

No. 166-1

Division No. 1

Grand River Water District.

PERMIT

to appropriate water from

Grand River

Perkins County, South Dakota.

Name of applicant S. E.

Engelhardt

Name of diversion works Engelhardt

Irrigation Works

Date of first receipt at office of State Engineer November 1st 1937

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

19

Recorded in Book 2 Page 446

One-fifth of work to be completed

May 1939

Whole work to be completed

November 1st 1940

Final proof of use of water

November 1st 1940

Approved December 15th 1937

Dean W. Lounsbury  
State Engineer.

No. 166-1

Water Division No. 1 Grand River Water District.

(Blank to be filled by the State Engineer.)

# APPLICATION FOR A PERMIT To appropriate Water Within the State of South Dakota

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

I. Name of applicant S. E. Erlandson  
Postoffice address Hettinger County Adams State North Dakota

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

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

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

2. Name of diversion works Erlandson Irrigation works
3. Quantity of water claimed 2 1/2 cubic feet
4. Source of water supply North fork of Grand
5. Location of point of diversion  

| Location of Points of Diversion |           |          |         |  |
|---------------------------------|-----------|----------|---------|--|
| NW 1/4 of SW 1/4                | --SEC. 33 | TWP. 23, | RGE. 11 |  |
| NE 1/4 " SW 1/4                 | -- " 33   | " 23,    | " 11    |  |
| NE 1/4 " SE 1/4                 | -- " 33   | " 23,    | " 11    |  |
| SW 1/4 " SE 1/4                 | -- " 33   | " 23,    | " 11    |  |
| SE 1/4 " NW 1/4                 | -- " 33   | " 23,    | " 11    |  |
6. Annual periods during which water is to be used
7. To be used for:

- I. Irrigation or domestic use:
  - (a) Number of acres to be irrigated 17
  - (b) Legal subdivisions to be irrigated

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

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

## II. Mining, power Legal Subdivisions to be irrigated

|              |                  |          |                |          |
|--------------|------------------|----------|----------------|----------|
| (a) Nature   | SW 1/4 of NW 1/4 | 40 acres | Area irrigable | 20 acres |
| (b) Amount   | SE 1/4 " NW 1/4  | 40 "     | " "            | 25 "     |
| (c) Location | NW 1/4 " SW 1/4  | 40 "     | " "            | 20 "     |
| (d) Method   | NE 1/4 " SE 1/4  | 40 "     | " "            | 25 "     |
| (e) Point wh | NW 1/4 " SE 1/4  | 40 "     | " "            | 20 "     |
|              | SW 1/4 " SE 1/4  | 40 "     | " "            | 16 "     |
|              | SE 1/4 " NE 1/4  | 40 "     | " "            | 20 "     |
|              |                  |          |                | 174 "    |

8. Estimated cost of works:

(a) Head gates, \$ \_\_\_\_\_ (b) Pumping plant, \$ \_\_\_\_\_  
 (c) Fluming, \$ \_\_\_\_\_ (d) Canal-earth, \$ \_\_\_\_\_ Rock, \$ \_\_\_\_\_  
 (e) Other structures, \$ \_\_\_\_\_ Total, \$ \_\_\_\_\_

9. Description of diversion works:

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

II. Dimensions of works: Average dimensions of the three dams

(a) Dam: Height 4 feet; length at bottom 175 feet; length at top \_\_\_\_\_ feet; thickness at bottom \_\_\_\_\_ feet; thickness at top \_\_\_\_\_ feet; slope of front (water) face vertical; slope of back face 4 to 1; material used in construction Re-enforced concrete and rock fill  
 (b) Reservoir: Capacity when filled \_\_\_\_\_ acre feet. Surface area at highwater mark \_\_\_\_\_ acres.

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

(c) Head gate: Width 2 feet; height 1½ feet; Material lumber

(d) Canal: Total length 1.5 miles.

| LOCATION BELOW HEADGATE      | DEPTH         | BOTTOM WIDTH  | WIDTH AT WATER LINE | GRADE PER MILE |
|------------------------------|---------------|---------------|---------------------|----------------|
| At <u>Mile</u> <u>2</u> feet | <u>2</u> feet | <u>6</u> feet | <u>3</u> feet       |                |
| At <u>Mile</u> _____ feet    | _____ feet    | _____ feet    | _____ feet          | _____ feet     |
| At <u>Mile</u> _____ feet    | _____ feet    | _____ feet    | _____ feet          | _____ feet     |
| At <u>Mile</u> _____ feet    | _____ feet    | _____ feet    | _____ feet          | _____ feet     |
| At <u>Mile</u> _____ feet    | _____ feet    | _____ feet    | _____ feet          | _____ feet     |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work three years.

11. Time required for complete application of water to the proposed beneficial use three years.

12. Choice of newspaper for publication of notice of intention to appropriate \_\_\_\_\_

The Laramie Tribune

STATE OF SOUTH DAKOTA, ss.  
 County of Adams

I Sarah E. Erlandson, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of \_\_\_\_\_

OWNER, that I have read the above and (OWNER, MANAGER, ENGINEER.)

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

Signed Sarah E. Erlandson

Subscribed and sworn to before me this 30th day of October, 1937

Dave Johnston  
 Notary Public (or other qualified officer.)  
 REGISTER DEEDS

Scale:  $\frac{1}{2}$  inch = 100 feet.

— Solid Line Indicates pipe in place.  
 --- Broken " " " " To be laid.



(Appl. # 166-1)

3 166-1

Remarks by State Engineer:

This application is for the right to appropriate and divert for irrigation purposes two & half cu. ft. per sec. of the waters of a spring at the point herein designated. Point of application and lands to be irrigated are situated in Perkins County.

STATE OF SOUTH DAKOTA  
County of Hughes

ss.

Pierre, South Dakota, December 15th, 1937.

This is to certify that the foregoing application was received at this office at \_\_\_\_\_ o'clock \_\_\_\_\_ m. upon the 1st day of November, 1937 and that after examination it was found to comply with the provisions of the Irrigation Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on December 10th, 1937.

DEAN W. LOUCKS

State Engineer.

Number of permit 165-1

Date of first receipt of application November 1st, 1937

Date of return to applicant for correction 19

Date of receipt of corrected application 19

Date from which applicant may claim right November 1st, 1937.

Approved December 15th, 1937, Recorded in Book 2 Page 444

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 1st 1938

2nd. The whole of said work is to be completed on or before November 1st 1940

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 1st 1940

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed  $2\frac{1}{2}$  cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate to be necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1-70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before November 1st, 1940; said water to be used during the following described annual periods.

Entire season.

Witness my hand this 15th day of December 1937

DEAN W. LOUCKS

State Engineer.

Permit No. 106

Water Division No. 1

Grand River Water District

## Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.)

(Date)

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

2 $\frac{1}{2}$  second feet of the waters of the state with entire season through the

for Irrigation purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is E. E. Erlandson

2. The postoffice address of such person or the place of business of such corporation is Hottinger  
County of Adams State of North Dakota

3. The number of such permit is 106-1 and the date set for the completion of such work is  
November 1, 1940

4. Said water to be used for Irrigation purposes.

5. Said works of divers will be fully completed on the date set for such completion, and the amount of water which said works are conducting to the place of intended use, in accordance with the plans accompanying the application for permit, is 2 $\frac{1}{2}$  cubic feet per second.

6. The amount of land on which said water is available is 174 acres,  
particularly described as follows: NE $\frac{1}{4}$  Sec. 20 acres, SE $\frac{1}{4}$  NE $\frac{1}{4}$  25 acres, NW $\frac{1}{4}$  SE $\frac{1}{4}$  24 acres, NE $\frac{1}{4}$  SE $\frac{1}{4}$  20 acres, SW $\frac{1}{4}$  SE $\frac{1}{4}$  4 acres, SE $\frac{1}{4}$  SE $\frac{1}{4}$  16 acres, SE $\frac{1}{4}$  NE $\frac{1}{4}$  20 acres, all in T. 23, R. 11

(In case of all canals or other works to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Engineer.

(Signature.)

# PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
 County of Perkins } ss.  
Len J. Olsen being duly  
 sworn, deposes and says the annexed printed copy of Notice  
 of Intention to Appropriate Water was taken from the  
Lemmon Tribune 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 Lemmon County of  
Perkins and State of South Dakota;  
 that the said notice was published in said newspaper on the  
 following dates:  
Nov. 11,  
Nov. 18  
Nov. 25  
Dec. 2  
 in each and every issue of the full number thereof, the first  
 publication being made on the 11th day of November  
1937 and the last publication on the 2nd day of  
December 1937, upon which days or times  
 of publication aforesaid the newspaper was regularly pub-  
 lished, and that during the whole time of said publication he  
 was.....the printer.... and publisher.... of  
 the said newspaper.

*Len J. Olsen*

Subscribed and sworn to before me this 3rd day of December A. D. 1937

Notary Public, Perkins County, S. D.

## APPROPRIATION OF WATER

Office of the State Engineer,  
 Pierre, S. D., November 2nd, 1937.  
 Notice is hereby given that S. F.  
 Erickson whose postoffice address is  
 Hettinger, Adams County, N. D., has  
 made an application in accordance with  
 the provisions of the Irrigation laws  
 of South Dakota for a permit to ap-  
 propriate for beneficial use  $2\frac{1}{2}$  cubic  
 feet of water per second of time from  
 the Grand River, North Fork, through  
 the diversion canal, the point of di-  
 version of which is to be located upon  
 the bank of said stream in the NW $\frac{1}{4}$   
 of the SW $\frac{1}{4}$  of Section 33, Township  
 23, Range 11, NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of  
 Section 33, Township 23, Range 11,  
 NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 33, Town-  
 ship 23, Range 11, SW $\frac{1}{4}$  of the SE $\frac{1}{4}$   
 of Section 33, Township 23, Range 11,  
 SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 33, Town-  
 ship 23, Range 11. Said water to be  
 used for the purpose of irrigation.  
 Water to be used upon 20 acres of  
 the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 33,  
 Township 23, Range 11, 25 acres of the  
 SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 33, Town-  
 ship 23, Range 11, 24 acres of the NW $\frac{1}{4}$   
 of the SW $\frac{1}{4}$  of Section 33, Township  
 23, Range 11, 20 acres of the NE $\frac{1}{4}$  of  
 the SW $\frac{1}{4}$  of Section 33, Township 23,  
 Range 11, 25 acres of the NW $\frac{1}{4}$  of the  
 SE $\frac{1}{4}$  of Section 33, Township 23, Range  
 11, 20 acres of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$   
 of Section 33, Township 23, Range 11,  
 04 acres of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of  
 Section 33, Township 23, Range 11, 16  
 acres of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec-  
 tion 33, Township 23, Range 11, 20  
 acres of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec-  
 tion 33, Township 23, Range 11.  
 This application will be taken up by  
 the state engineer at his office at  
 Pierre for consideration and appro-  
 priate action upon the 10th day of De-  
 cember, 1937, at 9 a. m., at which time  
 all persons who believe that the prior  
 rights would be injuriously affected, or  
 that the allowance of the permit would  
 be detrimental to the public welfare,  
 and also parties making the applica-  
 tion, and to be benefited, are notified  
 to be present either by sworn affidavit  
 or in person for the purpose of pre-  
 senting any relative testimony.

DEAN W. LOUCKS,  
 State Engineer.

(Nov. 11-15-25-Dec. 2)

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

166-1

September 20, 1988

John M Herm  
RR #2 Box 770  
Hettinger, ND 58639

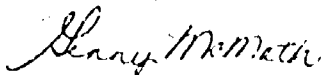
Dear Mr. Herm:

I am contacting you in reference to Water Permit No. 166-1 which is currently listed in the name of J E Erlandson. Enclosed is a copy of the permit for your review. The water permit authorizes irrigation of 174 acres in portions of Section 33, T23N, R11E. The Perkins County Assessor's Office has you listed as owner of the land specified in the permit.

At this time, we would like to know if there is an irrigation system present and if the lands are being irrigated. If the irrigation system is still in operation, the permit can be transferred to your name.

Please review the enclosed copy and contact us as to the status of the permit. If you wish, an inspection can be conducted of the area. Transfer forms are available from this office upon request.

Sincerely,



GENNY MCMATH  
Natural Resources Analyst  
(605) 773-3352





166-1

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

July 7, 1993

No. 166-1

Lynn Howe  
RR 2, Box 776  
Hettinger, ND 58637

Dear Ms. Howe:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 166-1. The water permit is currently listed in the name of S. E. Erlandson.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

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

enclosure



166-1

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

September 30, 1993

SECOND NOTICE  
Permit No. 166-1

Lynn Howe  
RR 2, Box 770  
Hettinger, ND 58637

Dear Ms. Howe:

On July 7, 1993, notice was sent to you concerning the transfer of Water Permit No. 166-1 in the name of S. E. Erlandson. To date, we have not heard from you on this matter.

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

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

Very truly yours,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



Mo. 166-1

Date: 10-3-93

I/We request that Water Permit No. 166-1

formerly owned by: S E Erlandson

be transferred to: Lynn Howe, RR # 2 Box 770, Hettinger, ND 58637 (Telephone No) (701) 567-2456

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

174 acres, S 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4, SE 1/4 NE 1/4 Section 33, T23N, R11E

I/We understand that the validity of Water Permit No. 166-1 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 <sup>NORTH</sup> ~~SOUTH~~ DAKOTA )  
County of Adams )

I/We Lynn Howe 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.

Lynn Howe  
(Signed)

Subscribed and sworn to before me this 4th day of October, 1993.

Dorothy Ihle  
(Notary Public)  
Dorothy Ihle, Adams County, ND  
Commission expires May 11, 1994

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

166-1  
413907

Pierre, \_\_\_\_\_ October 6, 19 93

RECEIVED OF Lynn Howe, Rt 2 Pox 770, Hettinger, ND 58638

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. 166-1</u>                                                           | 2     | 50   |
| Fee for Filing Extension Request _____                                                                               |       |      |
| Fee for _____                                                                                                        |       |      |
| _____                                                                                                                |       |      |
| _____                                                                                                                |       |      |
| (Any Other Work Provided by Law)                                                                                     | Total | 2 50 |

By *John Haldeman*  
Chief Engineer



1166-1

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

October 7, 1993

No. 166-1

Lynn Howe  
RR 2, Box 770  
Hettinger, ND 58637

Dear Ms. Howe:

Enclosed is a receipt for an amount of \$2.50 which you paid for the transfer of Water Permit No. 166-1.

Our records now show you as the owner of Water Permit No. 166-1.

Sincerely,

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

enclosure

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.

3. Article Addressed to:

Lynn Howe  
RR 2, Box 770  
Hettinger, ND 58637

166-1

4a. Article Number

P 318 052 609

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)

Signature (Addressee)

Signature (Agent)

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

1. ☐ Addressee's Address  
2. ☐ Restricted Delivery  
Consult postmaster for fee.

Thank you for using Return Receipt Service.

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

166-1

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:                              | FROM:                               |
| Perkins County Assessor's Office | Genny McMath                        |
| COMPANY:                         | DATE:                               |
|                                  | June 13, 2002                       |
| FAX NUMBER:                      | TOTAL NO. OF PAGES INCLUDING COVER: |
| 605 244-7289                     | 1                                   |
| PHONE NUMBER:                    | SENDER'S REFERENCE NUMBER:          |
| 605 244-5623                     |                                     |
| RE:                              | YOUR REFERENCE NUMBER:              |
| land ownership                   |                                     |

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

NOTES/COMMENTS.

I am in the process of reviewing another old water permit that pertains to land in Perkins County. The correspondence we mailed to the current water permit holder was returned by the Post office so I am assuming land ownership has changed..

The permit I am reviewing is listed in the name of Lynn Howe. The legal description of the land is:

S ½ NW ¼, N ½ SW ¼, SE ¼, and SE ¼ NE ¼ all in Section 33, T23N, R11E

If possible, could you provide me with the name and mailing address of the new owner(s). I appreciate your efforts and thank you in advance for your help.

Genny

[CLICK HERE AND TYPE RETURN ADDRESS]

# FAX TRANSMITTAL SHEET

PERKINS COUNTY  
DIRECTOR OF EQUALIZATION  
PO BOX 6  
BISON, SD 57620  
PHONE (605) 244-5623

TO: GENNY MCMATH

TOTAL PAGES 1

FROM: PERKINS COUNTY DOE

DATE: 06-13-02

MESSAGE: Genny

Max & Odetta Howrey own all the land described

SNW, NSW, SE and SENE 33-23-11

Address: 118 Fish Hatchery RD Box 68

STORY WY 82842

(307) 683-2574

Perry Danbury - Deputy



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-0132  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 14, 2002

166-1

Max & Odetta Howrey  
118 Fish Hatchery Rd, Box 68  
Story, WY 82842

Dear Mr. & Mrs. Howrey:

Thank you for taking the time to visit with me about Water Permit No. 166-1. The water permit is currently listed in the name of Lynn Howe. We found out that an ownership change had occurred after sending out a letter dealing with drought conditions in South Dakota (copy of letter enclosed). I have included a copy of the water permit and the last ownership change filed with it.

It is my understanding from our phone conversation that you purchased the land last November and currently do not irrigate. You indicated a desire to keep the water permit if at all possible. In South Dakota, water must be placed to beneficial use at least once every three years, unless legal excuse exists, in order to maintain a water permit. I have included a summary page of our Water Laws and Water Management Board Rules dealing with these issues.

The permit authorizes diversion of water from the North Fork of the Grand River. If water has not been diverted from the river to the spreader dikes on a continuous basis (at least once every three years) for irrigation purposes, the permit may no longer be valid.

If the permit has not been abandoned or forfeited, it can be transferred to your names. Enclosed is a partially completed Notice of Transfer of Ownership form for use in filing the ownership change. Please review and complete as needed. Upon completion, please return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for your help.

Sincerely,

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

enclosures

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417192

Pierre, June 21

20 02

RECEIVED OF Odette J Howrey TTEE, 112 Fish Hatchery Rd, Box 68, Story WY 82842-0068  
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 166-1

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

2 50

(Any Other Work Provided by Law)

Total

2 50

By David L. Enck  
Chief Engineer

# NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

JUN 21 2002

WATER RIGHTS  
PROGRAM

No. 166-1

Date: 6-17-02

I/We request that Water Permit No. 166-1

formerly owned by: Lynn Howe

be transferred to: (name & address) Max T. Howrey Revocable Trust for

Odette J. Howrey Revocable Trust

Telephone No. 507-683-2574

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

174 acres - S 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4, SE 1/4 NE 1/4, Section 33, T23N, R11E

I/We understand that the validity of Water Permit No. 166-1 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.

I/We Max & Odette Howrey, the new owner, certify that the above information is true and correct.

Odette J. Howrey Revocable Trust  
(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.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

June 24, 2002

166-1

Max & Odetta Howrey  
118 Fish Hatchery Rd, Box 68  
Story, WY 82842

Dear Mr. & Mrs. Howrey:

I am writing to confirm receipt of the Notice of Transfer of Ownership for Water Permit No. 166-1. The transfer has been completed. The water permit formerly held by Lynn Howe is now listed under "Max T Howrey Revocable Trust and/or Odetta S Howrey Revocable Trust."

Enclosed is your Receipt No. 417192 in the amount of \$2.50. You may keep this for your records.

The permit authorizes diversion of water from the North Fork of the Grand River. Information we have in the file indicates that the system that was used for irrigation purposes was a water spreading type system. Please get in touch with us as to whether or not you intend to continue on with the spreader type system or if you will be adding a pump and be diverting directly from the river. I am enclosing a postage paid envelope for your reply.

Sincerely,

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

enclosures

166-1  
7-2-02

Donny,  
I thank you for taking  
care of this water right  
transfer 166-1.  
We will leave the  
approval alone & see how  
they work. Maybe change  
later.

Charlie again

Mac T Henry

RECEIVED

JUL 05 2002

WATER RIGHTS  
PROGRAM