

No. 200-1

Division No. 1

Sulphur Creek District

PERMIT

to appropriate water from

Red Owl Creek

Meade County, South Dakota.

Name of applicant

Bud O. Winchell

Name of diversion works

Green Valley Irrigation Project

Date of first receipt at office of State

Engineer May 22, 1950

Returned to applicant for Correction

1950

Corrected application received

1950

Date of water right

June 22, 1950

Recorded in Book 2 Page 704-705

One-fifth of work to be completed

Sept. 6, 1951

Whole work to be completed

Sept. 6, 1952

Final proof of use of water 2-6-53

Approved Sept. 6, 1950

DEAN W. LOUCKS, State Engineer.

RECEIVED
2:45 P.M.
JUL 22 1950

Form 2—Application for Permit to Appropriative Water—(Original)

NO. 200-1

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Water Division No. 1 Sulphur Creek District
(Blanks to be Filled by the State Engineer.)

APPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

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

1. Name of applicant Bud O. Winchell
Postoffice address Red Owl, County Hand, State S. Dak.

- 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 address 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 work (Whether by contract, employment of others, or by direct labor) Direct labor
 - (b) Cash on hand, \$ 2500.00
 - (c) Treasury stock \$
 - (d) Bonds to be issued, \$
 - (e) Other resources \$
2. Name of diversion work Green Valley Irrigation Project
3. Quantity of water claimed 2.48 cubic feet per second
4. Source of water supply Red Owl Creek
5. Location of point of diversion at a point S. 74 degrees 41' W. 1260' from the
E. 1/4 Cor. Sec. 3, T. 3N. R. 14E. on left bank
6. Annual period during which water is to be used March to December
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 173.54 acres

(b) Legal subdivisions to be irrigated see attached map
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction of an acre, should be written here, or may be apprehended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) None

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

- (a) Nature of use None
- (b) Amount of power to be generated no 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, \$ 500.00 (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$2000.00 Rock, \$.....
 (e) Other structures Adjustable weir \$100.00 Total, \$2600.00

9. Description of diversion works:

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

Diversion block, headgates, and canals

II. Dimensions of works:

- (a) Dam: Height 12' feet; length at bottom 150 feet; length at top 320' feet; thickness at bottom 100' feet; thickness at top 8' feet; slope at front (water) face 3:1; slope of back face 2:1; material used in construction Earth
 (b) Reservoir: Capacity when filled 4.15 acre feet. Surface area at highwater mark 1.85 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH FEET OF DEPTH AT OUTLET-ACRES	ACRE-FEET CAPACITY
1.2	1.85	4.15
0.0	.87	2.52

- (c)* Head gate: Width 3' feet; height 3' feet; Material Wood
 (d) Canal: Total length 1.4 miles

LOCATION BELOW HEADGATE	DEPTH feet	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 0.0 Mile	1.5 feet	3.0 feet	7.0 feet	5.28 feet
At 1.42 Mile	1.5 feet	3.0 feet	7.0 feet	5.28 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 or completion of work 2 years.
 11. Time required for complete application of water to the proposed beneficial use 3 years.
 12. Choice of newspaper for publication of notice of intention to appropriate Faith Independent, Faith, South Dakota

STATE OF SOUTH DAKOTA,

County of Jackson

I, Bud O. Winchell, 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 examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein state and shown are true.

Signed Bud O. Winchell

Subscribed and sworn to before me this 15th day of June, 1950.

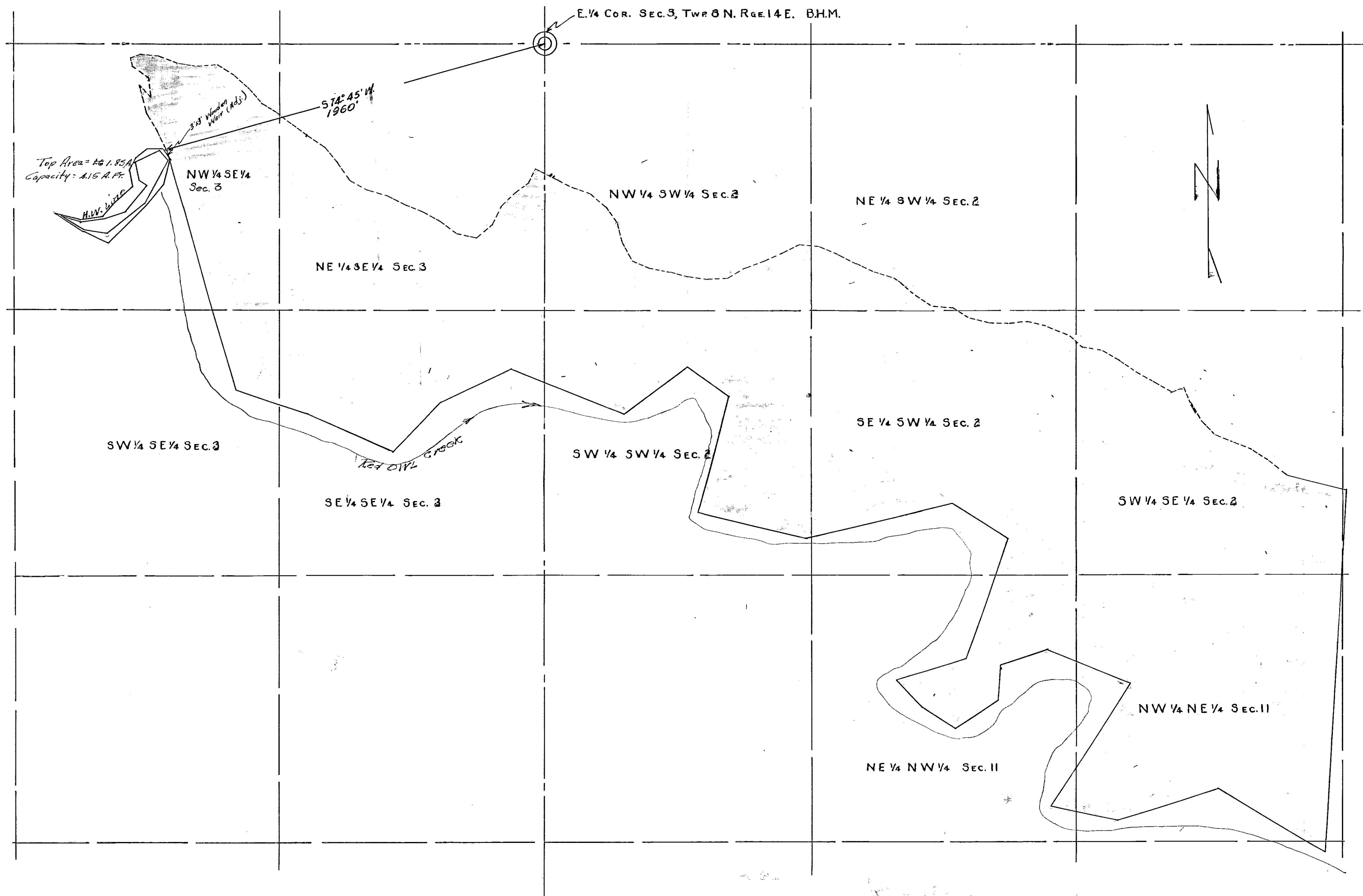
Notary Public (or other qualified officer.)

*Each diverisor must have a headgate or measuring device.

Edna F. Richardson

GREEN VALLEY IRRIGATION PROJECT

MEADE COUNTY, SOUTH DAKOTA
BUD O. WINCHELL, OWNER SCALE 1"=300'



SURVEYOR'S CERTIFICATE
I, J. R. RICHARDSON, REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR No. 219, DO HEREBY CERTIFY THAT I HAVE MADE A CAREFUL AND COMPLETE SURVEY OF THE GREEN VALLEY IRRIGATION PROJECT AND THAT THE ACCOMPANYING PLAT IS A TRUE REPRESENTATION OF THE SAME.
WITNESS MY HAND AND SEAL THIS 15TH DAY OF JUNE 1950 A.D.
J. R. Richardson
REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15TH DAY JUNE 1950.
Edna F. Richardson
A NOTARY PUBLIC

LAND TO BE IRRIGATED				
LOCATION	TWP	R. & E.	SEC.	ACRES
NW 1/4 SE 1/4	8N.	14E.	3	13.90
NE 1/4 SE 1/4			3	16.27
SW 1/4 SE 1/4			3	2.66
SE 1/4 SE 1/4			3	14.88
NW 1/4 SW 1/4			2	9.93
NE 1/4 SW 1/4			2	2.81
SW 1/4 SW 1/4			2	20.00
SE 1/4 SW 1/4			2	26.70
SW 1/4 SE 1/4			2	23.57
NE 1/4 NW 1/4			11	7.43
NW 1/4 NE 1/4			11	33.39
TOTAL				173.54

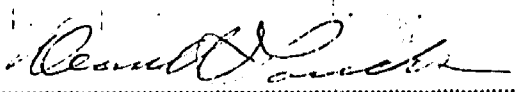
Appl. #
200-1

Map #
195-1

Remarks by State Engineer:

STATE OF SOUTH DAKOTA, }
County of Hughes } ss.
Pierre South Dakota, September 6, 1950

This is to certify that the foregoing application was received at this office at 2:45 o'clock
P.m. upon the 22nd day of June, 1950 and that after examination it
was found to comply with the South Dakota water laws, was published in accordance with the provisions
thereof and consideration given to any and all information presented.


DEAN W. LOUCKS, State Engineer.

Number of permit 200-1
Date of first receipt of application June 22nd, 1950
Date of return to applicant for correction -----, 1950
Date of receipt of corrected application -----, 1950
Date from which applicant may claim right June 22nd, 1950
Approved September 6, 1950, Recorded in Book 2 Page 704-705

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 be-
fore September 6, 1951

2nd. The whole of said work is to be completed on or before September 6, 1952

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is September 6, 1953

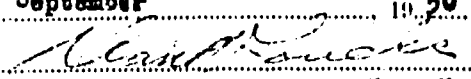
4th. The water appropriated shall be used for the purpose of Irrigating 173.54 acres
of land in Sections 2, 3, and 11, Twp. 8N, Range 14 E.

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 2.4 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
September 6, 1953; said water to be used during the following described annual
period:

March to December Inclusive

Witness my hand this 6th day of September, 1950


DEAN W. LOUCKS, State Engineer.

Certificate of Construction issued 19

Water License issued 19

RICHARDSON ENGINEERING CO.
SURVEYORS - ENGINEERS

KADOKA, SOUTH DAKOTA

List of land to be Irrigated

Location	Twp	Rge.	Sec.	Acres
	2N.	14E.		
NE 1/4			3	13.90
NE 1/4			3	18.27
SW 1/4			3	2.66
SE 1/4			3	14.88
NE 1/4			2	9.93
SE 1/4			2	2.81
SW 1/4			2	20.00
SE 1/4			2	26.70
NE 1/4			2	23.57
NE 1/4			11	7.43
NE 1/4			11	33.39
Total				173.54

STATE OF SOUTH DAKOTA

WATER LICENSE No. 200-1

WHEREAS, On the 26th day of May A. D. 19 51

EDD O. WINCHELL

of Red Owl County of Meade and State of South Dakota duly made application (No. 200-1) to me for a permit to use 2.48 cubic feet per second of the waters of the Red Owl Creek County of Meade, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 6th day of September A. D. 1950 Permit No. 200-1 was issued to said applicant for the diversion of 2.4 c.f.s. of said water, and providing for the completion of the works of diversion therein described on or before the 6th day of September A. D. 1952 and for the application to beneficial use of said water on or before the 6th day of September A. D. 19 53 and,

WHEREAS, On the 4th day of August A. D. 19 52 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.4 cubic feet per second of said waters, as evidenced by my Certificate No. 200-1 dated September 20, 1952 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date of priority of June 22, 1950 and, and,

WHEREAS, On the 20th day of September A. D. 19 52 proof was duly made of the application to beneficial use of 2.4 cubic feet per second of said water;

NOW, THEREFORE, By the virtue of the authority vested in me by the laws of the State of South Dakota,
I hereby grant and confirm to Bud O. Winchell
of Red Owl, S. Dak. the holder and owner of said permit No. 200-1
a water right, dating from June 22, 1950 to the use of 2.4
cubic feet per second of the waters of the Red Owl Creek
in the County of Deade and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point S. 74°15' W., and 1960 feet
from the East 1/4 corner Sec. 3, T. 8N., R. 11E.
and conducted to and upon SE 1/4 Sec. 3; SW 1/4 & SW 1/4 Sec. 2; NE-NW 1/4 & NW-NE 1/4 Sec. 11,
Twp. 8N., Rge. 11E.
for the purpose of providing 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
adorted 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 seal of my office at Pierre, South Dakota,
this 30th day of September A. D. Nineteen
Hundred and 52

DEAN W. LOUCKS

State Engineer.

State of South Dakota

Water License No. 200-1

To Bud O. Winchell

Red Owl, South Dakota

Source of Supply

Red Owl Creek

County

Deade

Am't 2.4 Sec. Feet

Point of Diversion Sec. 3, T. 8N.,

R. 11E.

Use of Use Sec. 2, 3 & 11

T. 8N., R. 11E.

Purpose irrigation

Date of Priority June 22, 1950

Recorded September 6, 1950

704

In Book 2 of 2 Page 705

RECEIVED

AUG 12 1950

No. 200-1

Form 12—Proof of Publication—Appropriation of Water.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Meade } ss.

I, E. L. Thompson, being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Faith Independent, 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 Faith, County of Meade, and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

July 19, 1950

July 26, 1950

August 2, 1950

August 9, 1950

In each and every issue of the full number thereof, the first publication being made on the 19th day of July, 1950 and the last publication on the 9th day of August, 1950, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was publisher the printer and publisher of the said newspaper.

E. L. Thompson

Subscribed and sworn to before me this 10 day of Aug A. D. 1950.

Notary Public Meade County, S. D.

NOTICE OF INTENTION TO APPROPRIATE WATER

Notice is hereby given that Bud O. Winchell whose post office address is Red Owl, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.19 cubic feet of water per second of time from the Red Owl Creek through the Green Valley Irrigation Project, the point of diversion of which is to be located on the left bank of said stream in the NW 1/4 of the SE 1/4 of Section 3 Township 8N Range 14E. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4 SE 1/4, NE 1/4 SE 1/4, SW 1/4 SE 1/4 and SE 1/4 SE 1/4 Section 3. NW 1/4 SW 1/4, NE 1/4 SW 1/4, SW 1/4 SW 1/4, SE 1/4 SW 1/4, and SW 1/4 SE 1/4 Section 2. NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 11.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 18th day of August, 1950, at 2 P.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.

Appropriation 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.

719-89

Water Division No. 1 Red Owl Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

RECEIVED
SEP 29 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Ans. Bud D. Winchall, Red Owl, S. Dak. 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. Myself

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

Ans. 200-1, Dated June 22, 1952

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

Ans. Red Owl, at a point S. 74 degrees, 45' and 1960 feet from the East 1/2 Corner

Sec. 3, T. 8 N., R. 14 E.

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. The Green Valley Irrigation Project consists of a small diversion dam with a earth ditch to convey water to the land. The ditch has a control structure to control the amount of water entering and the ditch is capable of conveying 2.4 CFS.

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 NW 1/4 13.90, NESE 1/4 13.27, SWSE 1/4 36.6, SESE 1/4 14.98, NWSW 1/4 9.93, NESW 1/4 2.81, SWSW 1/4 20.00, SESW 1/4 26.70, SWSE 1/4 23.57, Sec. 2, NENW 1/4 7.43, NENE 1/4 33.39

Sec. 11, all in Twn. 8 N., R. 14E, BHM. Meade County, South Dakota.

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

Ans. None

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

Ans. 2.4 CFS.

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. Original applicant

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

Ans. During the 1951 and 1952 seasons, conveyed water by ditch to irrigate the land described previously and found it was necessary to use 2.4 CFS to complete the irrigation.

(Sign.)

Russ O. Minchell

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 Igloo, County of Grand Falls River

State of South Dakota, on this 20th day of September A.D., 1952

Edna F. Kell

Notary Public

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 _____

Permit No. 200-1

Water Division No. 1

Red Owl Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Dear Sir: I hereby certify that in accordance with your letter of authorization dated August 6, 1952, I have this day made a thorough examination of the diversion works constructed by

Bud O. Winchell, of Red Owl

Mendocino County, South Dakota, holder of permit No. 200-1, issued upon application No. 200-1, bearing date of priority of June 22, 1950, authorizing the diversion of 2.4 second feet of the water of Red Owl Creek for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Small diversion dam, earth ditch with a control structure capable of conveying 2.4 cfs of water to the land to be irrigated.

and the system is in the following condition: Good

The point of diversion is located S. 74 degrees, 45' W., 1960 feet, from the east 1/4 corner of Section 3, T. 8 N., R. 14 E. Mendocino County, South Dakota.

The works are capable of diverting and conveying to the place of use 2.4 second-feet of water, which is to be used for Irrigation.

The legal sub-divisions to be irrigated are: NWSE 1 12.90, NESSE 1 16.27, SWSE 1 2.66, SESE 1 14.88, Sec. 3, NWSW 1 9.93, NESW 1 2.81, SWSW 1 20.00, SESE 1 26.70, SWSE 1 23.57, Sec. 2, NENE 1 7.43, NWNE 1 33.39, Sec. 11, all in Twn. 8 N., R. 14 E. BLM.

comprising a total of 173.54 acres of land.

The domestic use intended comprises None.

The utilization for power, mining, or other beneficial uses comprises: None.

Witness my hand, this 20th day of September

A. D. 1952

J. R. Richardson
Examining Engineer.

H. L. Bandley
 California from
 Richardson

Permit No. 200-1

Water Division No. 1 Big Horn Creek Water District

Certificate of Construction of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That

Bud. O. Winchell

of Red Owl, County of Meade, and State of

S. D., the holder of Permit No. 200-1, issued upon Application

No. 200-1, bearing date of priority of June 22, 1950, authorizing the diversion of

2.4 second-feet of the waters of Red Owl Creek

County of Meade, State of South Dakota, at a point south

74° 45' West 1960' from the east quarter corner

Sec 3 T8N R14E for Irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of

completion of the works of diversion set out and described in said Permit; that said works are adequate for divert-

ing and conveying to the place of intended use 2.4

second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:

Copy

Witness my hand this

day of

A. D. 19

State Engineer of South Dakota

Permit No. 200-1Water Division No. 1Lullian Creek Water DistrictRECEIVED
AUG 7 1952

NOTICE OF COMPLETION OF WORKS

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

Sud O Minchell

(P. O.)

Red Owl S. D.

(Date)

Aug. 4 - 52

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.4 second feet of the waters of the state from Creek through the Ditch, Green Valley Irrigation Project for Irrigation purposes in accordance with 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 Sud O Minchell2. The postoffice address of such person or the place of business of such corporation is Red Owl County of Macle State of S. Dak.3. The number of such permit is 200-1 and the date set for the completion of such work is September 6 - 19524. 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 2.4 cubic feet per second.6. The amount of land for which said water is available is 173.54 acres, particularly described as follows: Sections 2-3-11, Twp. 8 N., Range 14 E.

(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.

Engineer.

(Signature.)

Sud O Minchell

INVESTIGATION OF WATER SUPPLY FOR WATER
APPLICATIONS NO'S 0469-1, 0500-1, 200-1,
202-1, 203-1, 204-1, 204-1, 215-1, 207-1,
208-1, 209-1, 210-1, 211-1, 212-1, 213-1,
216-1, 217-1, 218-1, RED OWL AND WHITE
OWL CREEKS, MEADE COUNTY

September 8, 1950

By: Fred A. Beeman, Assistant State Engineer
Herbert C. Schaefer, Assistant State Engineer

To: Dean W. Loucks, State Engineer

On September 5 + 6, 1950, Mr. Beeman and Mr. Schaefer from the State Engineers Office and J. R. Rinkardson, registered engineer from Kadoka visited Red Owl and White Owl Creeks. The purpose of the trip was to investigate the water supply in Red Owl and White Owl Creeks in view of the demand of the numerous recent applications for water rights in the Red Owl and White Owl Valley.

A discussion was held with Frank Timmons who is 50 years old and has lived in the vicinity all his life. Mr. Timmons' land lies above the fork of Red Owl and White Owl Creeks with land lying in the valleys of both creeks. He said there always has been abundant water supplies in the spring holes along the creek bed. The springs were never known to dry out, even during the drought of the 1930's, although some springs were choked off by the silt and thistles that blew into their channels during the dry years.

Guy Simons, whose land is about one mile above the Timmons land on White Owl Creek, says he is 52 years old and has lived on the place all his life. He said there always has been ample water in the spring holes on the creek bottoms. During the 1930's, ranchers from miles around brought their cattle to these springs for water and no effect was ever noticed on the overall supply along the creeks.

A study of the valleys along Red Owl and White Owl Creeks and discussions with the tenants revealed that water bearing gravels are present across the valleys up and down both creeks and into various draws draining into the creeks. These gravels are close to the surface at the fork of the two streams and further down Red Owl Creek. There is from 10 to 12 feet of soil overlying the gravel farther upstream. Likewise, the creek banks are steeper upstream and rather shallow downstream and at all times the creek bed is in this gravel. At places where a hole exists in the creek bottom, water will stand in what the tenants call spring holes, and if the creek bed is quite low for any distance these springs will flow from one hole to another. In places this flow disappears under gravel in the stream bed and then appears again in another spring hole. Wells along the banks and further out in the valley have abundant supplies with only from 3 to 6 feet of penetration into the gravels. One such well on the Guy Simons land has been abandoned for about 30 years and was filled with top soil. This top soil keeps caving into the well every few years, indicating a fairly swift flow in the coarse gravel below. In places where the creek

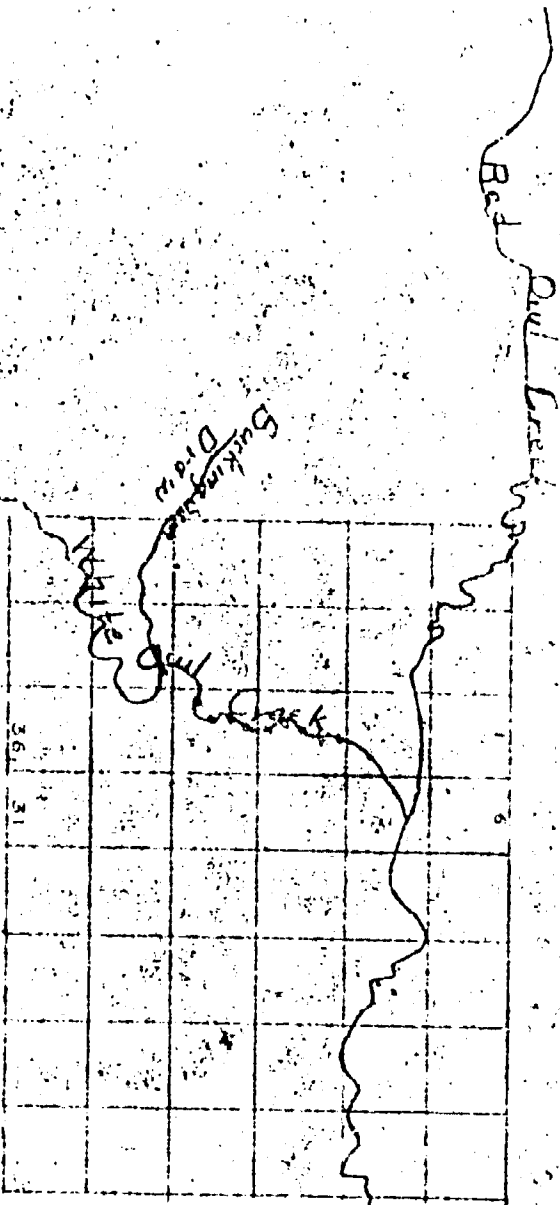
meanders across the valley, water percolates out of the side of the creek banks and flows on down the creek indicating that the water flows in a general direction down the valley and does not necessarily follow the meandering creek.

The gravels give every indication of being stream gravels that have been derived from granites such as there are in the Black Hills. During the course of time, the streams have meandered over the full width of the valley floor and have deposited the gravels that are now encountered in wells drilled there. The Fox Hills Sandstone forms the prominent hills and ridges in this locality and where observed at outcrops is a gray, poorly cemented sandstone. Without further study it would be impossible to determine porosity and permeability of the Fox Hills, but it is probably adequate to furnish a supply of water. It is the general opinion that the Fox Hills is a better water bearing formation than it was originally believed. The question then arises as to where the water comes from that supplies the stream gravel that is evident in Red Owl and White Owl Creeks. Undoubtedly much of it comes from annual rainfall and snow. It is likely, and likewise probable that the Fox Hills sandstone could be a feeder for this stream gravel.

The water rights of David Butcher and John Mathis on Red Owl Creek, which bear priority dates of 1895 and 1893 respectively have been abandoned for over 40 years, based on statements made by Guy Simons and Frank Timmons. Both of these rights are located on the Irwin Richardson land and are now taken up by the Richardson water rights. Mathis and Butcher have both passed away a number of years ago.

Although the investigation was made during the dry season when the flow was at it's lowest, it is evident that there is ample water for present needs throughout the valley. Both streams flow quite readily the greater part of the year due to run off and large spring flow.

Red Owl & White Owl Creeks with Water Right Locations



- 10 Bud Winchell
- 4 Irvin Richardson
- 5 Guy Simons
- 30 Mark Simons
- 5 Frank and Dale Timmons

 **Department of
Water & Natural Resources**

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

200-1

July 19, 1988

Moirra Mann
St Rt 1 Box 8
Red Owl, SD 57777

Dear Ms. Mann:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 200-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to your name.

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 us.

Sincerely,

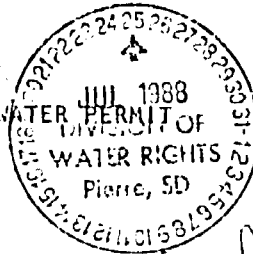
Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 772-3352

enclosure



NOTICE OF TRANSFER OF WATER PERMIT OF



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: July 27, 1988

This is to notify you that the title to the lands described as follows:

SE 1/4 Section 3; SW 1/4, SW 1/4 SE 1/4, Section 2; NE 1/4 NW 1/4, NW 1/4 NE 1/4,
Section 11; T8N, R14E

formerly owned by Bud Winchel

has been transferred to Moira Mann At-R-R & R.A. Oul. A1157777
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 200-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Meade) ss.

I, Moira Mann 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 I know of my own personal knowledge that the information herein stated is true.

Moira Mann
(Signed)

Subscribed and sworn to before me this 22 Day of July, 19 88

Bruce Walker
(Notary Public)

BRUCE J. WALKER, Notary Public
My Commission Expires April 7, 1991

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, 1908, 19

RECEIVED OF Meira Mann, Star Route 1 SD 57777
the following amount in fees for services rendered as provided:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>Permit No. 200-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (S)

No. 200-1

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

August 1, 1988

Maira Mann
SR 1, Box 3
Red Owl, South Dakota 57777

Dear Mrs. Mann:

Enclosed is receipt No. 411331 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 200-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 20, 2006

200-1

Peggy Wetz
18730 Green Valley Rd
Red Owl SD 57787

Dear Ms. Wetz:

Thank you for contacting us regarding the ownership change needed for Water Right No. 200-1.

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 \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Once we receive the completed "Notice of Transfer of Ownership" form and filing fee, the water right will be transferred to your name.

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

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date MARCH 27, 20 06

RECEIVED OF DONALD WETZ, 18730 GREEN VALLEY RD, RED OWL SD 57787

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

Fee for Application for Permit No. _____ and to put water to beneficial use	_____ to Appropriate Water, to construct	2	50
Fee for Application for Permit No. _____	_____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____	_____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____			
Fee for Filing Transfer Form _____	200-1		
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. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____	_____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL		

No.

02372

By

Darlane Elbe

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 200-1

Date: _____

I/We request that Water Right No. 200-1

formerly owned by: Moira Mann

be transferred to: (name & address) GREEN VALLEY LIMITED PARTNERSHIP
18730 GREEN VALLEY RD
RED OWL SD 57787 Telephone No. 605-985-5281

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

SE ¼ Section 3; SW ¼, SW ¼ SE ¼ Section 2; NE ¼, NW ¼, NW ¼ NE ¼ Section 11, T8N, R14E

I/We understand that the validity of Water Right No. 200-1 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 Green Valley Limited Partnership, the new owner, certify that the above information is true and correct.

RONALD D. WETZ
PEGGY WETZ

Ronald D. Wetz Peggy Wetz
(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.

RECEIVED
MAR 27 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2006

200-1

Ronald & Peggy Wetz
Green Valley Limited Partnership
18730 Green Valley Rd
Red Owl SD 57787

Dear Mr. & Mrs. Wetz:

Thank you for following up on the ownership change for Water Right No. 200-1. The transfer has been completed. The water right formerly listed in the name of Moira Mann is now listed in the name of "Green Valley Limited Partnership".

Enclosed is your Receipt No. 02377 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure