

No.....225-1.....

Division No.....1.....

Salcha Creek..... District

PERMIT

to appropriate water from

Flowing Spring.....

Hecla County, South Dakota.

Name of applicant

Irwin V. Richardson.....

Name of diversion works

Red Oak Irrigation Project No. 4

Date of first receipt at office of State

EngineerJuly 29..... 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.....716-717

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 water9/25/55

ApprovedSeptember 25..... 19.....50

.....
DEAN W. LUCKS, State Engineer.

Map 194-1

RECEIVED
JUL 29 1950

Form 1—Application for Permit to appropriate Water—Original

NO. 205-1

OFFICE OF STATE ENGINEER
PIERRE, S. DAK

Water Division No. 1 Sulphur Creek District
(Banks 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 Irvin V. Richardson
Postoffice address Harcat, 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 this 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. 4
3. Quantity of water claimed 0.517 cubic feet per second.
4. Source of water supply Flowing spring
5. Location of point of diversion S. 12⁰⁰ E. a distance of 2400 feet from the NW. Cor. of Sec. 8, T. 8 N., R. 15 E., BHM 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 57.21 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 apprehended 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, \$4100.00

9. Description of diversion works:

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

Pumping 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 filled acre 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	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required or completion of work..... 5 years.

11. Time required for complete application of water to the proposed beneficial use 4 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
Irvin V. Richardson 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 of JULY, 1950

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Edna F. Richardson

RED OWL IRRIGATION PROJECT No. 4
MEADE COUNTY, S. D.

OWNER: IRWIN V. RICHARDSON
SCALE: 1" = 200'

N.W. Cor. Sec. 8, T. 8 N., R. 15 E. B.M.

S 12° 00' E 2400'

N
Z

SW 1/4 of NW 1/4, Sec. 8
40.00 Ac.

Pump 4
Source is flowing spring

Sprinkler Line 1500'

NW 1/4 of SW 1/4, Sec. 8
14.77 Ac.

NE 1/4 of SW 1/4, Sec. 8
2.44 Ac.

Creek

Red Owl

Land to be Irrigated Project No. 4

Location	Sec.	Twp.	Rge.	Acres
SW 1/4 of NW 1/4	8	8 N	15 E	40.00
NW 1/4 of SW 1/4	8	"	"	14.77
NE 1/4 of SW 1/4	8	"	"	2.44
Total				57.21

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 Project No. 4 and that the accompanying plat is a
true representation of the same.

In Witness whereof I have hereunto set my hand and seal this 27th day of July, A.D. 1950

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

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

Edna F. Richardson
A Notary Public

MAP 02 198-1

WR- 205-1

RECEIVED
JUL 30 1950
MADE IN STATE ENGINEER
MEMBER & CLERK

Remarks by State Engineer:

STATE OF SOUTH DAKOTA,
County of WILLIAMS

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 22th 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 205

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 716 - 717

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before 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 0.8 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. 4

LAND TO BE IRRIGATED PROJECT 4

Location	Sec.	Twp.	Rge.	Acres
SW $\frac{1}{4}$ of NW $\frac{1}{4}$	8	8N	15 E	40.00
NW $\frac{1}{4}$ of SW $\frac{1}{4}$	8	"	"	14.77
NE $\frac{1}{4}$ of SW $\frac{1}{4}$	8n	"	"	<u>2.44</u>
	Total			57.21

STATE OF SOUTH DAKOTA

WATER LICENSE No. 205-1

WHEREAS, On the 29th day of July A. D. 50
Irwin V. Richardson
 of Marcus County of Meade and State of
South Dakota duly made application (No. 205-1) to us for a permit to use 0.8
 cubic feet per second of the waters of ground water
 County of Meade, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 25th day of September A. D. 50
 Permit No. 205-1 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 1st day of
November A. D. 56 and for the application to beneficial use of said
 water on or before the 1st day of November A. D. 56
 and,

WHEREAS, On the 20th day of September A. D. 56
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.8
 cubic feet per second of said waters, as evidenced by our Certificate No. 205-1
 dated November 16, 1956, confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 0.8 cubic feet per second of water, with date of
 priority of July 29, 1950 ~~xxx~~ ~~xxx~~,

WHEREAS, On the 20th day of September A. D. 56
 proof was duly made of the application to beneficial use of 0.8 cubic feet per second of said water;
 on the following described lands:

SW 1/4 NW 1/4, Sec. 8, T 8N, R 15E - - - - - 40.00 acres

NW 1/4 SW 1/4, Sec. 8, T 8N, R 15E - - - - - 14.77 acres

NE 1/4 SW 1/4, Sec. 8, T 8N, R 15E - - - - - 2.44 acres

57.21 acres

NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Irwin V. Richardson
of Marcus, South Dakota the holder and owner of said permit No. 205-1
a water right, dating from July 22, 1950 to the use of 0.8
cubic feet per second of the waters of ground water
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 2,400 feet S12°00' E of the
NW Cor. of Sec. 8, T. 8N, R. 15E
and conducted to and upon the SW 1/4 NW 1/4 and NE 1/4 SW 1/4, Sec. 8, T. 8N, R. 15E
for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 16th day of November A. D. Nineteen
Hundred and Fifty-six

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **205-1**Water Division No. **1-Sulphur Cr.** Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Irwin V. Richardson**

of **Marcus**, County of **Meade**, and State of **South Dakota**, the holder of Permit No. **205-1**, issued upon Application No. **205-1**, bearing date of priority of **July 29, 1950**, authorizing the diversion of **0.8** cu. ft. per second of the waters of **ground water** County of **Meade**, State of South Dakota, at **2,400 feet 8 12'00" E** of the NW Cor. of Sec. 8, T 8 N, R 15 E

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 found in satisfactory condition for diverting and conveying to the place of intended use **0.8** cu. ft.

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

to-wit: **SW 1/4 NW 1/4, Sec. 8, T 8N, R 15E - - - - - 40.00 acres**

NW 1/4 SW 1/4, Sec. 8, T 8N, R 15E - - - - - 14.77 acres

NE 1/4 SW 1/4, Sec. 8, T 8N, R 15E - - - - - 2.44 acres

57.21 acres.

Witness my hand this **16th** day of **November**, A. D. 19**56**

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Permit No. 205-1Water Division No. 1 - Sulphur Creek Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your ~~letter of~~ authorization ~~dated~~ _____~~XXXX~~, I have ~~thus~~ made a thorough examination of the diversion works constructed by _____Irwin V. Richardson

of _____

MarcusMeadeCounty, South Dakota, holder of Permit No. 205-1, Issuedupon Application No. 205-1, bearing date of priority of July 29, 1950, authorizing thediversion of 0.8 cu. ft. per second of the waters of ground water for irrigation

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Carver Pump unit type #3FH(3L14A-No.3) and serial #F10H5203SF with a 4" inlet and 3 1/2" outlet. Power furnished by a Wisconsin Unit Model #VP4, serial #1,544,516, spec. #55898 and develops a max. of 21Hp. @1,900 rpm's but should be operated normally for 19 Hp. @1,775 rpm's. A pressure guage is installed on the pump. Pump and motor are mounted on a steel frame trailer. Other equipment consisted of 50-Model 40 Rainbird 13/16 x 1/8 nozzles (about 10 gpm), 40-20' lengths of 5" main line, 20-20' lengths of 5" and 80-20' lengths of 4" sprinkler line. This was a collection gallery type well or basin which is spring fed.

and the system is in the following condition: Very Good

The point of diversion is located 2,400 feet S. 12°00' E. of the NW Cor. of Sec. 8, T. 8N, R. 15E.

The works are capable of diverting and conveying to the place of use 0.8 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: SW 1/4 NW 1/4: 14.77 acres in the NW 1/4 SW 1/4; and 2.44 acres in the NE 1/4 SW 1/4, all in Sec. 8, T. 8N R. 15E

comprising a total of 57.21 ± acres of land.

The domestic use intended comprises _____

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

Witness my hand, this 29th day of October, A. D. 1956.

—SEAL—

Les Wyborny
Les Wyborny, Examining Engineer,
Water Rights Engineer

9-Notice of Intention to Appropriate Water

202-1, 203-1
No. 204-1, 205-1

(First Publication _____, 1950)
APPROPRIATION OF WATER

Office of State Engineer,
Pierre, South Dakota, August 2, 1950

Notice is hereby given that Irwin V. Richardson whose postoffice address is Marcus, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for permits to appropriate for beneficial use as follows:

1.57 cubic feet of water per second of time from the Red Owl Creek through the Red Owl Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of said stream in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, Twp. 6N, Range 15E; 2.05 cubic feet of water per second of time from the Red Owl Creek through the Red Owl Irrigation Project No. 2, the point of diversion of which is to be located on both banks of said stream in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 9, Twp. 6N, Range 15E; 1.025 cubic feet of water per second of time from the Red Owl Creek through the Red Owl Irrigation Project No. 3, the point of diversion of which is to be located on both banks of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9, Twp. 6N, Range 15E; and 0.817 cubic feet of water per second of time from a flowing spring through the Red Owl Irrigation Project No. 4, the point of diversion of which is to be located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Twp. 6N, Range 15E.

Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 15;

NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 10;

South $\frac{1}{2}$ of Section 9, and

SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 8.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 14 day of September, 1950, at 2:00 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.

NCS:dt
Enc.
cc: Richardson

DEAN W. LOUCKS
State Engineer

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

April 23, 1956
(date)

Dear Sirs:

I hereby request that an extension of time from 9/25/55
to 11/1/56 be granted me for the completion of works to be done under Permit No.
205-1 and that the time for proof of beneficial use of water be extended to

Said works are located in Meade County and are described
as follows:

Location of headworks: In the SW 1/4 of the NW 1/4
of Section 8 Township 8N Range 15E

E., B.H.M.

The water is to be used for the purpose of Irrigation

The extension of time for the completion of these works is requested for the following reasons: The
necessary help was not available before the time set for completion
and such help is now able to do the work.

APPROVED:

/s/ Irwin V. Richardson

State Water Resources Commission

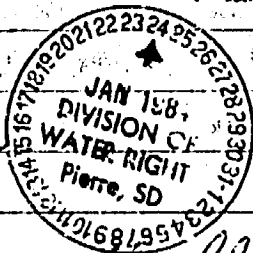
Holder of Permit No. 205-1

By:

J. W. Grimes Chief Engineer, Executive Officer

Marcus, S. Dak.

Gary Peterson
Box 53
Marion, SD



57757
205-1

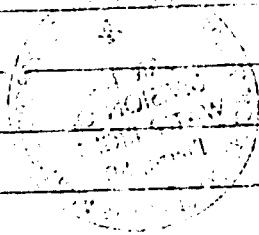
Dear Sir,

Enclosed are the Abrogation
Estimates for 1988.

I hope these are not too late.
If there is any problem, please
contact me at my enclosed
address.

In the future, would you
send the forms to me as there
was a delay when they were
sent to the ^{Operator} ~~operator~~.

Thank you sincerely
Gary Peterson (H. Peterson above)



Gary Peterson

Box 53

Marcus, S.D.

57757

OBSERVATIONS DURING THE FIELD INSPECTION OF THE
IRWIN V. RICHARDSON WATER RIGHT #205-1 ✓
On September 20, 1956

The pump and motor unit was manufactured by the Carver Pump Company, Muscatine, Iowa.

The pump size and type was #3FH (3L14A-No. 3), Serial #F10H5203SF with a 4" inlet and 3½" outlet. The operator operates normally at 40-45 psi and watches this very closely. Turning over at a maximum of 1,900 rpm's with 21 Hp. the pump has a top capacity of 550 gpm. It should be normally run with 19 Hp. @ 1,775 rpm's.

The motor was a Wisconsin model VF4, Serial #1,544,516 and spec. #55898.

There was a pressure guage installed on the pump.

Other equipment consisted of 50 Rainbird Model 40, 13/16 x 1/8 nozzles (10 gpm normal operation), 40 - 20' lengths of 5" main line 20 - 20' lengths of 5", and 80 - 20' lengths of 4" sprinkler line.

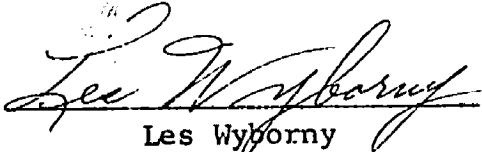
The pump and motor were mounted on a steel frame trailer and in general the equipment as a whole was in very good condition.

The entire acreage (57.21±) has been irrigated, as was plainly evidenced by a comparison of Mr. Richardson's meadow with a dry land alfalfa meadow across the fence to the west.

The actual pump location at the time of the inspection was 250' (paced) from the 1/16 line to the south, 525' (paced) east, and 2,434' (checked by speedometer driving up and down hill) south of the NW cor., Sec. 3, T 8N, R 15E, which compared closely to the location as shown on the map.

L

This was a collection gallery type well or basin, about 950' long and from 30'-50' wide, which is spring fed.


Les Wyborny
Water Rights Engineer

10/30/56
Date

**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

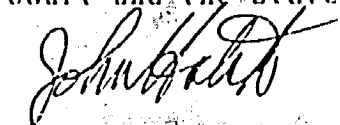
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s), 204-1, 205-1, 202-1, 203-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires 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

SOUTH DAKOTA
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

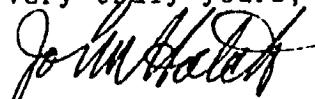
Dear Mr. Peterson:

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,



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.

205-1

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

RUSSELL C. MOLSTAD
(1956 - 1985)

November 7, 1988

Mr. John Hatch
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RE: Red Owl Ranch Family Land Limited Partnership
Irwin Richardson - Irrigation Questionnaire

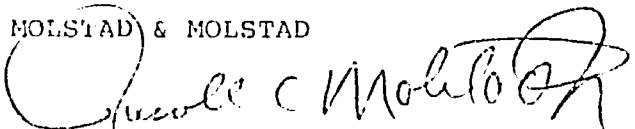
Dear Mr. Hatch:

I am enclosing the completed 1988 Irrigation Water Use
Questionnaires. If you need any additional information, please
feel free to contact me.

Thank you very much.

Sincerely yours,

MOLSTAD & MOLSTAD



By: Russell C. Molstad, Jr.
Agent - Red Owl Ranch

RCM/jms
enc:
cc: Irwin Richardson



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.

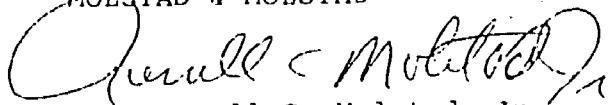
If you have any questions concerning this matter, please
feel free to contact me.

After January 1, 1990, my new address will be P.C. 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

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



Red Owl Ranch

MARCUS, SOUTH DAKOTA 57757 • 985-5513 • 985-5552 • 985-5510

Sturgis, S.D.
7/27/91

777 N 1st Ken Buckle
Supt. Natural Resources
Pierre, S.D.
Hello Ken;



I am writing in regards to water right
770 205-1. Since we had that spread over water
last year, we have never had enough water to
irrigate from there. I was surprised that it
never filled up this spring. I was out there
yesterday and find the Red Owl Creek dry in
places that I have never see dry before. What
does one do to prove that there is not adequate
water at such a site?

Yours truly,
Lewin C. Richardson
1343 Shultz St,
Sturgis,
S.D. 57785



Red Owl Ranch



KOTA 57757 • 085-5519 • 085-5552 • 085-5540.

Sterger, S. D.

8/7/91

*Mr. John Hatch, Chief Eng.
Dept. Environment & Nat. Resources
Pierre, S.D.
Dear Mr. Hatch;*

*Enclosed is copy of letter that I wrote
to Ken Buckles. This regarding project "205-1"
of the Red Owl Irrigation Project. As yet, I
have received no answer. Please let me
know.*

*Sincerely,
Levin C. Richardson
1343 Fulton St.,
Sterger,
S.D. 57785*



South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 9, 1991

COPY

Irwin Richardson
1343 Fulton St.
Sturgis, SD 57785

Dear Mr. Richardson:

I am writing in response to your letter to Ken Buhler regarding Water Right No. 205-1. You questioned what you were required to provide to show that there was not adequate water at the site so that you would not be subject to cancellation for nonuse of water.

Administrative Rule of South Dakota 74:02:01:37.01 states that legal excuses for nonuse of water include but are not limited to the following:

1. Unavailability of water to satisfy a permit or right.
2. Legal proceedings which prevent the use of water.
3. Water use under existing climatic conditions would result in a waste of water.

If water is unavailable to satisfy Water Right No. 205-1, this would constitute a legal excuse for nonuse of water. Each fall, an irrigation questionnaire for Water Right No. 205-1 is sent to you in which you are required to state the acres irrigated, diversion rates and periods that you irrigated during the past season. If water was unavailable for irrigation this past year you should state this under the remarks portion of the irrigation questionnaire you submit.

The Water Management Board is ultimately the entity which has the authority to cancel water rights for nonuse of water. If the question of validity of Water Right No. 205-1 ever becomes an issue, the irrigation questionnaires you submit on a yearly basis would be used along with various other evidence and testimony by the Board in making their determination.

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

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352



**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

205-1

LAW OFFICES

**HANSEN, HUBBARD
& SWANSON**

1010 Bail 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)347-4486
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,

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. 205-1



Date: 9/2/99

I/We request that Water Right No. 205-1

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:

SW¼ NW¼ and N¼ SW¼ Section 8, T8N, R15E

I/We understand that the validity of Water Right No. 205-1 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 Meade) 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 1 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

NE 416187

September 9, 19 99

Pierre,

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. 205-1

Fee for Filing Extension Request _____

Fee for _____

Total

2 50

(Any Other Work Provided by Law)

By

Chief Engineer

John H. Hatcher



September 21, 1999

205-1
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



205-1
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



205-1
**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