

No. 203-1

Division No. 1

Sulphur Creek District

PERMIT

to appropriate water from

Red Owl Creek

Heads County, South Dakota.

Name of applicant

Irvin V. Richardson

Name of diversion works

Red Owl Irrigation Project No. 2

Date of first receipt at office of State

July 29

Engineer 19 50

Returned to applicant for Correction

- - - -

19

Corrected application received

- - - -

19

Date of water right

July 29

19 50

Recorded in Book 2 Page 712-713

One-fifth of work to be completed

March 25

19 53

Whole work to be completed

September 25

19 55

Final proof of use of water 9/25/55

Approved September 25 19 50

DEAN T. LOUCKS, State Engineer.

RECEIVED
7:00 a.m.
JUL 29 1950

Form 2—Application for Permit to appropriate Water—Original

NO. 203-1

OFFICE OF THE
PIERRE, S. D.

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 Irwin V. Richardson
Postoffice address Marcus, County Meade, State S. D.

- 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, \$4100.00 (c) Treasury stock \$.....
- (d) Bonds to be issued, \$..... (e) Other resources, \$.....
2. Name of diversion work Red Owl Irrigation Project No. 2
3. Quantity of water claimed 2.05 cubic feet per second.
4. Source of water supply Red Owl Creek
5. Location of point of diversion S. 30 18' N. a distance of 2070 feet from the E 66r. of Sec. 9, T. 8 N., R. 15 E., BLM on right and left bank.
6. Annual periods during which water is to be used April 1st to November 1st
7. To be used for:

I. Irrigation or domestic use:

- (a) Number of acres to be irrigated 143.47 acres.
- (b) Legal subdivisions to be irrigated see attached sheet

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

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

II. Mining, power, 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, \$..... (b) Pumping plant, \$1600.00.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Sprinkler pipe \$2500.00..... Total, \$1100.00.....

9. Description of diversion works:

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

Pumpin; plant and sprinkler pipe line

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 at front (water) face; slope of back face; material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark acres.

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

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

(d) Canal: Total length miles.

LOCATION BELOW HEADGATE	DEPTH feet	BOTTOM WIDTH	WIDTH AT WATER LINE	GRDAE 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 or completion of work.....5..... years.

11. Time required for complete application of water to the proposed beneficial use4..... years.

12. Choice of newspaper for publication of notice of intention to appropriate
Faith Independent, Faith, S. D.

STATE OF SOUTH DAKOTA,

County of Jackson

I, Irvin V. Richardson, being first duly sworn

on my oath depose and say: That my relation to the above described undertaking is that of
Owner

(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 Irvin V. Richardson

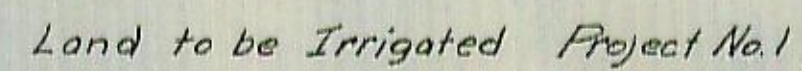
Subscribed and sworn to before me this.....15th.....day ofJuly....., 1950.....

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Edna F. Richardson

OWNER: IRWIN V. RICHARDSON
SCALE: 1"=400'



Land to be Irrigated Project No. 2

Land to be Irrigated Project No. 3

SURVEYOR'S CERTIFICATE

I, J. R. Richardson, Registered Professional Engineer and Land Surveyor No. 219,
do hereby certify that I have made a careful and complete survey of the
Red Owl Irrigation Projects No. 1, 2 & 3 and that the attached plot is a true
representation of the same.

In Witness whereof I have hereunto affixed my hand and seal this 27th day of July 1950.

T. R. Richardson
Registered Professional Engineer and Land Surveyor No. 219

Subscribed and sworn to before me this 27th day of July, A.D. 1950.

MAP No. 197-1

Edna F. Richardson
A Notary Public

202-1
203-1
204-1

Remarks by State Engineer:

STATE OF SOUTH DAKOTA, }
County of HUGHES } ss.

Pierre, South Dakota, September 25, 1950..

This is to certify that the foregoing application was received at this office at 8:00 o'clock
a. m. upon the 25 day of July, 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. No protests were received

Dean W. Loucks
DEAN W. LOUCKS, State Engineer.

Number of permit 203-1.....

Date of first receipt of application July 29....., 1950..

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

Date of receipt of corrected application 19.....

Date from which applicant may claim right July 29....., 1950..

Approved September 25....., 1950.., Recorded in Book 2..... Page 742-713.....

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 March 25....., 1953..

2nd. The whole of said work is to be completed on or before September 25....., 1955..

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is September 25....., 1955..

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.0..... 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 25....., 1955..; said water to be used during the following described annual
period:

April 1st to November 1st, Incl.

Witness my hand this 25 day of September, 1950..

Dean W. Loucks
DEAN W. LOUCKS, State Engineer.

Certificate of Construction issued 19.....

Water License issued 19.....

RED OWL IRRIGATION PROJECT NO. 2

LAND TO BE IRRIGATED PROJECT 2

Location	Sec.	Twp.	Rge.	Acres
NE $\frac{1}{4}$ of SE $\frac{1}{4}$	9	8N	15 E	28.80
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	9	"	"	5.14
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	9	"	"	28.72
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	10	"	"	10.00
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	10	"	"	37.43
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	15	"	"	<u>3.08</u>
Total				143.47

STATE OF SOUTH DAKOTA

WATER LICENSE No. 203-1

WHEREAS, On the 29th day of July A. D. 1950

IRWIN V. RICHARDSON

of Marcus County of Meade and State of South Dakota duly made application (No. 203-1) to me for a permit to use 2.05 cubic feet per second of the waters of the Rod Owl Creek County of Meade, State of South Dakota, for Sprinkler Irrigation purposes; and

WHEREAS, On the 25th day of September A. D. 1950 Permit No. 203-1 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 25th day of September A. D. 1955 and for the application to beneficial use of said water on or before the 25th day of September A. D. 1955 and,

WHEREAS, On the 9th day of October A. D. 1952 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0 cubic feet per second of said waters, as evidenced by my Certificate No. 203-1 dated October 19, 1952 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 July 29, 1952 and,

WHEREAS, On the 19th day of October A. D. 1952 proof was duly made of the application to beneficial use of 2.0 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 Irwin V. Richardson

of Marcus the holder and owner of said permit No. 203-1

a water right, dating from July 29, 1950 to the use of 2.0

cubic feet per second of the waters of the Red Owl Creek

In the County of Meade 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. 8°18' W. 2070 ft

from the E $\frac{1}{2}$ Corner of Sec. 9, T. 8N., R. 15E.

and conducted to and upon NE SE, SW SE & SE SE Sec. 9, T. 8N., R. 15E.

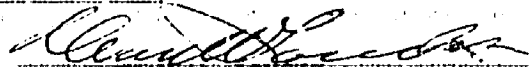
NW SW & SW SW Sec. 10, T. 8N., R. 15E.

NW NW Sec. 15, T. 8N., R. 15E.

for the purpose of providing Sprinkler 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 seal of my office at Pierre, South Dakota,
this 31st day of October A. D. Ninteen
Hundred and 52


DEAN W. LOUCKS
State Engineer.

State of South Dakota

Water License No. 203-1

Irwin V. Richardson

Marcus, South Dakota

Source of Supply

Red Owl Creek

Meade County

2.0 Sec. Feet

Point of Diversion

Sec. 9, T. 8N., R. 15E.

Place of Use Sec. 9 & 10, & 15,

T. 8N., R. 15E.

Purpose Sprinkler Irrigation

Date of Priority July 29, 1950

Recorded September 25, 1950

in Book 2 of 2 Page 112-113

Permit No. 203-1

Water Division No. 1

Sulphur Creek Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Irvin V. Richardson

of Marcus County of Heads and State of South Dakota, the holder of Permit No. 203-1, issued upon Application No. 203-1, bearing date of priority of July 29, 1950, authorizing the diversion of 2.0 second-feet of the waters of the Red Owl Creek County of Heads State of South Dakota, at a point 3.8015' N. 26' 10 ft. from the E $\frac{1}{2}$ Corner Sec. 9, T. 8N., R. 15E. 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 diverting and conveying to the place of intended use 2.0 second-feet of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit:

<u>NE SE, SW SE, SE SE</u>	<u>Sec. 9, T. 8N., R. 15E.</u>
<u>NW SW, SW SW,</u>	<u>Sec. 10, T. 8N., R. 15E.</u>
<u>NW NW</u>	<u>Sec. 15, T. 8N., R. 15E.</u>

Witness my hand this 31st day of October A. D. 1952


 DEAN W. LOUCKS

State Engineer of South Dakota.

Water Division No. 1 Sulphur Creek Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

DEPOSITION OF HOLDER

RECEIVED
OCT 21 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

Ans. Irwin V. Richardson, Maroon, South Dakota, teacher

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. Permit No. 203-1 dated July 22, 1950, priority date July 22, 1950

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

Ans. Red Owl Creek. From the E. $\frac{1}{2}$ corner of Sec. 9, T. 8 N., R. 15 E., S. 8 degrees and 18 minutes N. for a distance of 2070 feet to point No. 2

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. Pumping plant, 660 feet of main line, 2000 feet of sprinkler pipe with a pressure gauge, 50 sprinkler heads, Capacity of 2.0 CFS.

Red Owl Irrigation Project No. 2.

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 NESE $\frac{1}{4}$ 23.80, SWS $\frac{1}{4}$ 5.44, SESE $\frac{1}{4}$ 28.72, all in Sec. 9, and NWSW $\frac{1}{4}$ 40.00, SWSW $\frac{1}{4}$ 37.42, all in Sec. 10, and NW $\frac{1}{4}$ 3.03, Sec. 15, all in T. 8 N., R. 15 E. BHM. Comprising a total of 143.47 acres.

Red Owl Irrigation Project No. 2.

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. 2.0 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 seasons of 1951 and 1952 water was utilized to beneficially irrigate the above described lands in the amount of 2.0 CFS.

(Sign.)

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 _____, County of _____,

State of South Dakota, on this _____ day of _____, A.D., 19____.

Subscribed

Levin T. Richardson

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, Fall River County, State of South Dakota, on this 19th day of October, A.D. 1952.

Edna J. Richardson

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. 203-1

Water Division No. 1

Sulphur Creek Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

OCT 21 1912

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated October 14, 1912, I have this day made a thorough examination of the diversion works constructed by

Irwin V. Richardson, of Mandan County, South Dakota, holder of Permit No. 203-1, issued upon Application No. 203-1, bearing date of priority of July 29, 1910, authorizing the diversion of 2.0 second feet of the waters of Sandhill Creek for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A pumping plant, 660 feet of main line, 2.00 feet of sprinkler pipe, with a pressure gauge, 50 sprinkler heads

and the system is in the following condition: New Condition

The point of diversion is located 15.8 degrees and 13' W., a distance of 20.0 feet from the E. J. corner of Sec. 9, T. 8 N., R. 15 E., B.M.

The works are capable of diverting and conveying to the place of use 2.6 second-feet of water, which is to be used for Irrigation

The legal sub-divisions to be irrigated are: NESE 1/4 28.80, S7SE 1/4 5.44, SESE 1/4 28.72 all in Sec. 9, and NWSW 1/4 40.00, SWSW 1/4 37.43, all in Sec. 10, and NWNE 1/4 3.08, Sec. 15, all in T. 8 N., R. 15 E., B.M.

comprising a total of 143.47 acres of land.

The domestic use intended comprises: None

The utilization for power, mining, or other beneficial uses comprises:

None

Witness my hand, this 19th day of October

A. D. 1912

Examining Engineer.

Permit No. 203-1Water Division No. 1Leffner Creek Water District

OCT 13 1952

Notice of Completion of Works

STATE OF SOUTH DAKOTA
PIERRE, S. DAK.

(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.)

Marcell, S. Dak.

(Date)

10/9/52

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

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

2.05

second feet of the waters of the state from.....

through the

Red Owl Irrigation Project No. 2

for.....

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.....

Irvin V. Richardson2. The postoffice address of such person or the place of business of such corporation is MarcellCounty of MeadeState of S. Dak.3. The number of such permit is 203-1 and the date set for the completion of such work is9/25/55

4. Said water to be used for..... 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.....

2.0

cubic feet per second.

6. The amount of land for which said water is available is 143.47 acres,particularly described as follows: NESE, SWSE, SESE Sec. 9,
NW.5W, SW.5W, NW.4W Sec. 10 & NW.4W Sec. 15, R. 8N T. 21S

(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.

Engr.

(Signature)

Irvin V. Richardson

INVESTIGATION OF WATER SUPPLY FOR WATER
APPLICATIONS NO'S 0469-1, 0500-1, 200-1,
202-1, 203-1, 204-1, 214-1, 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
Norbert 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. Richardson, 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 58 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

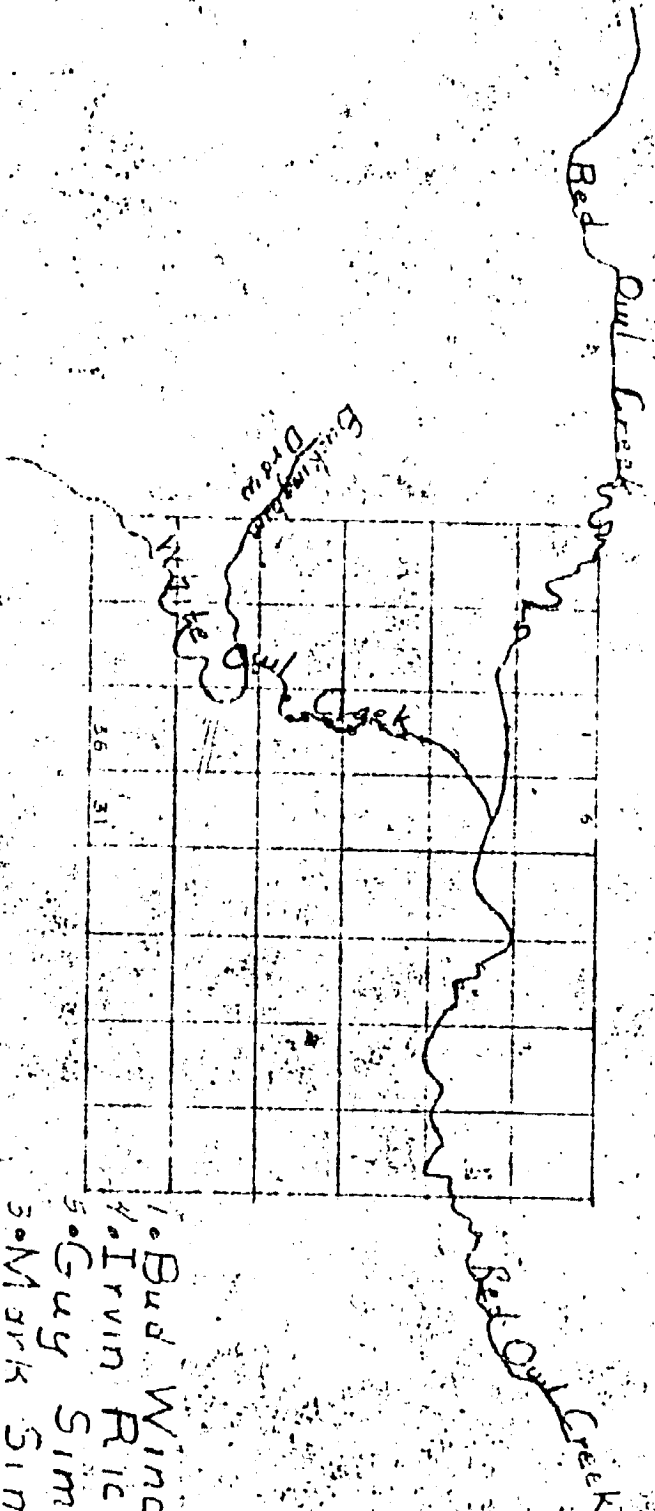
meanders across the valley, water percolates out of the side of the creek banks and flows on down the creek indicating that the water flows in a general direction down the valley and does not necessarily follow the meandering creek.

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 + 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



- 1. Bud Winchell
- 4. Irvin Richardson
- 5. Guy Simons
- 5. Mark Simons
- 5. Frank and Dale Timmons

Sept 1950
by [signature]

**South Dakota Department of
Water & Natural Resources**

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

March 23, 1987

GARY PETERSON-OPERATOR
BOX 53
MARCUS, SD 57757

NOTICE

**Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire**

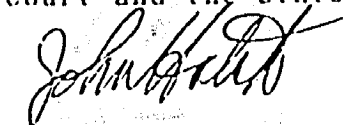
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 204-1, 205-1, 202-1, 203-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 204-1, 205-1, 202-1, 203-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

NOTE: If the questionnaires are recieved in this office before the hearing date, your name will be deleted from the agenda for the hearing.

cc: Irwin Richardson, Marcus SD 57757



Department of Water & Natural Resources

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

April 24, 1987

202-1
203-1
204-1
205-1

Gary Peterson
Box 53
Marcus, SD 57757

Dear Mr. Peterson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 202-1, 203-1, 204-1 and 205-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

cc: Irwin Richardson, Box 637, Sturgis, SD 57785

NOTE: As requested, the name of Russel C Molstad, Jr., has been placed in the above listed water right files as that of operator.

MOLSTAD & MOLSTAD
ATTORNEYS AT LAW

1222 MAIN STREET
STURGIS, SOUTH DAKOTA 57785
(605) 347-5852
(605) 347-4586

RUSSELL C. MOLSTAD, JR.
ROBERT A. HAIVALA

December 22, 1989

RUSSELL C. MOLSTAD
(1956 - 1985)

Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501



RE: 1989 Water Irrigation Questionnaire

Dear Sir:

Enclosed please find the 1989 Water Management Board
Irrigation Questionnaire for the Red Owl Ranch Family Land
Limited Partnership in Meade County, South Dakota.

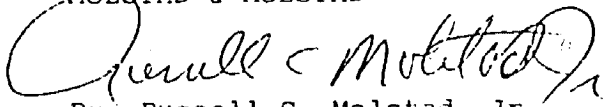
If you have any questions concerning this matter, please
feel free to contact me.

After January 1, 1990, my new address will be P.O. Box 729,
Sturgis, South Dakota 57785. My new phone number will be 605-
347-3624.

Thank you very much.

Sincerely yours,

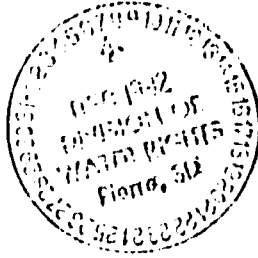
MOLSTAD & MOLSTAD


By: Russell C. Molstad, Jr.

RCM/jmh
enc:
cc: Irwin Richardson
Glen Myers

BENNETT & MAIN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

DOUG BENNETT
MAX MAIN
JOHN R. FREDERICKSON



610 STATE STREET
BELLE FOURCHE, SOUTH DAKOTA 57717-1409
TELEPHONE (605) 892-2011
FAX (605) 892-4084

December 3, 1992

Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Red Owl Ranch; Water Right Nos. 202-1, 203-1, 204-1,
and 205-1; Our File #2450.006090.

Dear Water Rights Division:

Enclosed herewith are the original completed WATER
MANAGEMENT BOARD IRRIGATION QUESTIONNAIRES for the above-
referenced Water Rights.

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

Sincerely,

BENNETT & MAIN, P.C.

Max Main
Max Main

MM/rs
Encs.

pc: Client (w/encs)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1998

202-1
203-1
204-1
205-1

Max Main
618 State Street
Belle Fourche, SD 57717

Dear Mr. Main:

Enclosed, as you requested, are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on Water Right Nos. 202-1, 203-1, 204-1 and 205-1. The water rights are currently listed in the name of Irwin V Richardson.

Please review the forms for accuracy and make any necessary corrections. The forms will need to be completed and then signed by the new owner(s) in the presence of a notary public. Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$10.00).

On a related matter, you requested a listing of water permit holders diverting water from either Red Owl or White Owl Creeks in Meade County. I am including a listing for each source. We also discussed a listing of permit holders from the tributaries leading to each of the creeks. In order to ensure you receive only the data you are interested in, if you could forward me a specific area or legal description (township and range), I could review our files and come up with a listing for you.

If you have any questions concerning completion of the enclosed transfer forms or with the listing of permit holders, please give me a call.

Sincerely,

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

encl

203-1

LAW OFFICES

**HANSEN, HUBBARD
& SWANSON**

1010 Ball Park Road, Suite No. 6
Sturgis, South Dakota 57785

DALE R. HANSEN
BRUCE A. HUBBARD
GORDON D. SWANSON

Mailing Address:
P. O. Box 580
Sturgis, SD 57785-0580

Telephone: (605)347-2551
FAX: (605)347-4466
E-Mail: hanslaw@sturgis.com

September 7, 1999



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

Dear Sir:

Enclosed please find Notice of Transfer of Ownership of South Dakota Water Rights Nos. 202-1, 203-1, 204-1 and 205-1.

I also enclose a check for \$10.00 for the transfer fee. Should you need anything further to transfer these water rights, please let me know.

Thank you.

Yours truly,

A handwritten signature in cursive script, appearing to read "Dale R. Hansen".

Dale R. Hansen

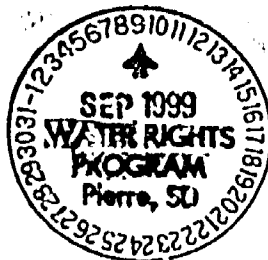
DRH:bjh

Enclosures.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 203-1



Date: 9/2/99

I/We request that Water Right No. 203-1

formerly owned by: Irwin V Richardson

be transferred to: (name & address) Paul Schultes and Laurel Schultes, joint tenants with right of survivorship, 18772 Owl Creek Road, Marcus, SD 57757

Telephone No. 605.985.5233

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

NE 1/4 SE 1/4, S 1/4 SE 1/4 Section 9; W 1/4 SW 1/4 Section 10; NW 1/4 NW 1/4 Section 15, all in T8N, R15E

I/We understand that the validity of Water Right No. 203-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
COUNTY OF McClure) SS

We, Paul Schultes and Laurel Schultes, Husband and Wife, as joint tenants with right of survivorship, being first duly sworn on our oath, depose and say that our relation to the above described undertaking is that of Owners, that we have read the above foregoing statement, and that we know of our own personal knowledge that the information herein stated is true.

Paul Schultes
PAUL SCHULTES

Laurel Schultes
LAUREL SCHULTES

Subscribed and sworn to before me this 2 day of September, 1999.

SEAL)

Dale R. Hansen
NOTARY PUBLIC
Comm. Exp.: _____

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.

DALE R. HANSEN
NOTARY PUBLIC

COMMISSION EXPIRES JANUARY 27, 2004

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416185

Pierre, September 9, 1999

RECEIVED OF Hansen, Hubbard & Swanson (Paul & Laurel Schultes), P.O. Box 580, Sturgis, SD 57785
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 Water Right No. 203-1

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch (signature)



September 21, 1999

503-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

Dale R Hansen
Hansen, Hubbard & Swanson
PO Box 580
Sturgis, SD 57785-0580

RE: Irwin V Richardson & Paul and Laurel Schultes

Dear Mr. Hansen:

I am writing to confirm receipt of the transfer forms and filing fees you submitted for transferring ownership of Water Right Nos. 202-1, 203-1, 204-1, 205-1 and 326-1. The transfers have been completed and the water rights are now listed as being owned by Paul Schultes and Laurel Schultes, joint tenants with right of survivorship.

Enclosed are your receipts for the filing fees. Thank you for handling the ownership changes. If I can answer any questions for you, please get in touch with me.

Sincerely,

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

Enclosures

c: Paul and Laurel Schultes



203-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: PAUL & LAUREL SCHULTES, 18772 OWL CREEK RD, MARCUS, SD 57757

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 202-1, 203-1, 204-1 & 205-1. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire 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 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 202-1, 203-1, 204-1 & 205-1 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 28, 2003, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2003

202-1
203-1
204-1
205-1

Paul & Laurel Schultes
18772 Owl Creek Rd
Marcus SD 57757

Dear Mr. & Mrs. Schultes:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 202-1, 203-1, 204-1 and 205-1.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



203-1
**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 24, 2006

NOTICE

TO: PAUL & LAUREL SCHULTES, 18772 OWL CREEK RD, HOWES, SD 57748

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 202-1, 203-1, 204-1 & 205-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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 10:30 am, March 2, 2006, 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) 202-1, 203-1, 204-1 & 205-1 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 24, 2006**, 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.



**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 27, 2006

Paul & Laurel Schultes
18772 Owl Creek Rd
Howes SD 57748

RE: Water Right Nos. 202-1, 203-1, 204-1 & 205-1

Dear Mr. & Mrs. Schultes:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 202-1, 203-1, 204-1 & 205-1.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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