

Name of Applicant James Jeffery

Post Office Address RR 1, Box 82, Fruitdale, SD 57742

Amount of Water Claimed 0.29 cfs Total Acres 20.3

Source of Water Supply Belle Fourche River

Water to be used for irrigation County Butte

About 1/2 miles SW of Fruitdale.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received August 23, 1989 Fee \$15.00 Remarks _____

Corrected Application Received _____ Period of Annual Use May 1 - Sept 30

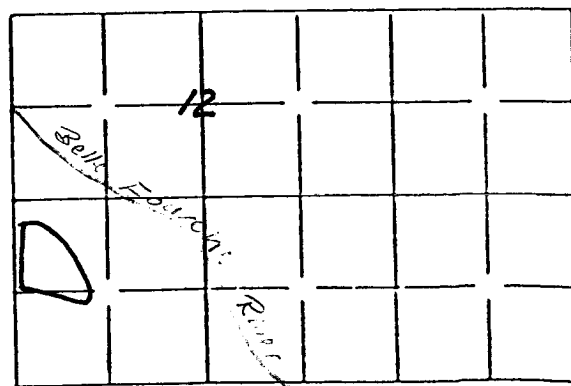
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point SE 1/4 SW 1/4 Section 12-T8N-R3E

Land to be Irrigated SE 1/4 SW 1/4 Sec 12-T8N-R3E

NE 1/4 NW 1/4 Sec 13-T8N-R3E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Aerial Photo PREPARED BY MR Ahadi Reviewed and the Number

assigned on OCT. 5, 1989 By William H. Brown

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1470-1 FOR IRRIGATION

(1) James Jeffery of RR #1 Box 82, Fruitdale, SD 57742, made Application No. 1470-1, August 23, 1989 for validation of a vested right claim to appropriate 0.29 cubic feet of water per second from the Belle Fourche River, Butte, County, South Dakota, for irrigation purposes. Vested Water Right No. 1470-1 was validated March 7, 1990 with a priority date of January 1, 1921. 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.

On April 18, 1989, an inspection was conducted of the water use system described in Vested Right Claim No. 282-1. The inspection found additional acreage being irrigated. Vested Right Application No. 1470-1 was submitted to cover the additional acreage and diversion rate. An affidavit submitted with No. 1470-1 stated the acreage had been irrigated since 1921.

Vested Right Claim Nos. 282-1 and 1470-1 were validated by the Water Management Board March 7, 1990. The applicable portions of Vested Right No. 282-1 are incorporated into this Vested Right License No. 1470-1.

(2) The vested right owner is entitled to divert 1.05 cubic feet of water per second for beneficial use. The location of the diversion point is: 1220'N and 2040'E of the SW corner of Section 12, T8N, R3E (SE¼SW¼).

The location of the irrigated acreage is: all in T8N, R3E

<u>Section 12</u>		<u>Section 13</u>	
SE¼SW¼	19.3 acres	NE¼NE¼	10.7 acres
SW¼SE¼	23.3 acres	NW¼NE¼	2.6 acres
SE¼SE¼	16.8 acres	NE¼NW¼	1.0 acre
		Total	73.7 acres

(3) Pursuant to Section 46-5-30.1 James Jeffery of RR #1 Box 82, Fruitdale, SD 57742 the holder(s) and/or owner of Incorporated Vested Water Right No. 1470-1 is issued a license to appropriate 1.05 cubic feet of water per second from the Belle Fourche River with a priority date of January 1, 1921 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 Incorporated Vested Water Right No. 1470-1 and subject to South Dakota State Law.



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

SEP 20 1993

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1470-1 FOR IRRIGATION

Date of Receipt of Claim August 23, 1989.

Date of Validation March 7, 1990.

The Water Management Board validated Vested Water Right Claim No. 1470-1 for irrigation purposes for James Jeffery, RR 1, Box 82, Fruitdale SD 57742 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1470-1 appropriates 0.29 cubic feet of water per second from the Belle Fourche River to irrigate 20.3 acres. The diversion point is located in the SE1/4 SW1/4 section 12 and the irrigated acreage is in the SE1/4 SW1/4 section 12; NE1/4 NW1/4 section 13; all in T8N-R3E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: May 1 - September 30.
3. The priority date of the Vested Water Right is January 1, 1921.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Vested Water Right No. 1470-1 is subject to the irrigation water use questionnaire being submitted each year.
2. Vested Water Right No. 1470-1 is subject to by-pass of low flows as needed for downstream domestic use, including livestock watering, and prior water rights.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

APR 24 1991

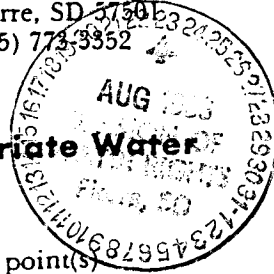
date

Division of Water Rights
Dept. of Water and Natural Resources

(See instructions)

1470-1
No. 282-1A Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Belle Fourche Daily Post, 1004 5th Ave
Belle Fourche SD 57717

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352



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 James Jeffery Phone No. 892-2132

Post Office Address RR #1 Box 82 Fruitdale State SD 57742
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) 0.29 Total acres irrigated 20.3

3. Source of Water supply Belle Fourche River

4. Location of point of diversion SE 1/4 SW 1/4 Section 12-T8N-R3E

_____ County Butte

5. Counties where water will be used Butte

6. Annual period during which water is to be used May 1 - September 30

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.
SE 1/4 SW 1/4 Sec 12-T8N-R3E	19.3
NE 1/4 NW 1/4 Sec 13-T8N-R3E	1.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

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

9. Crops to be Irrigated: Alfalfa - Corn - Grain

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

Pursuant to SDCL 46-5-49, this application is to file a Vested Right Claim.

