

OFFICE OF STATE ENGINEER
FILE COPY

STATE OF SOUTH DAKOTA

Water License No. 178-1

To JOSEPH T. PATTER

LADNER,

SOUTH DAKOTA.

Source of Supply

Little Missouri River

Harding

County

Am't 1.4 cu. ft.

Sec. Fee

Point of Diversion 370th N. Sec. Cor. corner
to Sec. 28, 29, 32+33; T. 18N, R. 1E.

Place of Use

Purpose Irrigation of Agricultural
Land

Date of Priority April 25, 1946

Recorded November 20, 1946

in Book 2 of Page 560-1

OFFICE OF STATE ENGINEER

FILE COPY

Form 2—Application for Permit to appropriate Water—Original

NO. 178-1

RECEIVED

Water Division No. 1 Little Missouri
(Blanks to be filled by the State Engineer.)

District 13

8:00 A.M.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant JOSEPH T. PAINTER
Postoffice address LADNER, County LARDING, State SOUTH 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 the officers

(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 work (Whether by contract, employment of others, or by direct labor) direct labor - all work accomplished
- (b) Cash on hand, \$
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

- 2. Name of diversion work Painter Pumping Project
- 3. Quantity of water claimed 5.68 cubic feet per second.
- 4. Source of water supply Little Missouri River
- 5. Location of point of diversion 372 feet west of Section Corner common to Sections 28, 29, 32 and 33, T.18 N., R.1 E. of B.R. Meridian on Right bank.
(Right or left bank looking down stream.)
- 6. Annual periods during which water is to be used April 1st thru September 30th
- 7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 100 acres.
- (b) Legal subdivisions to be irrigated Lot 15, Sec. 21, T.18 N., R.1 E., Sec. 28, T.18 N., R.1 E.
- (c) Statement as to domestic use (giving location, etc.)

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

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

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

8. Estimated cost of works:

(a) Head gates, \$ None (b) Pumping plant, \$ 1700.00
 (c) Fluming, \$ None (d) Canal-earth, \$ 350.00 Rock, \$ None
 (e) Other structures Splash box \$ 15.00 Total, \$ 2065.00

9. Description of diversion works:

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

4660 lineal feet ditch, 2 miles of contour diking, pumping plant

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction
 (b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark acres.

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

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

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years.

11. Time required for complete application of water to the proposed beneficial use None years.

12. Choice of newspaper for publication of notice of intention to appropriate
Buffalo Times-Herald, Buffalo, South Dakota

STATE OF SOUTH DAKOTA

County of HARDING

I, JOSEPH T. PAINTER

....., being first duly sworn on my oath depose and say: That my relation to the above described, undertaking is that of

OWNER

(Owner, manager, engineer.)

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

Signed

Joseph T. Painter

Subscribed and sworn to before me this 23rd day of April, 19 46

W. E. Jones
 Notary Public (or other qualified officer.)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA }
County of HUGHES } ss.

Pierre, South Dakota, November 20, 1946

This is to certify that the foregoing application was received at this office at 8:00 o'clock
a. m. upon the 25th day of April, 1946 and that after examination it
was found to comply with the water laws of South Dakota, a notice of appropriation
was published and a date set for considering the application. No objections were
received.

Number of permit 173-1

Dean W. Loucks, State Engineer

Date of first receipt of application April 21, 1946

Date of return to applicant for correction, 19.....

Dated of receipt of corrected application, 19....

Date from which applicant may claim right April 25, 1946.

Approved November 20, 1940, Recorded in Book 2 Page 560-561

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 Nov. 20, 1946.

2nd. The whole of said work is to be completed on or before Nov. 20,, 1946

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Nov. 20, 1946.

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 1.4 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before Nov. 20, 1946; said water to be used during the following described annual period:

April 1 to September 30 Incl.

Witness my hand this 20th day of November, 1946

Dean H. Loucks, State Engineer.

Water Pump. insured Aug. 15. 1946

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 178-1

WHEREAS, On the 23rd day of April A. D. 1946

JOSEPH T. PAINTER

of Ladner, County of Harding and State of South Dakota

did make application (No. 178-1) to me for a permit to use 1.4

cubic feet per second of the waters of The Little Missouri River

County of Harding State of South Dakota, for irrigation

purposes; and

WHEREAS, On the 20th day of November A. D. 1946

Permit No. 178-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 20th day of

November

A. D. 1946

and for the application to beneficial use of said water on or before the 20th day of November A. D. 1946

and,

WHEREAS, On the 12th day of December A. D. 1946

the holder of said permit duly made proof of the completion of adequate works for the diversion of

1.4

cubic feet per second of said waters, as evidenced by my Certificate No.

dated confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use cubic feet per second of water,

with date of priority of and,

WHEREAS, On the 12th day of December A. D. 1946

proof was duly made of the application to beneficial use of 1.4 cubic feet per second of said water:

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to.....JOSEPH T. PAINTER..... of.....Ledner, South Dakota..... the holder... and owner... of said permit No.....178-1 a water right, dating from.....April 25, 1946..... to the use of.....1.4 cubic feet per second of the waters of.....The Little Missouri River..... in the County of.....Harding..... and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at.....point 370'W. of Section Corner common to Sections 28, 29, 32, + 33, T.18N, R.1E S.H.M. and conducted to and upon.....Lot 15, SE 1/4, SW 1/4, Sec. 28, N 21W, Sec. 33, T.18N, R.1E.

for the purpose... of.....Irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this.....16th..... day of.....December..... A. D. Nineteen Hundred and forty-six.

Dean W. Loucks, State Engineer.

OFFICE OF STATE ENGINEER
FILE COPY

STATE OF SOUTH DAKOTA

Water License No. 178-1

To JOSEPH T. PAINTER

LEDNER,

SOUTH DAKOTA.

Source of Supply

Little Missouri River

Harding

County

Am't 1.4 cu. ft.

Sec. Fee:

Point of Diversion 370' W. Sec. Cor. common

to Sec. 28, 29, 32 + 33, T. 18N, R. 1E.

Place of Use

Purpose Irrigation of Agricultural Land

Date of Priority April 25, 1946

Recorded November 20, 1946

in Book 2 of 560-1 Page

Permit No. 178-1.

Water Division No. 1 Little Missouri 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.) Ladner, South Dakota

(Date) Nov. 20, 1946

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

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

1.4 cubic feet per second feet of the waters of the state from April 1st through the 30th of September

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 Joseph T. Painter

2. The postoffice address of such person or the place of business of such corporation is Ladner
County of Harding State of South Dakota

3. The number of such permit is 178-1 and the date set for the completion of such work is
Nov. 20, 1946

4. Said water to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.4 cubic feet per second.

6. The amount of land for which said water is available is 100 acres,
particularly described as follows: Lot 1, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 28, N $\frac{1}{2}$ -W $\frac{1}{2}$ sec. 35 T18, R1

(In case of all canals or other works designed 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.

(Signature.)

Joseph T. Painter
Engineer

Permit No. **178-1**Water Division No. **1** Little Missouri 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.) **Ladner, South Dakota**(Date) **Nov. 20, 1946**

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of
1.4 cubic feet second feet of the waters of the state from **April 1st**
 through the **30th of September**
 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 **Joseph T. Painter**
2. The postoffice address of such person or the place of business of such corporation is **Ladner**
 County of **Harding** State of **South Dakota**
3. The number of such permit is **178-1** and the date set for the completion of such work is **Nov. 20, 1946**
4. Said water to be used for **Irrigation** purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is **1.4** cubic feet per second.
6. The amount of land for which said water is available is **100** acres,
 particularly described as follows: **Lot 16, SE $\frac{1}{4}$ -SW $\frac{1}{4}$, NW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 28, N $\frac{1}{2}$ -NW $\frac{1}{4}$ sec. 33 T18, R1**

(In case of all canals or other works designed 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.

(Signature)

Engineer

Joseph T. Painter

Permit No. 17E-1

Water Division No. 1 Little Missouri Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holber

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Joseph T. Painter, Ladner, South Dakota, Rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. None

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 17E-1 Date April 25, 1946, Priority Date April 25, 1946

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Little Missouri River, Point of Diversion is 370 feet west of Section Corner common to Sections 28, 29, 32 and 33 T. 18N, R. 1 E. of R. H. Meridian on Right bank.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. 4660 lineal feet ditch, 8 miles of contour diking, pumping plant

come to the canal.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation of Agricultural land, 100 acres irrigated.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Not used for any other purpose than irrigation

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.4 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Used at intervals through the period of April 1st thru September 10th.
1.4 cubic feet per second pumped from the river, on 100 acres.

(Sign.) Joseph T. Painter

I heroby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rolla, Nebraska, County of Butte State of South Dakota, on this 12th day of December A. D., 1946

Carl A. ...
Butte County Auditor

RECEIVED
DEC 12 1946

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Permit No.

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water.....second foot

Source

County

Purpose

Place of Use

Date of priority

Received and filed

Permit No. 178-1

Water Division No. 1 Little Missouri Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Joseph T. Painter, Ladner, South Dakota, Rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. None

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 178-1 Date April 25, 1946, Priority Date April 25, 1946

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Little Missouri River, Point of Diversion is 370 feet west of Section Corner common to Sections 28, 29, 32 and 33 T. 18N, R. 1 E. of B. H. Meridian on Right bank.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. 4660 lineal feet ditch, 3 miles of center diking, pumping plant.

No name to the canal.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation of Agriculture land, 100 acres irrigated.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Not used for any other purpose than irrigation

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.2 cubic feet per second

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Used at intervals through the Period of April 1st thru September 30th.
..... 1.4 cubic feet per second pumped from the river, on 100 acres.

(Sign.)

Joseph T. Painter

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Belle Fourche*, County of *Butte*, State of South Dakota, on this *12th* day of *December*, A. D., 19*14*.

Carl Kierman
Butte County Auditor

RECEIVED
DEC 15 1914

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Permit No.

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water second feet

Source

County

Purpose

Place of Use

Date of priority

Received and filed

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Harding, ss.

Donald L. Carmack of said County and State, being first duly sworn, on his oath, says: That the BUFFALO TIMES-HERALD is a weekly newspaper of general circulation, printed and published in the Town of Buffalo, in said County and State, by Donald L. Carmack and has been such newspaper during the time hereinafter mentioned and that I, Donald L. Carmack the undersigned, am Publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed

NOTICE OF INTENTION TO APPROPRIATE WATER

_____ a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in any supplement, once each week for four successive weeks, the first publication being made on the 19th day of September 1946 and the last publication being made on the 10th day of October 1946
The first publication being made on the 19th day of September 1946
The second publication being made on the 26th day of September 1946
The third publication being made on the 3rd day of October 1946
The fourth publication being made on the 10th day of October 1946
The fifth publication being made on the _____ day of _____ 19____
The sixth publication being made on the _____ day of _____ 19____
The seventh publication being made on the _____ day of _____ 19____
The eighth publication being made on the _____ day of _____ 19____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$ 13.20 and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 27 day of October 1946

Donald L. Carmack
Notary Public

NOTICE OF INTENTION TO APPROPRIATE WATER

No. 1781

Office of State Engineer,
Pierre, So. Dak.

September 10, 1946.

Notice is hereby given that Joseph T. Painter, whose postoffice address is Ladner, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.4 cubic

from the _____ second of flow through the Painter Pumping Project, the point of diversion of which is to be located on the right bank of said stream in the SE1/4 of the S22 of Section 29, Twp. 18 N. Range 1 E. Said water to be used for the purpose of providing irrigation.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15th day of October, 1946, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks,
State Engineer.

(Pub. Sept. 19-26-Oct. 2-10)

Publication Fees . . . \$

Received Payment,

178-1

HD-LM

NOVEMBER 1978

Joseph T. Painter
Painters Inc.,
Camp Crook, SD 57724

This is the Water Rights Commission data sheet for recording 1978 irrigation estimates. Please fill out and return at once.

Please mark (X) on appropriate answers:

1. Source of water: Ground _____ Surface X river - Little Missouri
 2. Type of Power: Electric X Gasoline _____ Diesel _____ Propane _____
 Gravity _____ Natural Gas Pipeline _____ Other _____
 3. Type of System:
 Hand moved sprinklers _____ Side wheel _____ Siphons used on ditch banks
 Portable booms _____ Towlines _____ Other Border dikes
 Center pivots (number of) _____ Gun type _____
 Gated pipes _____ Hydromatic _____
 4. Well Information if known:
 Static water level beginning of Season 21 ft.
 Static water level end of Season 21 ft.

Month	Estimate No. of Days Pumped	Average No. of Hours Per Day	Average Pumping Rate (GPM)	Acres of Crop Irrigated and Proportion of Water Used		
				Crop	Acres	Estimated Water Use
April						
May	11	24	1.4 ⁶²⁸ cu. ft. per second	alf.	100	120,960 cu. ft. per day
June	11	24	1.4 ⁶²⁸ cu. ft. per second	alf.	100	120,960 cu. ft. per day
July	11	24	1.4 ⁶²⁸ cu. ft. per second	alf.	100	120,960 cu. ft. per day
August						
September						
October						
Other Months						91.59

If you did not irrigate during 1978 please check box ☐
 Additional Comments:

Reported on Permit # 239-1

PLEASE RETURN THIS COMPLETED DATA SHEET TO:

WATER RIGHTS COMMISSION
 Joe Foss Building
 Pierre, South Dakota 57501

Ledger S.D. 4/2/79

Water Rights Comm.

Please find enclosed the filled out data sheet
for 1978 irrigation.

This is very close to the amount of water pumped
for each irrigation.

Paul Painter could have sent you the same material
but I couldn't contact him right now to find out.

Yours truly

Joseph T. Painter





DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 26, 1991

178-1
1302-1

PAINTER INC
HCR 1 BOX 57
BUFFALO, SD 57720

Dear Sir :

I am writing to follow up on Montana Water Permit Application No. 76844-S39F, Charles Oleson, for irrigation from the Little Missouri River, in Montana. During the April 16, 1991 informal hearing in Camp Crook by the Montana Department of Natural Resources and Conservation, Mr. Oleson agreed to a minimum flow bypass to protect of downstream water right holders, including those in South Dakota. Mr. Oleson agreed to condition his permit so that he can only pump when at least 30 cubic feet of water per second (cfs) is flowing at the U.S. Geological Survey (USGS) gaging station at Camp Crook. We have checked with USGS concerning the April 10 flow that was discussed April 16. The USGS inspected the gage April 11 and the April 10 flow was actually 11 cfs. On April 25, 1991, the flow at the Camp Crook gage was 7.5 cfs.

I have enclosed a list of South Dakota Water Rights on the Little Missouri River. The list includes priority dates. If at any time you wish to know the flow at the Camp Crook gage or have any questions, contact either Del Brosz or Mark Rath, Water Rights Division, telephone number (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

178-1

SOUTH DAKOTA WATER RIGHTS/PERMITS ON THE LITTLE MISSOURI RIVER

PERMITNUM	FIRSTNAME	LASTNAME	CORPNAME	PRIORITY	DIVRATE
945-1			CATRON LAND CO	5/12/1971	3.33
270-1A			DAHL RANCH INC	2/06/1956	0.80
251-1B			HOSELEY BROS	4/01/1905	2.20
251-1				3/09/1953	2.25
1302-1			PAINTER INC	6/25/1903	3.86
178-1				4/25/1946	1.40
1072-1	REX L	BIRCHDUFF		8/14/1975	2.30
268-1	JOHN B	CATRON		12/20/1955	6.63
1327-1	RICHARD/BERNICE	CUNDY		4/27/1903	0.47
233-1	THOMAS	DAVIS		8/01/1951	1.97
265-1	LYLE/SHARON	GUNDERSON		7/26/1955	2.00
247-1	JOSEPH	HEGGEN		5/24/1941	2.10
1303-1	FRANK	LATHAM		9/06/1952	1.71
235-1	DEAN R	TARTER		9/10/1951	1.10
238-1	EUGENE	TURBIVILLE		10/24/1951	1.20
292-1	EUGENE			2/23/1957	3.00



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 1993

No. 178-1

Joe S. Painter, Vice President
Goehring - Routier, Inc.
HC 66, Box 112
Buffalo, SD 57720

Dear Mr. Painter:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 178-1. The water right is currently listed in the name of Painter's, Inc.

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 46-5-20.3 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

Dear Sir

178-1

Water right 178-1
Has been spun-off with
a new Corporation.
Please put in the name
of

Gochring-Routier Inc
HC 66 Box 112
Buffalo SD 57700

Painters Inc.
by Joe L. Painter V. Pres.

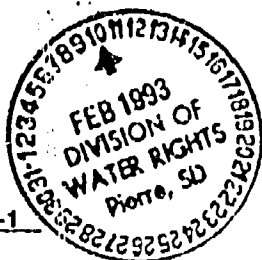
12/15/92



178-1

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 178-1

Date: 2-2-93

I/We request that Water Right No. 178-1

formerly owned by: Painter's Inc

be transferred to: Goehring - Routier, Inc., HC 66 Box 112, Buffalo, SD 57720 (Telephone No) 375-3304

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

100 acres - SE 1/4S 1/4, SW 1/4SE 1/4, Section 28; N 1/2NW 1/4 Section 33, T18N, R1E

I/We understand that the validity of Water Right No. 178-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Harding)

I/We Jamie Goehring 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.

Goehring Ranch Inc. Jamie Goehring
(Signed)

Subscribed and sworn to before me this 2 day of February, 1993.

Anna Patterson
(Notary Public)

Expires - 4-20-1994

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

178-1
413633

Pierre, February 10, 1995

RECEIVED OF Geehring - Reutier, HC 66A Box 112, Buffalo, SD 57720
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 178-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John M. [Signature]
Chief Engineer



178-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12 1993

No. 178-1

Goehring - Routier, Inc.
HC 66, Box 112
Buffalo, SD 57720

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 178-1.

Our records now show you as the owner of Water Right No. 178-1.

Sincerely,

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

enclosure

L



178-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: GOEHRING-ROUTIER, INC, LAURIE GOEHRING, HC 66 BOX 112, BUFFALO, SD 57720

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 178-1. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 178-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



178-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8367

Your item was delivered at 10:52 am on January 15, 2004 in BUFFALO, SD 57720. The item was signed for by L NJOS.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8367

GOEHRING-ROUTIER, INC
LAURIE GOEHRING
HC 66 BOX 112
BUFFALO SD 57720

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

illing.

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

☐ Priority Mail®
☐ Package Services



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2004

178-1

Laurie Goehring
Goehring-Routier Inc
HC 66 Box 112
Buffalo SD 57720

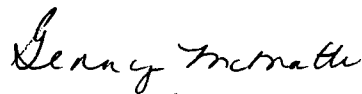
Dear Mr. Goehring:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 178-1.

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.denr.sd.gov

November 15, 2019

178-1

Laurie Goehring
Goehring-Routier Inc
11000 Holcomb Pl
Buffalo SD 57720-7509

Dear Ms. Goehring:

Your 2019 irrigation questionnaire was received back on November 7th. I wanted to touch base with you concerning your notation that the use of water had been abandoned.

Typically, when irrigators mark "use abandoned" on the questionnaire, it means they no longer wish to maintain the water right. Prior to doing anything with the water right, I wanted to write and ask if that was truly your intent. A review of the records pertaining to your water right show the land was last irrigated in 2012. Since that time, you have reported "use abandoned" a couple times but also marked "no water available".

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for the years of nonuse such as enough moisture or unavailability of water.

If you feel you no longer wish to maintain the water right, it will be scheduled for cancellation consideration. If your reasons for not irrigating are due to lack of water or sufficient moisture, then the water right should not be cancelled.

Please give me a call or write and let us know your intent towards the water right.

Sincerely,

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

*Mrs. Goehring called -
motor was flooded - still
may irrigate. Leave water right
for now.
Genny*

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Goehring – Routier Inc., (Laurie Goehring) 11000 Holcomb Pl,
Buffalo SD 57720-7509

DATE: May 31, 2023

TELEPHONE: 605 375-3306

RE: status of irrigation under No. 178-1

COMMENTS:

Water Right No. 178-1 authorizes diversion of water from the Little Missouri River in Harding County for irrigation purposes. The 2022 irrigation questionnaire indicated the use had been abandoned.

On today's date, I called and spoke with Terry Goehring. He indicated they have not abandoned the use, but it isn't very often there is enough water to irrigate with.

I cautioned him against checking the "use abandoned" box and explained if they did not have enough water, then make that notation on the form.



Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 5, 2024

178-1

Goehring-Routier In
c/o Laurie Goehring
11000 Holcomb Pl
Buffalo SD 57720

Dear Ms. Goehring:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaire you submitted online for Water Right No. 178-1.

On this year's questionnaire you reported that use of the system has been abandoned. In a review of past reports, it has been found that the same report was made on reports as far back as 2014, with irrigation last taking place in 2012.

Based on this information, and pursuant to SDCL 46-5-37, Water Right No. 178-1 is subject to cancellation for abandonment or forfeiture.

Please contact me via email or by calling my direct line (605) 910-5187 to discuss cancellation of Water Right No. 178-1.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 23, 2025

No. 178-1

Goehring-Routier Inc
c/o Laurie Goehring
11000 Holcomb Pl
Buffalo, SD 57720

Dear. Ms. Goehring:

I'm writing to you today in reference to Water Right No. 178-1.

On November 5, 2024, Water Rights Program permitting administrator Amanda Dewell, sent you a letter informing you that the Water Rights Program will be pursuing cancellation of Water Right No. 178-1, due to abandonment and/or forfeiture. I have enclosed a copy of this letter.

We have not received correspondence from you in regard to the cancellation. Please contact the Water Rights Program to discuss cancellation of Water Right No. 178-1.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure