

1801B-1

RECEIVED

JUN 30 2003

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1801-1</u>	(office use only) Hydrologic Unit <u>10120202</u>
	Basin <u>Belle Fourche R</u>	
	Newspaper <u>Belle Fourche Bee/Post, Belle Fourche</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Harry Einfalt Phone 605-257-2125
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address HCR 76 Box 76 Nisland State SD 57763
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 4.08 *CFS or 2888 **GPM ***AF Total Acreage 282.6
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Dam
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 of SE 1/4 of SEC 11
T9N R4E County Butte
5. County or counties where water will be used Butte
6. Annual period during which water is to be used May 1 through September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
All in Sec 11 - T9N-R4E (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres	
* SE 1/4 of NW 1/4 of SEC 15, T9N, R4E	22.65	SE 1/4 of SE 1/4 of SEC 15, T9N, R4E	22.65	**
* SW 1/4 of NE 1/4 of SEC 15, T9N, R4E	38	SW 1/4 of SE 1/4 of SEC 15, T9N, R4E	39	**
* SE 1/4 of NE 1/4 of SEC 15, T9N, R4E	22.65	SE 1/4 of SW 1/4 of SEC 15, T9N, R4E	22.65	**
** NE 1/4 of SE 1/4 of SEC 15, T9N, R4E	38	NE 1/4 of SW 1/4 of SEC 15, T9N, R4E	38	**
		NW 1/4 of SE 1/4 of SEC 15, T9N, R4E	40	**

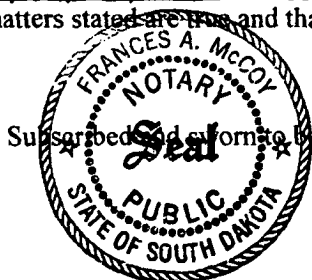
8. Give a description of the project. (Attach sheet if more space is needed)
- | | |
|--|---|
| * 1801B-1
83.3 acres (North portion)
1.20 cfs
Harry Walters | ** 1801A-1
199.3 acres (south portion)
2.88 cfs
Travis, Judy & Daniel Schenk |
|--|---|

STATE OF SOUTH DAKOTA) SS

County of Butte

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Harry L. Einfalt, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.



Applicant's signature

Harry L. Einfalt

Subscribed and sworn to before me this 25th day of June, 2003

Notary Public signature

Frances A. McCoy

McMath, Genny

From: Paula Walker [paula.rod@buttesd.org]
Sent: Tuesday, September 15, 2009 5:52 PM
To: McMath, Genny
Subject: Re: land ownership in Butte County

Walters address of 2008 is 1829 5th Ave, Belle Fourche, SD 57717.
- Original Message -----

(no longer correct - this is a tractor supply place that he sold 7 months ago)

From: Genny.McMath@state.sd.us
To: paula.rod@buttesd.org
Sent: Tuesday, September 15, 2009 3:51 PM
Subject: RE: land ownership in Butte County

It is exactly what I needed – thank you. Do you have a mailing address for Walters?

-----Original Message-----

From: Paula Walker [mailto:paula.rod@buttesd.org]
Sent: Tuesday, September 15, 2009 4:48 PM
To: McMath, Genny
Subject: Re: land ownership in Butte County

Hi, The last entry I found in our index to your real estate listed is a Second Amended Short Form Contract for Deed. Sellers are Leo & Irene Erhart Trust, Buyers are Robert D & Darla K Walters, Dated Feb 29, 2008. Hope this helps. Paula J Walker

----- Original Message -----

From: Genny.McMath@state.sd.us
To: paula.rod@buttesd.org
Sent: Tuesday, September 15, 2009 11:39 AM
Subject: land ownership in Butte County

Ms. Walker,

Would it be possible to obtain updated land ownership for the following:

SE ¼ NW ¼ Section 11, T9N, R4E

SW ¼ NE ¼ “

SE ¼ NE ¼ “

Currently, I have the water permit for the above land listed in the name of Harry Einfalt, 12149 Reid Rd, Nisland SD. I am just checking to see if he still owns the land. I do not need copies of anything, just verification that he still owns the land.

Thanks in advance for your help.

Genny McMath

McMath, Genny

From: Clint [bfid1@sdplains.com]
Sent: Thursday, September 17, 2009 6:57 AM
To: McMath, Genny
Subject: Re:

Yes, Mr. Walters does have land within the District and I have a number for him 605-645-9955 This is his cell phone. Hopefully this will get you in touch with him.

Clint Pitts

----- Original Message -----

From: Genny.McMath@state.sd.us
To: bfid1@sdplains.com
Sent: Wednesday, September 16, 2009 1:15 PM

Can you tell me if Robert D Walters has any land within the district? I am reviewing a water permit listed in the name of Harry Einfalt. The permit covers irrigation in portions of Section 11, T9N, R4E. The south part of the section is owned by Travis Schenk. Supposedly, as indicated by the Butte county Register of Deeds, Robert D and Darla K Walters own the land in the northern part of the section (SE ¼ NW ¼, S ½ NE ¼ Section 11, T9N, R4E).

Travis Schenk has filed an ownership change for his portion. I am trying to get ahold of Mr. Walters. Based on the address the register of deeds gave me, I looked up his phone # on the internet and came up with Black Hills Tractor Co., A person answering the phone said that he purchased the business from Mr. Walters 7 months ago and that Mr. Walters is laying low?? I have no other methods of obtaining contact info for him and was hopeful that he had lands within the district and that you would have updated contact info for him.

Please give me a call or an email one way or the way and meanwhile, I'll continue trying to hunt him down.

Genny McMath

DENR

Water Rights Program

phone: 605.773.3352

fax 605.773.4068



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 2009

1801-1
1801B-1

Robert D Walters
PO Box 846
Spearfish SD 57783

Dear Mr. Walters:

Thank you for taking the time to visit with me concerning your ownership of land as authorized in Water Permit No. 1801-1. I have included a copy of the permit for your review.

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.

As we discussed, Travis Schenk also owns land authorized for irrigation under the permit and has filed an ownership change for his portion. As soon as we receive the completed transfer form and filing fee from you, Water Permit No. 1801-1 will be divided and reissued to reflect separate ownership.

For informational purposes, 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 permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/29, 20 09

RECEIVED OF Robert Walters PO Box 846 Spearfish SD 57783

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>1801B01</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. 04223

By [Signature]
Chief Engineer

RECEIVED

SEP 29 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1801B-1

Date: 9-28-09

I/We request that portions of Water Permit No. 1801-1

formerly owned by: Harry Einfalt

be transferred to: (name & address)

P.O. Box 846

Robert Walters

Spencer, SD 57783

Telephone No. 605-645-9955

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

83.3 acres - SE 1/4 NW 1/4 and S 1/2 NE 1/4 Section 11, T9N, R4E

I/We understand that the validity of Water Permit No. 1801B-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 Robert Walters, the new owner, certify that the above information is true and correct.

R.O. Walters

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

OCT 01 2009

1801B-1

Robert Walters
PO Box 846
Spearfish SD 57783-0846

Dear Mr. Walters:

Enclosed is Reissued Water Permit No. 1801B-1. The original permit was held by Harry Einfalt and has now been divided and reissued to reflect separate ownership as follows:

- **Water Permit No. 1801A-1, Travis & Judy Schenk and J Daniel Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783** appropriating 2.88 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11 to irrigate 199.3 acres located in the SE ¼ and E ½ SW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.
- **Water Permit No. 1801B-1, Robert Walters, PO Box 846, Spearfish SD 57783** appropriating 1.20 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11, to irrigate 83.3 acres located in the S ½ NE ¼ and SE ¼ NW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.

The source of water authorized for Water Permit No. 1801-1 is a small dugout on a tributary to Indian Creek. You will note from the permit that the diversion point location authorized for irrigation under your permit is also described on the permit issued to the Schenks. Also please note that all construction to put water to beneficial use for the project needed to be done by October 1, 2008.

Enclosed is your Receipt No. 04223 in the amount of \$50.00 which you paid for filing the ownership change. You may keep this for your records.

If you have any questions concerning Water Permit No. 1801B-1, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures

SOUTH DAKOTA
REISSUED WATER PERMIT NO. 1801B-1

The Water Management Board approved Water Permit No. 1801-1 on October 1, 2003 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1801-1 appropriated 4.08 cubic feet of water per second (cfs) from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11, to irrigate 282.6 acres located in the SE ¼, S ½ NE ¼, SE ¼ NW ¼ and E ½ SW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.

On November 4, 2008 and September 29, 2009, ownership changes were filed for land described in the water permit. Based on the ownership changes, Water Permit No. 1801-1 is being divided and reissued as follows:

- **Water Permit No. 1801A-1, Travis & Judy Schenk and J Daniel Schenk, 10307 Chicken Creek Rd, Spearfish SD 57783 appropriating 2.88 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11 to irrigate 199.3 acres located in the SE ¼ and E ½ SW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.**
 - **Water Permit No. 1801B-1, Robert Walters, PO Box 846, Spearfish SD 57783 appropriating 1.20 cfs from a dugout/dam (approximately 2 acre-feet storage capacity) located on a natural drainage way in the NW ¼ SE ¼ Section 11, to irrigate 83.3 acres located in the S ½ NE ¼ and SE ¼ NW ¼ Section 11; all in T9N, R4E. The drainage way is on a tributary to Indian Creek.**
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
 3. The date from which permit holder may claim right is June 30, 2003.
 4. One-fifth of the construction is to be completed on or before April 1, 2006.
 5. All construction is to be completed on or before October 1, 2008.
 6. Water is to be put to beneficial use on or before October 1, 2012.
 7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. The permit holder shall control his withdrawals to ensure there is not interference with downstream domestic uses of water. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.

continued

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

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 01 2003

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 19, 2012

1801B-1

Alvin J Mathern
37527 135th St
Ipswich SD 57451

Dear Mr. Mathern:

I am contacting you in regard to ownership of land described in Water Permit No. 1801B-1. We were notified by Leo Erhart that you purchased the property. I have enclosed a copy of the permit for you to review.

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.

If you do not intend to irrigate, you do not need to file the ownership change however we would need something in writing from you indicating you did not wish to maintain the water permit. 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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 30, 2012

1801B-1

Alvin J Mathern
37527 135th St
Ipswich SD 57451

Dear Mr. Mathern:

On April 19th, I wrote to you concerning ownership of land described in Water Permit No. 1801B-1. Leo Erhart notified us that you purchased the property. To date, I have not received a response from you.

In the event you do not have the original transfer form, enclosed is an additional 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.

If you do not intend to irrigate, you do not need to file the ownership change however we would need something in writing from you indicating you did not wish to maintain the water permit. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

RECEIVED

JUN - 5 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1801B-1

Date: _____

I/We request that portions of Water Permit No. 1801-1

formerly owned by: Harry Einfalt - Robert Walters

be transferred to: (name & address) Alvin J Mathern, 37527 135th St, Mina SD 57451

Telephone No. _____

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

83.3 acres - SE 1/4 NW 1/4 and S 1/4 NE 1/4 Section 11, T9N, R4E

I/We understand that the validity of Water Permit No. 1801B-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 _____, the new owner, certify that the above information is true and

*I don't know that Einfalt owned this property for
we bought this land from Elkhart.*

Alvin J Mathern
(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 6/5, 20 12

RECEIVED OF Mather Farm Account Alvin J Mather 37527 135th St Mina SD 57451

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 _____ 1801B-1			
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. _____	50	00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	50 00		

No. 05460

By Garland Erickson
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 2012

1801B-1

Alvin J Mathern
37527 135th St
Mina SD 57451

Dear Mr. Mathern:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Permit No. 1801B-1. The ownership change has been completed. Water Permit No. 1801B-1 is now listed in your name.

For informational purposes, I am enclosing a sample copy of the annual irrigation questionnaire. Each year in October we mail out the questionnaires to irrigators in South Dakota to report water use. The form will give you an idea of what type of information to keep track of during the irrigation season.

The land covered under Water Permit No. 1801B-1 is within the Belle Fourche Irrigation District. If you irrigate using only purchased water from the district, you do not need to report how much water was used. When receiving the form in October, just make a notation on it that you used Project water and return the form to our office. If you used water as authorized by Permit No. 1801B-1, you will need to complete the questionnaire with the water use information.

Enclosed for your records is Receipt No. 05460 in the amount of \$50.00 which you paid for filing the ownership change. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

1801B-1



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



October 31, 2014

1801B-1

Alvin J Mathern
13280 Old US Hwy 212
Newell SD 57760-5799

Dear Mr. Mathern:

Enclosed is a "Notice" dated October 17, 2014 concerning the 2014 irrigation questionnaire.

The notice was originally mailed to Mina, SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

1801B-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 30, 2017

1801B-1

Alvin J Mathern
807 9th Ave Apt 11
Belle Fourche SD 57717-1540

Dear Mr. Mathern:

Enclosed is a "Notice" dated October 20, 2017 concerning the 2017 irrigation questionnaire.

The notice was originally mailed to 13280 Old Hwy 212, Newell SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

1801B-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 18, 2018

1801B-1

Mary Mathern
811 9th Ave
Belle Fourche SD 57717

Dear Ms. Mathern:

I am contacting you in regard to Water Permit No. 1801B-1 currently listed in the name of Alvin J Mathern. It is our understanding the water permit should be transferred to your name.

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.

The annual irrigation questionnaire for this permit will be directed to your son. If you have any questions concerning the water permit or completion of the transfer form, please let me know.

Thank you in advance for your help updating the water permit. I have enclosed a postage paid envelope for your use in returning the transfer form and fee.

Sincerely,

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

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

enclosure

c: Alvin L Mathern, 12822 Civil Defense Tower Rd, Newell SD 57760

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1801B-1

I have this day, **June 13, 2018** made a thorough examination of the water use system constructed by **Mary Mathern, 811 9th Ave., Belle Fourche, SD 57717** of Permit No. **1801B-1**, bearing the priority of **6/30/2003** authorizing the diversion of **1.2** cu. ft. per second of water from a dugout for irrigation purposes in **Butte** County.

Inspection contact & relationship to permit holder, if applicable: **Alvin L. "Buster" Mathern, son
605-290-1044**

A. Works used to divert the water:

Pump: not available at time of inspection – see comment section

B. Works used to transport water to place of use: not available

C. Works used to apply water to beneficial use:

Gravity Irrigation:

This acreage is allotted water from the Belle Fourche Irrigation District. A supply canal from the District runs along the north side of the acreage. Water is distributed through a series of field ditches and applied through wild flooding.

D. Chemigation Equipment: None

E. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: **Yes**

If no, describe:

- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Yes**

List any extended period of nonuse: **See comments section**

- 3) Exceptions to compliance are: **none**

F. Condition and Location:

1. The point of diversion would be located as follows:

2,130' N and 1,765' W of the SE corner Section 11 T 9N R 4E (44.754752, -103.594782)

This is the same diversion point described for License No. 1801A-1 which is located on an adjacent owners property.

Water has been put to beneficial use to the maximum extent as follows:

Section 11 T9N R4E

SE ¼ NW ¼ 38.5 ac. SW ¼ NE ¼ 38 ac. SE ¼ NE ¼ 35.5 ac.

comprising a total of **112** acres of land and the license should be issued for **1.2** cfs. The Belle Fourche Irrigation District is the primary source of water. This diversion point serves as a supplemental source of water if the Belle Fourche Irrigation District is unable to deliver the full allotment for these acres. License 1801B-1 authorizes a maximum of **83.3** acres of the total 112 acres when irrigating from the dugout.

G. Comments or other permit(s) associated with the project:

The license holder does not have an irrigation pump or pipeline in place to utilize the water from this diversion point. If adequate water is not available from the BFID, a pump will likely be rented and portable pipe used to divert and transport from the authorized diversion point. The diversion point authorized for this permit is also described on Permit #1801A-1 currently owned by Dakota Central Valley LLC.



Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

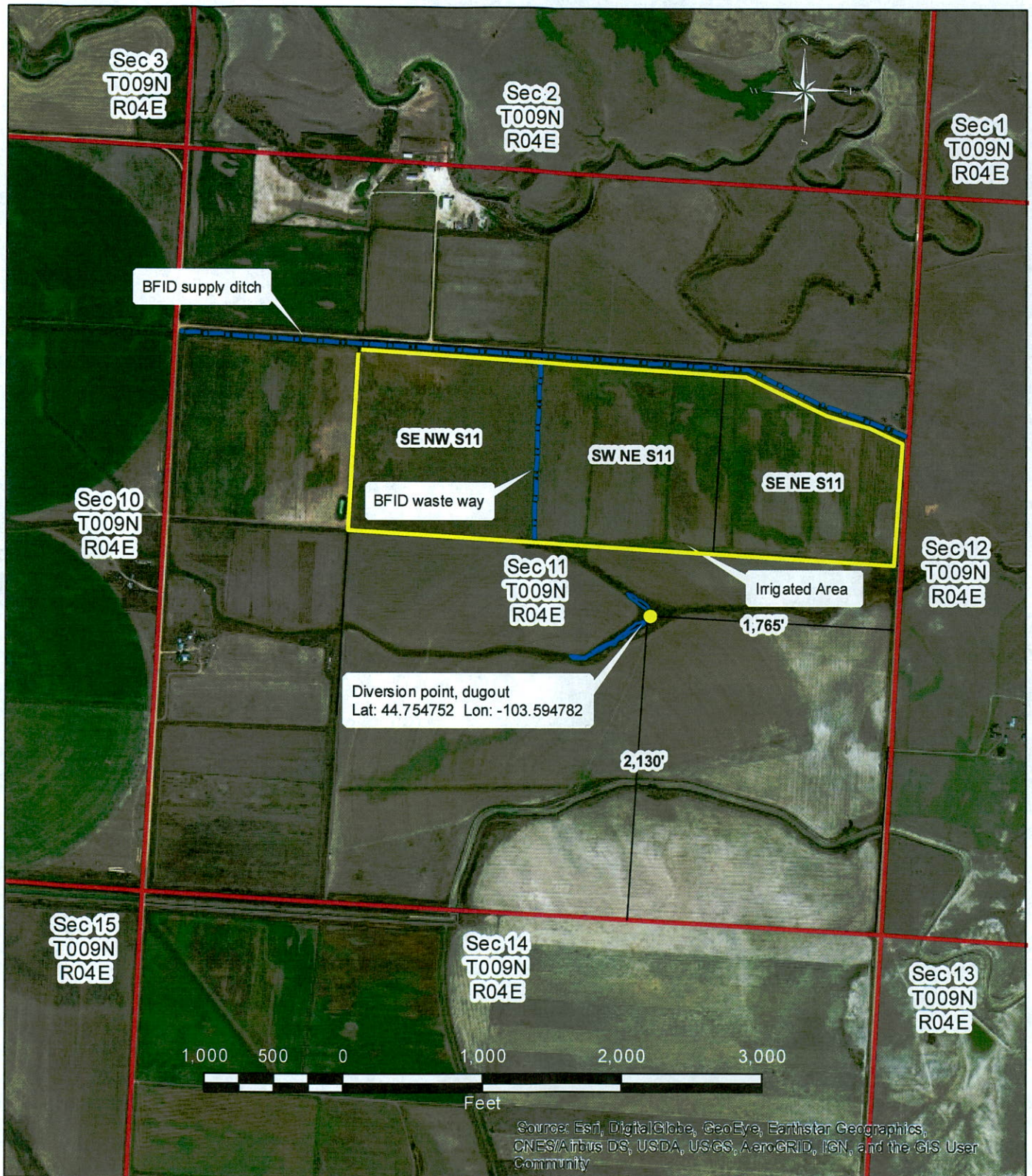


Diversion point (pump intake and trash screen in dugout is used by holder of license # 1801A-1)



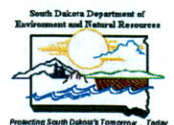
BFID supply ditch and irrigated field

Water Right # 1801B-1
Mary Mathern
6/13/2018



Steven Quissell

Steven Quissell
Water Rights Inspector
DENR Water Rights Program



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date July 13

20 18

Alvin Mathern 807 9th Ave Apt #11 Belle Fourche, SD 57717

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>1801B-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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08721**

By

Jeanne Goodman

Chief Engineer

DM

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
JUL 13 2018
WATER RIGHTS
PROGRAM

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

No. 1801B-1

Date: 7-9-18

I/We request that Water Permit No. 1801B-1

formerly owned by: Alvin J Mathern

be transferred to: (name & address)

Mary E Mathern
807 9th Ave - Apt 11 - Belle Fourche SD 57717

Telephone No. 605 380 5038

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

83.3 acres - SE ¼ NW ¼ and S ½ NE ¼ Section 11, T9N, R4E

I/We understand that the validity of Water Permit No. 1801B-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 Mary E Mathern, the new owner, certify that the above information is true and correct.

Mary E Mathern
(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

denr.sd.gov

SEP 06 2018

1801B-1

Mary E Mathern
807 9th Ave Apt 11
Belle Fourche SD 57717

Dear Ms. Mathern:

Enclosed is your Water License No. 1801B-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation. Also included is Receipt No. 08721 in the amount of \$50 which you paid for filing an ownership change with the water right.

One of the qualifications listed in the water license references submission of the annual irrigation questionnaire. Irrigation questionnaires are mailed annually to irrigators each October. The questionnaire for your water right will be directed to your son. Only water pumped from the dugout needs to be reported on the annual questionnaire. If the water diverted is "purchased water" from the district, make that notation on the form when returning it.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Alvin L (Buster) Mathern, 12822 Civil Defense Tower Rd, Newell SD 57760

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1801B-1**

(1) Robert Walters, Spearfish SD was issued Water Permit No. 1801B-1, October 1, 2009 for a water permit to divert 1.20 cubic feet of water per second from a dugout on a natural drainage way located in Butte County, South Dakota for irrigation purposes. Permit No. 1801B-1, with a priority date of June 30, 2003 was approved October 1, 2003 for diversion of water with construction of the described water supply system to be completed on or before October 1, 2008 and for the application to beneficial use of water on or before October 1, 2012.

On June 5, 2012, Water Permit No. 1801B-1 was transferred to Alvin J Mathern. On July 13, 2018, the water permit was transferred to Mary E Mathern.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.20 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,130'N and 1,765'W of the SE corner of Section 11, T9N, R4E (NW ¼ SE ¼)
Latitude 44.754752, Longitude -103.594782

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

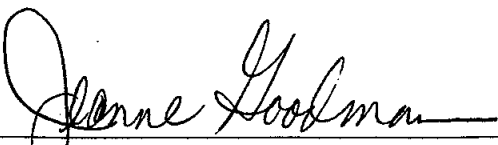
Section 11, T9N, R4E	SE ¼ NW ¼	38.5 acres
	SW ¼ NE ¼	38.0 acres
	SE ¼ NE ¼	35.5 acres

- The above comprises a total of 112 acres of land. The Belle Fourche Irrigation District is the primary source of water. The diversion point serves as a supplemental source of water if the Belle Fourche Irrigation District is unable to deliver the full allotment for these acres. **License 1801B-1 authorizes a maximum of 83.3 acres of the total 112 acres when irrigating from the dugout.**

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mary E Mathern, 807 9th Ave, Apt 11, Belle Fourche SD 57717 the holder and/or owner of Water Right No. 1801B-1 is issued a license to appropriate water, the right to use 1.20 cubic feet of water per second from a dugout on a natural drainage way with a priority date of June 30, 2003 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1801B-1 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed. The permit holder shall control his withdrawals to ensure there is not interference with downstream domestic uses of water. The diversion of water shall be in accordance with any written orders issued by the Chief Engineer.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 06 2018

date



1801B-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 1, 2021

1801B-1

Alvin (Buster) Mathern
37527 135th St
Mina SD 57451-5611

Dear Mr. Mathern:

Thank you for visiting with me about Water Right No. 1801B-1 and the need for an ownership change.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If you have any questions, please let me know.

Sincerely,

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

enclosures

1801B-1

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date December 16, 2021RECEIVED OF Alvin/Cheryl Mathern 37527 135th Street Ipswich SD 57451

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>1801B-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

DEC 16 2021

Ck# 2659

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

DEC 16 2021

WATER RIGHTS
PROGRAM

No. 1801B-1

Date: _____

I/We request that Water Right No. 1801B-1

formerly owned by: Mary E Mathern

be transferred to: (name & address)

Alvin L. Mathern
37527 135th Street
ipswich, SD 57451

Telephone No. 605-290-1044

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

83.3 acres – portions of SE ¼ NW ¼ and S ½ NE ¼ Section 11, T9N, R4E

I/We understand that the validity of Water Right No. 1801B-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 Alvin L. Mathern, the new owner, certify that the above information is true and correct.

Alvin L. Mathern

(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 AGRICULTURE
and NATURAL RESOURCES**

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

December 16, 2021

1801B-1

Alvin L Mathern
37527 135th St
Ipswich SD 57451

Dear Mr. Mathern:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 1801B-1.

The ownership record has been completed. The water right formerly held by Mary E Mathern is now listed in your name.

Enclosed for your records is a receipt for the filing fee. If you have any questions, please let me know.

Sincerely,

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

enclosures