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 Butte) ss

I, James L. Jeffery, 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.

Signed James L. Jeffery

Subscribed and sworn to before me this 17th day of August 1989

Helen Stearns
Notary Public
my Comm. expires 9/24/93

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411931

Pierre, October 5, 1980

RECEIVED OF James Jeffery, RR #1 Box 82, Fruitdale, SD 57742

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

Fee for Application for Permit No. <u>1470-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
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 *John Halch*
Chief Engineer *mra*

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) James Jeffery + Muriel E. Jeffery

Post Office Address RR #1 Box 82 Fruitdale SD 57742
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1921C. Date that water was first applied to beneficial use 1921D. Name of owner of original water supply system Orin H Stearns

E. Amount of water originally applied to beneficial use _____

F. Present Use of Water - Amount of water now being used 0.29Date that this water was first used 1921G. Chronological History of Water Use This land was owned by the Stearns

Ranch originally and Orin H. Stearns pumped on
it in 1921 until the Bureau of Reclamation claimed
they owned all the water in the Belle Fourche River from the
inlet canal to the end of the Project They stopped every body
from Pumping. also see extra data.

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, James L. Jeffery the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed James L. JefferySubscribed and sworn to before me August 17, 19 89

Helen Stearns
 Notary Public or other qualified officer

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.

Arthur J. Larson
 (Print name)

19 89

EARL E. GAYLOR
 (Print name)

19 89

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Fred Winkler (X-owner)
James Jeffery, present owner of RR1 Box 82, Fruitdale, SD 57742 holder of
 Permit No. 282-1/1470-1, bearing the priority of 1921 19____ authorizing
 the diversion of 1.05 cu. ft. per second of the waters of Belle Fourche River
 for irrigation purposes, in Butte County.

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

A. Works used to divert the water:

A pump: Berkeley, 600 gallons per minute capacity

A motor: General Electric, 20 horse power

B. Works used to transport water to place of use:Approximately $1\frac{1}{4}$ miles of irrigation ditches.

10 inch Aluminum pipe, 180 feet long.

C. Works used to apply water to beneficial use:

Gravity system of irrigation.

The system is in the following condition good

The point of diversion is located 1220 feet north, 2040 feet east from the Southwest corner of
Section 12, T8N-R3E (SE $\frac{1}{4}$ SW $\frac{1}{4}$)

The works are capable of diverting and conveying to the place of use 1.3
 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: All in T8N-R3E

Section 12	Section 13
SE $\frac{1}{4}$ SW $\frac{1}{4}$ <u>19.3</u> ac.	NE $\frac{1}{4}$ NE $\frac{1}{4}$ <u>10.7</u> ac.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ <u>23.3</u> ac.	NW $\frac{1}{4}$ NE $\frac{1}{4}$ <u>2.6</u> ac.
SE $\frac{1}{4}$ SE $\frac{1}{4}$ <u>16.8</u> ac.	NE $\frac{1}{4}$, NW $\frac{1}{4}$ <u>1.0</u> ac. <u>MDA</u>

comprising a total of 73.7 acres of land and the license should be issued for 1.05 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 4/18/89

(signature)

MDA Thadi

LICENSE FOR PERMIT NUMBER 282-1

1. Legal location of wells: _____

~~dam &~~ structures: SE 1/4 SW 1/4 Section 12, T8N-R3E

2. Well Information: Well Drilling Firm NA

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make Berkeley Motor a) make General Electric
b) model No tag b) model no. 5K 1365 FM1
c) size 6 inches c) horsepower rating 20
d) capacity 600 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:
a) size of lines 10 inches
b) type Aluminum
c) length 180 feet

Two types of irrigation ditches are
also being used: Cement ditch- 3 feet
wide on the top, 1 foot on the bottom,

2 feet deep; V shape ditch, 2 feet wide,
2 feet deep. Total $1\frac{1}{4}$ miles long.

4. Dam information:
a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:
1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:
1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:
1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES NO Check Items

- | | | | |
|----------|-------|-------|---|
| _____ | NA | _____ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| <u>X</u> | _____ | _____ | 2. Special Qualifications to permit being abided by. |
| <u>X</u> | _____ | _____ | 3. All Structures, wells and lands on map. |

REMARKS: 17.4 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ are not covered under the original vested right. An additional diversion point is used to irrigate this land. The vested right will be licensed for the acreage irrigated since 1921 and a new vested right claim should be filed for the above mentioned 17.4 acres. Application forms will be sent to Mr. James Jeffery to claim a vested right.

H.C.R. 76 Box 188
Nisland, South Dakota

10-21-88

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

Good morning:

I wish to oppose validation on the following water rights due to non use as classified under SDCL46-2A-18 and 46-5-37 water rights 472-1 (Timothy Reich), 1091-1 (Richard Reder) and 1258-1 (Frank and Marilyn Dobesh).

As a lifelong resident of this area and having farmed some of the land that these water rights are on, I question the validity of these vested rights.

I also question the validity of water rights 282-1 (James and Muriel Jeffery) and 287-1 (David Rathbun) as vested rights.

The majority of these lands under these water rights should receive water from the Belle Fourche Irrigation district under water right 6-38771. They also receive water from the Keyhole project, which in all probable cases, could exceed three acre feet per acre per year.

I would also like a clarification of water rights 228-1 and 264-1. At the water management meeting when water right 1423-1 was validated, water right 228-1 and 264-1 are declared to be incorporated within 1423-1. This, according to my legal counsel, indicates they should not be validated again. I have copies of the original water right maps showing 69.4 acres on this tract of land, covering water rights 1423-1, 228-1, and 264-1, and as I understand with a priority date of 1900.

I will be awaiting clarification on these matters from you as soon as possible.

Sincerely,

R. Thornton Vallery
R. Thornton Vallery





Department of Water & Natural Resources

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

August 10, 1989

James Jeffrey
RR 1, Box 82
Fruitdale, SD 57742

RE: Filing a Vested Right Claim.

Dear Mr. Jeffrey:

Enclosed you will find application forms to file a vested right claim, as we discussed over the telephone today. I also enclosed all the affidavits and testimonies we have in our files in case you may need to use them. I reviewed the minutes from the Water Management Board meeting of October 7, 1982, when your vested right claim was brought up for changing the priority date. At that meeting, however, the 20.3 acres were not the issue, rather the priority date change was considered.

Please review the application forms for accuracy. If any changes need to be made, please do so. The affidavit of water use must be completed by you. All the forms must be signed and notarized. Please send the forms to this office with \$15.00 application fee.

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

Sincerely,

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

enclosure



Report on Vested Right Application No. 1470-1
James L. Jeffery
October 11, 1989

Background

Vested Right Application No. 1470-1 requests the validation of a vested right claim to divert 0.29 cubic feet of water per second from the Belle Fourche River. The water is used to irrigate 20.3 acres of land in the SE1/4 SW1/4 Section 12 and NE1/4 NW1/4 Section 13, T8N-R3E. The diversion point is located in the SE1/4 SW1/4 Section 12, T8N-R3E, in Butte County. The application claims a priority date of 1921.

Discussion

On April 18, 1989, Vested Right Claim No. 282-1 was inspected. The inspection showed that 20.3 acres of land were being irrigated. The land, however, was not authorized by the Vested Right Claim No. 282-1. The applicant claims that the land had been irrigated since 1921 with some period of non-irrigation.

In a written statement, Mr. Orin Stearns, who owned the land until 1936, states that he had started using water to irrigate the land located on the south side of the Belle Fourche River in 1921 and on the north side of the river in 1922.

On December 1, 1982, the land irrigated under Vested Right Claim No. 282-1 was inspected. The inspection showed that 2.9 acres of land, located in the SE1/4 SW1/4 Section 12, were not covered under the claim. At that time, however, no application was made to cover the acreage. The Vested Right Claim No. 282-1 was then licensed for 73.3 acres including the 2.9 acres. At the same time, based on the documentation submitted to the Water Management Board, the priority date for Vested Right Claim No. 282-1 was changed to 1921.

Conclusions and Recommendations

1. According to the applicant, water had been put to beneficial use since 1921.
2. The inspection of April 18, 1989, showed the 20.3 acres as developed and capable of being irrigated.
3. Based on the file documents, it is recommended that Vested Right Application No. 1470-1 be validated for a diversion rate of 0.29 cubic feet per second from the Belle Fourche River for irrigation of 20.3 acres with a priority date of

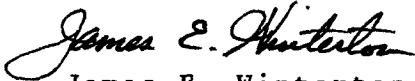
January 1, 1921. The validation should; however, also be based upon the testimony of any parties that may be present at the Water Management Board hearing.

4. If Vested Right Claim No. 1470-1 is validated, the qualifications should include the irrigation questionnaire qualification and the low flow bypass qualification.



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

Approved by:



James E. Winterton, P.E.
Natural Resources Engineer IV
(605)773-3352

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1470-1, James Jeffery

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. 1470-1, James Jeffery, RR 1, Box 82, Fruitdale SD.

The Chief Engineer is recommending VALIDATION of Application No. 1470-1 for 0.29 cfs because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1921, 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. Validation of Vested Water Right No. 1470-2 is subject to the irrigation water use questionnaire being submitted each year.
2. Validation of Vested Water Right No. 1470-1 is subject to by-pass of low flows as needed for downstream domestic use, including livestock watering, and prior water rights.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 30, 1989



Department of Water & Natural Resources

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

October 31, 1989

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

James Jeffery
RR 1, Box 82
Fruitdale SD 57742

Dear Mr. Jeffery:

Your Application No. 1470-1 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 Publisher of the Belle Fourche Daily Post printed at Belle Fourche SD. 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 newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has 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,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large loop at the end.

Ron Duvall
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

October 31, 1989

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

Dear Sir:

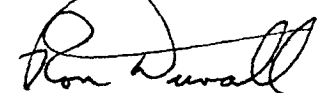
Enclosed is a Notice of Hearing to Validate Vested Right Application No. 1470-1 to be published twice. Please publish the notice on or before November 6, 1989 with the second publication 7 days later.

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 James Jeffery, RR 1, Box 82, Fruitdale SD.

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: ATTN: Ron Duvall
 Water Rights Division
 523 E Capitol
 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

Instruction to Newspaper - Publish first Notice on or before November 6, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 1470-1 to Appropriate Water

Notice is given that James Jeffery, RR 1, Box 82, Fruitdale, SD 57742 has filed an application to validate a vested water right claim to appropriate 0.29 cubic feet of water per second (cfs) from the Belle Fourche River to irrigate 20.3 acres. The location of the diversion point is in the SE 1/4 SW 1/4 Section 12 and the irrigated acreage in the SE 1/4 SW 1/4 Section 12 and NE 1/4 NW 1/4 Section 13, all in T8N-R3E. The water use has a claimed priority date of January 1, 1921.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1470-1 for 0.29 cfs because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1921, 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on December 6, 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 validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the 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 November 24, 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 November 24, 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, 46-2A-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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Butte) ss.

I, Rhonda Schultz

certify that the attached printed Notice was taken
 from the Belle Fourche 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 Belle Fourche

State of South Dakota

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

Saturday, November 4

Saturday, November 11

Rhonda Schultz
 (Signature)

Bookkeeper
 (Title)

11-11-89
 (Date Signed)

Cost of Printing: 32.31

NOTICE OF HEARING
 To Validate
 Vested Water Right
 Application No. 1470-1 to
 Appropriate Water

Notice is given that James Jeffery, RR 1, Box 82, Fruitdale, SD 57742 has filed an application to validate a vested water right claim to appropriate 0.29 cubic feet of water per second (cfs) from the Belle Fourche River to irrigate 20.3 acres. The location of the diversion point is in the SE 1/4 SW 1/4 Section 12 and the irrigated acreage in the SE 1/4 SW 1/4 Section 12 and NE 1/4 NW 1/4 Section 13, all in T8N-R3E. The water use has a claimed priority date of January 1, 1921.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 1470-1 for 0.29 cfs because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1921, 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on December 6, 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 validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the 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 November 24, 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 informa-



tion 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 November 24, 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, 46-2A-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.

2011/4-11

November 21, 1989
(date)

page 1

Parties of Record before Water Management Board regarding Vested Water
Right Claim No. 1470-1, James Jeffery

Proponent:

James Jeffery
RR 1, Box 82
Fruitdale SD 57742

Opponents:

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Members of the Belle River
Pumpers Association
Box 188

Nisland SD 57762

Ed Kling

Louis W. Budmayr

R. Thornton Vallery

~~Leon Minor~~

~~Lawrence Foss~~

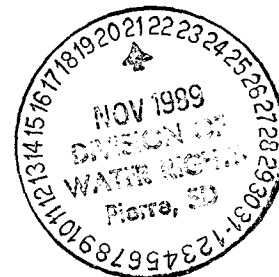
~~Lewis Brothers~~

~~Solomon Stark~~

Scott M. Clarkson for

H. M. Clarkson

November 11, 1989



TO: John Hatch, Chief Engineer
Water Rights Division
Joe Foss Bldg. 523 E. Capital
Pierre, S. D. 57501-3181

FROM: Belle River Pumpers Association
Box 188
Nisland, S. D. 57762

SUBJECT: To protest water right 282-1 and 1470-1 of James Jeffery

Dear Sir:

We the undersigned members of the Belle River Pumpers Association, an organization formed and founded to purchase storage area in the Keyhole Reservoir, and the water to be let down the Belle Fourche River to points below the diversion dam for the purpose of irrigation, do hereby protest the water validation of these water rights-for non use since the requested priority dates and on the 282-1, the land is already being furnished water through the Belle Fourche Irrigation Project.

Signed by members of the Belle River Pumpers Association:

Ed Kling	Lawrence Foss
Russell Burdman	Lewis Brothers
R. Thompson Valley	Salomon Stark
Leon Minor	Samuel Clarkson
cc.: James Jeffery	for H. M. Clarkson

VAL-FLOW, INC.
NISLAND, SOUTH DAKOTA 57762
HCR. 76 Box 188

Phone 257-2264



Memo

LETTER

Date NOV 17, 1989

Subject Water rights

To John Hatch, Chief Engineer
Joan Foss Bldg 523 E. Capitol
Pierre, So. D.R. 57501-3181

Mr. James Jeffery
Water right 282-1
1470-1

Good morning:

Would it be possible for you to get the pumping hours on both sites in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 12 - T8 R3. These sites are supplied from Black Hills Power & Light, Belle Fourche, S.D. They are almost directly across from each other on the Belle Fourche River. We feel the North site has not been used for a number of years. But the same meter supplies both sites.

Also from ASC. - SES office in Belle Fourche, when was the land leased in SE $\frac{1}{4}$ -SW $\frac{1}{4}$ section 12 NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 211 T8-R-3E.

R. Thornton Vallery

SIGNED
H.C.R. 76 Box 188
NISLAND, S.D.

☒ Please reply

☐ No reply necessary

57762



November 20, 1959

R.T. Valley, Sec.

MCR. 76 B x 188

Niland. S.D. 57762.

John Hatch, chief Engineer
Water Rights division
523 E Capital, Joe Foss Bldg
Pierre, S.D. 57501-3181

Mr. Hatch:

would you be able to get information
on lands described as SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 12
and NE $\frac{1}{4}$ - NW $\frac{1}{4}$ section 13 (if any) - and other
lands in section 12 all in Twn 8 R. 3, belonging
To Mr James Jeffery of Fruitdale, S.D.

Most of these lands are under water right
282-1 and they are also served water from
the Belle Fourche Irrigation district.

(Question) How much water to the 74.3 acres under
W.R. 282-1 came from the Johnson Lateral and
how much came from the Belle Fourche River?

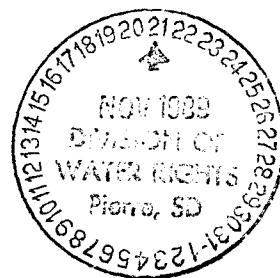
Also the same info on lands located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$
SE $\frac{1}{4}$ SW $\frac{1}{4}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ all in section 9 - T8N R5E.

These lands are under water right application # 287A-1
and also receive water from the Belle Fourche
Irrigation district.

This info should be available to the water management
Board before Dec. Thank you,
R. Thorton Valley
Belle River Pumping, Sec.

November 19, 1989

Mr. John Hatch, Chief Engineer
Water Rights Division
Joe Foss Bldg, 523 Capital
Pierre, S.D. 57501-3181



Sir:

I protest The validation of water right #1470-1, and would like to Testify at The Dec 6th hearing.

As I understood The proposed water right is a new water right requesting a priority date back to January 1, 1921.

I protest on the grounds of lack of use at that date.

I also protest 282-1 on the same grounds - priority date & non use.

C.C. Jim Jeffery

Sincerely
R. Shonten Valley
H. C. R. 96 Box 188
Mistand, S.D.

SOUTH Dakota Department of
Water & Natural Resources

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

November 29, 1989

R. Thornton Vallery
HCR 76, Box 188
Nisland, SD 57762

RE: Vested Right Claims Nos. 282-1, 287A-1, and 1470-1.

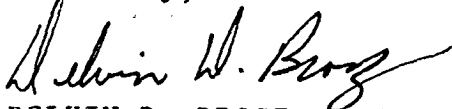
Dear Mr. Vallery:

I am writing to you in response to your letters of November 17 and 20, 1989.

1. Mr. James Jeffery did not authorize the Black Hills Power and Light Company in Belle Fourche to give us information regarding his electrical use for his irrigation pumps. I have asked Mr. Jeffery to have this available at the hearing.
2. According to the ASCS Office in Belle Fourche, Mr. Jeffrey's land, mentioned in your letter of November 17, is scheduled for leveling in 1991 and 1992.
3. Based on requests from Mr. Jeffery and Mr. Rathbun, the amount of water purchased by these two irrigators, from the Belle Fourche Irrigation District, remains confidential. If it is required, the applicants will present this information to the Water Management Board at the hearing.

If you have any questions, please contact us.

Sincerely,



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV
605 773-3352

Lawrence Foos

HCR 76 Box 120

Nisland S.D. 57762

Water Rights Division

Joe Foss Bldg.

Pierre, S.D.

Dear sir,

Recently I signed protests presented
by Thornton Valley of Nisland, S.D..

I wish to retract my signature from
protests on subjects 287-A-1, 282-1
and 1470-1.

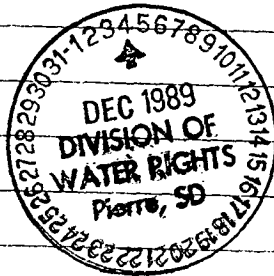
Yours truly,
Lawrence Foos



Dear Sirs,

We wish To withdraw our
proTest of the water rights of
Jim Jeffry's (282-1, 1470-1) Fruitdale,
Dick Reder and Dave Rathbun,
91 Island, which are coming up
for review on Wednesday Dec. 6.

Sincerely,
Lewis Brothers



Greetings from

Belle
Fourche, S.D.

12-4-89

To Whom it may concern:

Please be advised that I am withdrawing
my protest of water rights of James Jeffery
282-1 + 1470-1 effective December 4, 1989

Samuel
for H. M. Jackson



Belle Fourche
S.D.

Dear Sir:

Dec 4 1989

I wish to wish draw
my protest of water right of
Jim Jefferdy 282-11470-1
Fruitdale

Louis W Buchnagel

CITY OF BELLE FOURCHE,

City Hall, 606 6th Avenue



BELLE FOURCHE, SOUTH DAKOTA

Belle Fourche, SD 57717

At the New Center of the Nation

EQUAL OPPORTUNITY EMPLOYER

Dec 5, 1987

S.D. Dept of Water & Natural Resources
Div. of Water Management
Pierre, S.D.

Water Management Board -

I am writing you to protect the petition presented to
you by one Horton Gallery.

We the water pumpers of the Belle Fourche River
feel that this petition referring to the water validations
of our water rights is in error.

Mr. James Jeffery in no way has violated his
water right, nor has anyone who has used their
water right for their own use.

I strongly recommend you deny this petition

Signed
B. J. [Signature] (Retired)
Mayor of Belle Fourche
Land Owner & Pumper on
the Belle Fourche River.

All Roads Lead to...

BELLE FOURCHE, S.D.

NORTHERN GATEWAY TO THE BLACK HILLS



Department of Water and Natural Resources
Water Rights Division

Her Sir

I Solomon Stark would like to
withdraw my Protest Against James Jeffries
& David Rathbun, N. 287 A.S., that
is to be heard before Water Management
board on Dec. 6th 1989.

Signed
Solomon Stark
Hiland South Dak.



Department of Water & Natural Resources
Water Rights Division
Pierre, South Dakota
Dear Sirs:

I, Leon Minor, would like to
withdraw my protest against 2 water
rights that are coming before the water
management board on Dec 6th

I want to withdraw my protest against
David Rathbun, water right no 287 A, &
also withdraw my protest against
James Jeffrey.

Leon Minor
HCR 76 Box 200
Oisland, S. Dak. 57762





Department of Water & Natural Resources

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

December 13, 1989

NOTICE

TO: James Jeffery
RR 1, Box 82
Fruitdale SD 57742

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Belle River Pumpers Association
Box 188
Nisland SD 57762

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

A handwritten signature in cursive script that reads "John Hatch".

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on validation of Vested Right Claim No. 1470-1. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, March 7, 1990, Howard Johnson, Roosevelt-Jefferson Room, 2211 LaCrosse Street, Rapid City SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record (listed above) by February 15, 1990. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney and all Parties of Record by February 26, 1990.

The public hearing was completed December 6, 1989. No additional testimony will be received on March 7, 1990.

cc: John Guhin, Assistant Attorney General

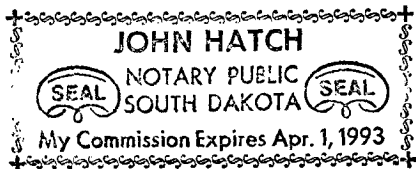
CERTIFICATION

I hereby certify that on December 13, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice to Prepare Findings of Fact, Conclusions of Law and a Final Decision on Vested Right Claim No. 1470-1 addressed as stated on the notice.

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of December, 1989.



John Hatch
Notary Public



Department of Water & Natural Resources

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

April 9, 1990

NOTICE

TO: James Jeffery
RR 1, Box 82
Fruitdale SD 57742

R. Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Belle River Pumpers Association
Box 188
Nisland SD 57762

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

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

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
Final Decision

This is to notify you that a Final Decision, including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for validation of Vested Right Claim No. 1470-1 which was considered at the December 6, 1989 meeting.

A copy of the signed final Decision, Findings and Conclusion is enclosed. South Dakota Statutes provide that the decision of the Board may be appealed to the Courts.

CERTIFICATION

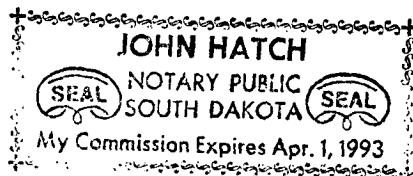
I hereby certify that on April 9, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice on Adoption of Findings of Fact, Conclusions of Law and Final Decision on Vested Right Claim No. 1470-1 addressed as stated on the notice.

Karen Schlaak

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of April, 1990.



John Hatch
Notary Public

STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION)	FINDINGS OF FACT,
FOR VALIDATION OF VESTED RIGHT)	CONCLUSIONS OF LAW AND
NO. 1470-1, JAMES & MURIEL JEFFERY.)	FINAL DECISION

FINDINGS OF FACT

1. James and Muriel Jeffery have filed an application to validate a vested right to appropriate .29 cfs of water to irrigate 20.3 acres. The location of the diversion point is in the SE 1/4 SW 1/4 Section 12 and the irrigated acreage in the SE 1/4 SW 1/4 Section 12 and NE 1/4 NW 1/4 Section 13, all in T8N-R3E.
2. The priority date claimed is January 1, 1921.
3. The evidence demonstrates, to the satisfaction of the Board, that water has been pumped on the lands in question since 1921.
4. The evidence does not show any period of three years of nonuse without legal excuse.
5. It is not relevant to the determination of this case that Mr. Jeffery may or may not have cooperated with the association of irrigators on the Belle Fourche River.
6. The generalized assertion that there is insufficient water in the Belle Fourche River is insufficient to demonstrate that this vested right should not be validated.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter.

2. To validate a vested right, it is necessary for the proponent to show, by preponderance of evidence, that irrigation has occurred from the time of the claimed priority date to the present without a three-year hiatus of nonuse without legal excuse. Although the evidence is sketchy, the Board, in weighing the evidence, finds that the proponent has carried his burden.

3. There has been no sufficient showing of a three-year interruption of use of water without legal excuse so as to demand application of the forfeiture statute.

4. The use has been developed without unlawful impairment of existing rights.

5. The use for irrigation purposes is a beneficial use and is in the public interest.

FINAL DECISION

The application for validation of Vested Water Right No. 1470-1 is granted subject to the following conditions.

1. Vested Water No. 1470-1 is subject to the irrigation water use questionnaire being submitted each year.

2. Validation of Vested Right No. 1470-1 is subject to by-pass of low flows as needed for downstream domestic use, including livestock watering, and prior water rights.

Dated this 3 day of April, 1990.

BY THE BOARD:

Marian B. Gunderson



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 24, 1991

James and Muriel Jeffery
RR 1, Box 82
Fruitdale SD 57742

Dear Mr. & Mrs. Jeffery:

The Water Management Board has validated the enclosed recognized Vested Water Right No. 282-1 and Vested Water Right No. 1470-1. These vested water rights will be followed at a later date by a water license incorporating Nos. 282-1 and 1470-1 into one license. You will be contacted regarding licensing of Nos. 282-1 and 1470-1.

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

Very truly yours,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1993

1470-1

James Jeffery
RR 1, Box 82
Fruitdale, SD 57742

Dear Mr. Jeffery:

Enclosed is Vested Right Water License No. 1470-1 for Irrigation. The applicable portions of Vested Right No. 282-1 were incorporated into Vested Right Water License No. 1470-1.

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. If you have any questions, please contact our office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a faint, larger version of the same signature.

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

gm
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: JAMES REID, RENTER
HCR 76 BOX 48
NISLAND SD 57762

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

RE: Violation of Water Permit No(s) 1470-1

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1470-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1470-1 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1470-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

cc: James Jeffery, RR #1 Box 82, Fruitdale, SD 57742

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:

James Jeffery
 RR#1 Box 82
 Fruitdale SD 57742

4a. Article Number
 P906560209

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)
 Muriel Jeffery

PS Form 3811, December 1991 U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

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:

JAMES REID, RENTER
 HCR 76 BOX 48
 NISLAND SD 57762

4a. Article Number
 P906560189

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
 FEB 01 1993

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

5. Signature (Addressee)
 Kathy Reid

6. Signature (Agent)

PS Form 3811, December 1991 U.S. GPO: 1992-323-402

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

March 10, 1993

282-1
1470-1

James L & Muriel Jeffery
RR #1 Box 82
Fruitdale, SD 57742

Dear Mr. & Mrs. Jeffery:

I am writing to acknowledge receipt your 1992 irrigation questionnaires for Vested Water Right Nos. 282-1 and 1470-1. You may disregard the January 29, 1993, **Notices of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire and Violation of Water Permit.**

The questionnaires were received prior to the Water Management Board meeting, and your names were deleted from the agenda.

As you requested during our telephone conversation, future irrigation questionnaires for No. 1470-1 will be mailed directly to you and not to James Reid (listed as former renter). If you have any questions, please contact me.

Sincerely,

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

2000 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

Please fill out and return before December 1, 2000

1470-1
JAMES L & MURIEL JEFFERY
RR #1 BOX 80
FRUITDALE SD 57742 9602

CHANGES TO ADDRESS LABEL, IF ANY:

Bill Holst Cell-715-797-2102
Telephone No Home 715-792-2745

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

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

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

center pivots _____ towlines _____ big gun _____
flood X sprinklers _____ other Pump

3. Source of water: River

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

*If yes, through what year? _____

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

*If yes, number of acres irrigated 18 acres

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

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

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

Comment Section: We sold this farm to
William F. Holst III of N.3941 State road. 35
Prescott, Wic. 54021 - Water Pumping permit
#147-1
His address here is RRI Box 80
Fruitdale, S.D. 57742-9602

Office use only



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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 2001

1470-1

William F Holst, III
N 3941 State Rd 35
Prescott, WI 54021

Dear Mr. Holst:

I am contacting you in regard to ownership of land described in Vested Water Right No. 1470-1. James Jeffery has notified our office that he sold the farm to you in September, 2000.

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

I am enclosing a copy of the vested water right for your review. You may keep this for your records. As soon as we receive the signed transfer form and filing fee back in our office, all pertinent records will be transferred to your name.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1470-1

Date: 1-15-01

I/We request that Vested Water Right No. **1470-1**

formerly owned by: **James Jeffery**

be transferred to: (name & address) William F. Holst III
N3941 State Hwy 35, Prescott, Wi. 54021 Telephone No. 715-792-5291

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

73.7 acres – SE ¼ SW ¼, S ½ SE ¼ Section 12; N ½ NE ¼, NE ¼ NW ¼ Section 13, all in T8N, R3E

I/We understand that the validity of Vested Water Right No. **1470-1** has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF ~~SOUTH DAKOTA~~) WISCONSIN
County of Pierce)

I/We William F. Holst III 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.

William F. Holst III
(Signature of new owner)

Subscribed and sworn to before me this 15th day of January, 2000.

Nancy J. Beeler
(Notary Public)



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

Water Rights Program

South Dakota Department of Environment and Natural Resources

N~~2~~ 416736

Pierre, January 18, 2001

RECEIVED OF William F Holst III, N3941 State Hwy 35, Prescott WI 54021

the following amount in fees for services rendered as provided for by law: (James Jeffery)

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 1470-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

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

January 19, 2001

1470-1

William F Holst, III
N 3941 State Rd 35
Prescott, WI 54021

Dear Mr. Holst:

Thank you for following up on the transfer of ownership for Vested Water Right No. 1470-1. The transfer has been completed and the vested water right is now listed in your name.

Enclosed is your Receipt No. 416736 in the amount of \$2.50. Also enclosed is a sample irrigation questionnaire. The purpose for sending it to you is to show you what type of records you will need to keep track of during the irrigation season. The irrigation questionnaire for this past season (2000) has already been returned.

You may keep the receipt and sample copy of the irrigation questionnaire for your records. The next questionnaire that will need to be completed and returned will be mailed to you will be in October, 2001.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures



**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: WILLIAM F HOLST, III, N 3941 STATE HWY 35, PRESCOTT, WI 54021

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1470-1. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1470-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 1470-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

1470-1

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:

WILLIAM F HOLST, III
N 3941 STATE HWY 35
PRESCOTT WI 54021

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

1-18

C. Signature

X Nancy Beeler

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☒ YesIf YES, enter delivery address below ☐ No

3. Service Type

☒ Certified Mail☐ Registered☐ Insured Mail☐ Express Mail☐ Return Receipt for Merchandise☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7001 2510 0004 4797 4210

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

DEPARTMENT OF ENVIRONMENT & NATURAL
RESOURCES
WATER RIGHTS PROGRAM
523 E CAPITOL
PIERRE, SD 57501
PHONE (605) 773-3352 FAX (605) 773-4068

FACSIMILE TRANSMITTAL SHEET

TO:

Nancy

FROM:

Genny McMath

COMPANY:

for: William Holst III

DATE:

January 23, 2002

FAX NUMBER:

715 792-2909

TOTAL NO. OF PAGES INCLUDING COVER:

3

PHONE NUMBER:

715 792-5291

SENDER'S REFERENCE NUMBER:

RE:

2001 irrigation questionnaire

YOUR REFERENCE NUMBER:

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Nancy – when you obtain the information from the renter of the land, you can call me with the information or complete the form and fax or mail it back to us.

We have a lot of irrigators who live out of state who rent their land out. If it works for you, I can mail the annual questionnaire directly to your renter rather than sending it on to you. If this option is agreeable to you, make a notation on the questionnaire when you return it so I can make the address change. Mailing the annual questionnaire to a renter instead of the owner does not alter ownership of the water permit. It merely allows us to gather information from a third party.

If you have any questions, please let me know.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2002

1470-1

William F Holst III
N 3941 State Hwy 35
Prescott, WI 54021

Dear Mr. Holst:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Vested Water Right No. 1470-1.

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
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: WILLIAM F HOLST, III, N 3941 STATE HWY 35, PRESCOTT, WI 54021
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1470-1. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1470-1 qualification:

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

The hearing will be held at 8:30 am, March 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1470-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 28, 2003**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 3732

Your item was delivered at 4:30 pm on January 21, 2003 in PRESCOTT, WI 54021. The item was signed for by M BEELER.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 3732

WILLIAM F HOLST, III
N 3941 STATE HWY 35
PRESCOTT WI 54021

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

(See Reverse)

PS Form 153, February 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2003

NOTICE OF ONE YEAR SUSPENSION OF VESTED WATER RIGHT

TO: William F Holst III, N3941 State Hwy 35, Prescott WI 54021

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Vested Water Right No. 1470-1

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing March 5, 2003, the Water Management Board has ordered:

That Vested Water Right No. 1470-1 be suspended until December 31, 2003, for failure to submit the 2002 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2003 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2002 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2003 in Pierre, SD. The letter should include your reasons for not completing the 2002 irrigation questionnaire.

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



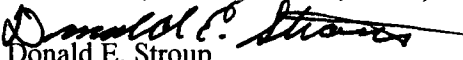
1470-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

August 25, 2003

TO: Files 418-1, 1470-1, 2197-2, 843-1, 816-2, 973-2, 529-1, & 530-1

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Examination of Cancelled/Suspended Water Rights

Nos. 816-2 & 973-2, Craig Mowry. I checked these two water rights the summer of 2001 and found no evidence that irrigation had taken place for several years. There was no equipment for irrigation on-site. This information was written up and should have been on file. I made the examination for possible cancellation at the time.

No. 418-1, Dennis Lien. I made an on-site examination 8/22/03 and found no irrigation taking place or evidence that the acreage had been irrigated this year. The pasture is all weeds with a dozen or more horses grazing it.

No. 843-1, Laverne Wilburn. I had made an on-site check for K. Buehler on this. This was in response to a report of a flowing well. There was a hose discharging water into a pond at the location. Reported find to Buehler.

Nos. 529-1 & 530-1, Rod Anders. I made an on-site 8/21/03, getting to about 3-miles of the land authorized for irrigation. I could view the land authorized for irrigation and there was no evidence that irrigation had taken place this year.

No. 1470-1, William Holst. I made an on-site 8/22/03 and found irrigation had and was taking place. I placed a call to Mr. Holst on 8/25/03 requesting that he call me back on the subject.



1470-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

August 25, 2003

TO: Files 418-1, 1470-1, ~~8197-2~~, 843-1, 816-2, 973-2, 529-1, & 530-1

FROM:

Donald E. Stroup
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Examination of Cancelled/Suspended Water Rights

Nos. 816-2 & 973-2, Craig Mowry. I checked these two water rights the summer of 2001 and found no evidence that irrigation had taken place for several years. There was no equipment for irrigation on-site. This information was written up and should have been on file. I made the examination for possible cancellation at the time.

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Nos. 529-1 & 530-1, Rod Anders. I made an on-site 8/21/03, getting to about 3-miles of the land authorized for irrigation. I could view the land authorized for irrigation and there was no evidence that irrigation had taken place this year.

No. 1470-1, William Holst. I made an on-site 8/22/03 and found irrigation had and was taking place. I placed a call to Mr. Holst on 8/25/03 requesting that he call me back on the subject.

McMath, Genny

1470-1

From: polly [polly@ButteSD.org]
Sent: Thursday, January 07, 2010 11:08 AM
To: McMath, Genny
Subject: RE: land ownership in Butte County
Genny,

Sorry I'm just getting back to you today. The Court House was closed yesterday, due to the weather.

Here is the following information you requested:

Eller, Jerry W
2100 Maynard Rd.
Yadkinville, NC 27055

Thank you,

Polly Odle
Director
Butte County Equalization
605-892-3950

From: Genny.McMath@state.sd.us [mailto:Genny.McMath@state.sd.us]
Sent: Wednesday, January 06, 2010 8:34 AM
To: polly@ButteSD.org
Subject: land ownership in Butte County

Ms. Odle,

I am reviewing a water right file for William Holst III with land in Butte County. The renter of the property notified us that the land was sold to someone in North Carolina.

The legal description is as follows:

SE ¼ SW ¼ and S ½ SE ¼ Section 12; N ½ NE ¼ and NE ¼ NW ¼ Section 13, T8N, R3E

If you could, please forward me the name and mailing address of the new owner so I can contact them to transfer the water right. Thank you in advance for your help!

Genny McMath

DENR

Water Rights Program

phone: 605.773.3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 7, 2010

1470-1

Jerry W Eller
2100 Maynard Rd
Yadkinville NC 27055

Dear Mr. Eller:

I am contacting you in regard to ownership of land described in Vested Water Right No. 1470-1, currently listed in the name of William Holst III. The vested right authorizes diversion of water from the Belle Fourche River to irrigate portions of land in Sections 12 and 13, T8N, R3E.

Recently, the leaser of the property notified us that the land had been sold and he no longer farmed it. In checking with the Butte County Assessor's office, I obtained your name as the new owner of the property.

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

I have also included a copy of the vested right for your review. 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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

FEB 16 2010

WATER RIGHTS
PROGRAM

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

No. 1470-1

Date: _____

I/We request that Vested Water Right No. 1470-1

formerly owned by: William Holst III

be transferred to: (name & address) Jerry W Eller DBA Dakota Ranches Inc.
19073 Eller Rd
Belle Fourche, SD 57717 Telephone No. 605-892-3495

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

73.7 acres – SE ¼ SW ¼, S ½ SE ¼ Section 12; N ½ NE ¼ and NE ¼ NW ¼ Section 13, T8N, R3E

I/We understand that the validity of Vested Water Right No. 1470-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Jerry Eller DBA, the new owner, certify that the above information is true and
Dakota Ranches, Inc. correct.

Jerry W. Eller
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/16, 2010

RECEIVED OF G Dakota Ranches J W Eller 19073 Eller Rd 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1470-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04477

By Harold Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2010

1470-1

Jerry W Eller
Dakota Ranches Inc
19073 Eller Rd
Belle Fourche SD 57717

Dear Mr. Eller:

I am writing to acknowledge receipt of the ownership change filed for Vested Water Right No. 1470-1. The transfer has been completed. The vested right formerly held by William Holst III is now listed as "Jerry W Eller dba Dakota Ranches Inc."

Enclosed is Receipt No. 04477 in the amount of \$50.00. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure