

No. 230-1

Division No. 1

Moreau River District

PERMIT

to appropriate water from

Rabbit Creek

Perkins County, South Dakota.

Name of applicant

John M. Lawton

Name of diversion works

John M. Lawton Sprinkler
Irrigation Project.

Date of first receipt at office of State

Engineer June 2 1951

Returned to applicant for Correction

June 4 1951

Corrected application received

June 25 1951

Date of water right

June 2 1951

Recorded in Book 3 Page 4

One-fifth of work to be completed

February 21 1952

Whole work to be completed

August 21 1952

Final proof of use of water

August 21 1952

Approved August 21 1952

DEAN W. LUCKS, State Engineer.

Corrected Copy

Corrected Copy
RECEIVED
8:05 AM
JUN 25 1951

No. 430

Division No. 1
(Blank to be filled by the State Engineer.)

Mossy River

RECEIVED
District
June 2, 1951
8:20 a.m.

APPLICATION FOR PERMIT

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To Appropriately Water within the State of South Dakota

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

1. Name of applicant John M. Linton
 Postoffice address Champion; County Marshall; State South Dakota

I. If a corporation

- (a) Name of same
 (b) Date and place of incorporation
 (c) Amount of capital stock
 (d) Amount paid in
 (e) Names and 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, \$
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, Project will be financed by F. C. L. Adm. 10 m.

2. Name of diversion work John M. Linton Spillway Irrigation Project3. Quantity of water claimed 3.0 cubic feet per second.4. Source of water supply Bobbit Creek

Location of point of diversion No. 1;

Beginning at a point on the west line of Sec. 2, T. 15 N., R. 14 E. of NW 1/4, which point lies 150 ft. south of the south quarter corner of the said Sec. 2 and running thence in a southeasterly direction along the course of Rabbit Creek to Point of Diversion No. 2 more particularly described as a point on the east line of the NW 1/4 of Sec. 13, T. 15 N., R. 14 E. of NW 1/4, which point lies 1000 feet north of the south quarter corner of the said Sec. 13.

Irrigation system

- (a) Number of acres to be irrigated 335.0 acres.

Sec. 2 - 3.5 Ac., SW 1/4 Sec. 2 - 12.0 Ac., NW 1/4 Sec. 2 - 3.75 Ac.,
 SW 1/4 Sec. 2 - 1.0 Ac., NW 1/4 Sec. 2 - 33.0 Ac., SW 1/4 Sec. 2 - 13.5 Ac.,
 SW 1/4 Sec. 2 - 10.0 Ac., SW 1/4 Sec. 2 - 27.5 Ac., SW 1/4 Sec. 2 - 3.8 Ac.,
 SW 1/4 Sec. 11 - 25.3 Ac., NW 1/4 Sec. 13 - 22.0 Ac., SW 1/4 Sec. 13 - 40.0 Ac.,
 SW 1/4 Sec. 13 - 2.5 Ac., NW 1/4 Sec. 13 - 14.5 Ac., SW 1/4 Sec. 13 - 10.0 Ac.,
 all in T. 15 N., R. 14 E. of NW 1/4. Total 335.0 Acres.

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

8. Estimated cost of work:

(a) Head gates, \$.....
 1000 ft. main line (b) Pumping plant, \$2100.00
 (c) Pumping, \$..... (d) Canal-earth, \$..... Rock, \$1000.00
 1640 (e) Sprinkler lines with accessories, \$..... Total, \$3450.00
 (f) Other structures including power lines, \$..... Total, \$11100.00

9. Description of diversion works:

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

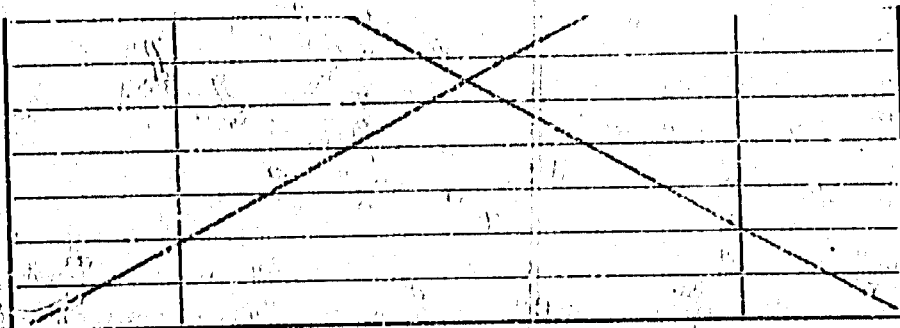
Pumping plant situated on.....
 43 sprinklers Main line of 10. Second ry 7/3 10.

(Name of structure capacity rating.)

Pressure at sprinkler.

G.P.M. Discharge.

25"	14.5 GPM
30"	16.2 "
35"	17.6 "
40"	18.9 "
45"	20.1 "
50"	21.3 "
55"	22.4 "
60"	23.2 "



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

Material.....

(d) Canal: Total length.....miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work1..... years.

11. Time required for complete application of water to the proposed beneficial use1..... years.

12. Choice of newspaper for publication of notice of intention to appropriate

.....Bismarck Courier, Bismarck, South Dakota.....

STATE OF SOUTH DAKOTA

County ofParkinson.....

I,John M. Lewton....., 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 stated and shown are true.

SignedJohn M. Lewton.....

Subscribed and sworn to before me this22nd..... day ofJuly....., 1951

.....Adrian B. Sudlow.....
 Notary Public (or other qualified officer.)

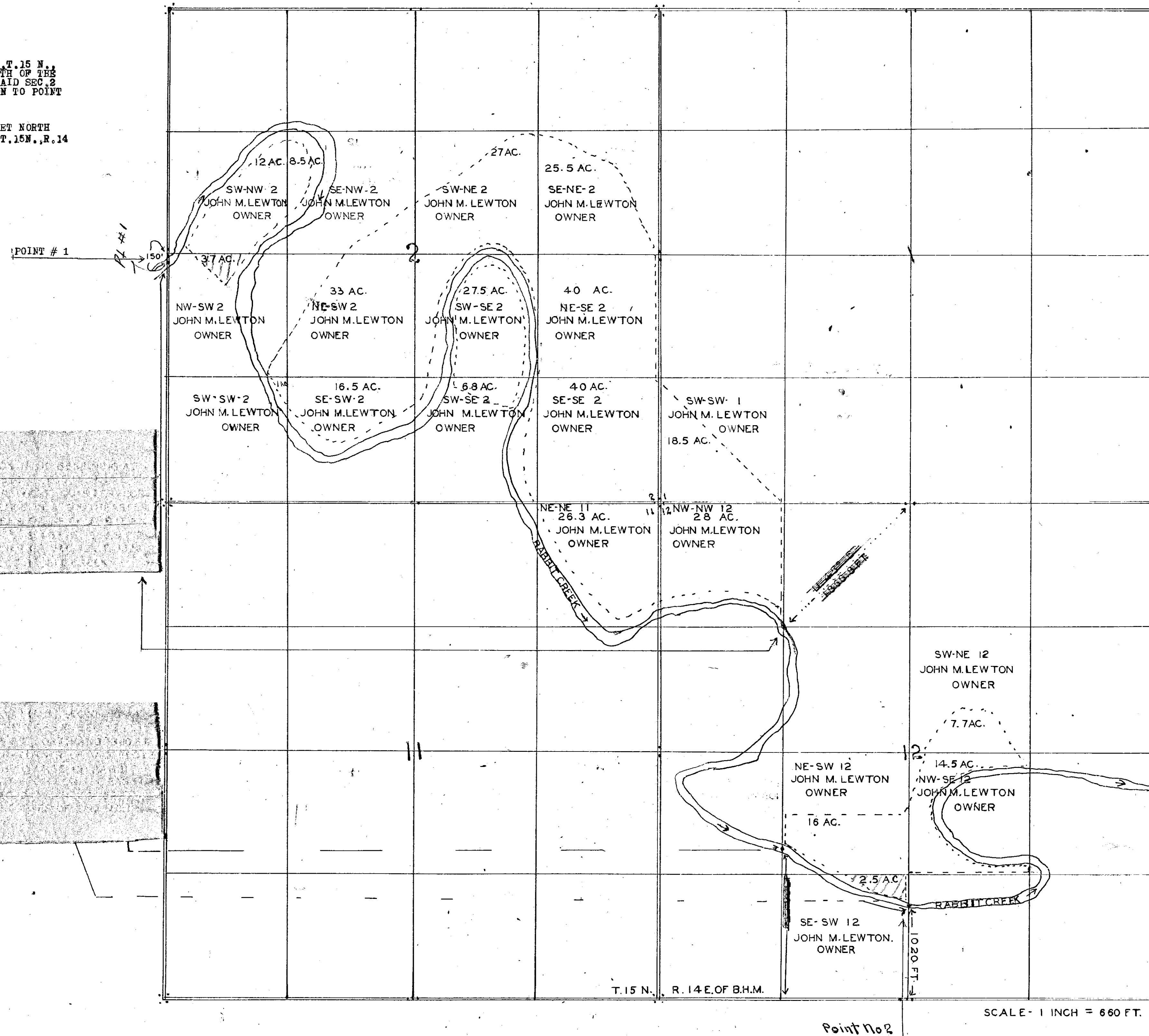
*Each diversion must have a headgate or measuring device.

My Commission expires Mar. 12, 1952

PLAT
OF THE
JOHN M. LEWTON SPRINKLER IRRIGATION PROJECT,
SECTIONS 1, 2, 11 & 12, T. 15 N., R. 14 E. - B.H.M.
CHANCE, PERKINS COUNTY,
SOUTH DAKOTA.

LOCATION OF POINT OF DIVERSION NO. 1:
BEGINNING AT A POINT ON THE WEST LINE OF SEC. 2, T. 15 N.,
R. 14 E. OF B.H.M. WHICH POINT LIES 150 FEET SOUTH OF THE
NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SEC. 2
AND RUNNING THENCE IN A SOUTHEASTLY DIRECTION TO POINT
NO. 2 (ALONG THE COURSE OF RABBIT CREEK)

LOCATION OF POINT NO. 2;
A POINT ON THE QUARTERLINE WHICH LIES 1020 FEET NORTH
OF THE SOUTHWEST CORNER OF THE SE 1/4 OF SEC. 12, T. 15 N., R. 14
EAST OF B.H.M.



CERTIFICATE

I, CARL M. CORNELL, LICENSED SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA
DO HEREBY CERTIFY THAT, AT THE REQUEST OF JOHN M. LEWTON OF CHANCE, PERKINS
COUNTY, SOUTH DAKOTA, I HAVE MADE A SURVEY OF THE AREA SHOWN ON THIS PLAT
AND HAVE PREPARED THIS PLAT OF THE JOHN M. LEWTON SPRINKLER IRRIGATION
PROJECT FOR THE PURPOSE OF SHOWING THE IRRIGABLE AREA ON EACH OF THE LEGAL
SUBDIVISIONS UNDER SAID PROJECT.
I FURTHER CERTIFY THAT THE BEARINGS AND DISTANCES OF ALL LINES SHOWN
AND THEIR LOCATION WITH REFERENCE GOVERNMENT CORNERS ARE CORRECT, TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

DATED AND SIGNED AT BUFFALO, SOUTH DAKOTA THIS 4TH DAY OF MAY, 1951.

SIGNED: Carl M. Cornell (SEAL)
LICENSED SURVEYOR NO. 144

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTH DAKOTA
THIS 4TH DAY OF MAY, 1951.

W. W. Bunnell (SEAL)
NOTARY PUBLIC

Water Right No. — 230-1
Map No. — 212-1

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

ss.

Pierre, South Dakota, August 21, 1951

This is to certify that the foregoing application was received at this office at 8:05 o'clock a. m. upon the 25th day of June, 1951 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.

Number of permit 230-1

DEAN W. LOUCKS

State Engineer.

Date of first receipt of application June 2, 1951

Date of return to applicant for correction June 4, 1951

Date of receipt of corrected application June 25, 1951

Date from which applicant may claim right June 2, 1951

Approved August 21, 1951, Recorded in Book: 3 Page 4

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 February 21, 1952

2nd. The whole of said work is to be completed on or before August 21, 1952

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is August 21, 1952

4th. The water appropriated shall be used for the purpose of providing 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 per second; 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 August 21, 1952; said water to be used during the following described annual period:

April 15th to October 15th inclusive

Witness my hand this 21 day of August, 1951

DEAN W. LOUCKS,

State Engineer.

Certificate of Construction issued 19

Water License issued 19

STATE OF SOUTH DAKOTA

WATER LICENSE No. 230 - 1

WHEREAS, On the 2 day of June A. D. 19 51

JOHN M. LENTON

Chance County of Perkins and State of
South Dakota duly made application (No. 230-1) to me for a permit to use 2.0
cubic feet per second of the waters of Rabbit Creek
County of Perkins, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 21 day of August A. D. 19 51
Permit No. 230-1 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 21 day of
August A. D. 19 52 and for the application to beneficial use of said
water on or before the 21 day of August A. D. 19 52
and,

WHEREAS, On the 7 day of July A. D. 19 52
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. 230-1
dated August 20, 1952 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of
priority of June 2, 1951 and, and,

WHEREAS, On the 20 day of August A. D. 19 52
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 John M. Lewton
of Chance the holder and owner of said permit No. 230-1
a water right, dating from June 2, 1951 to the use of 2.0
cubic feet per second of the waters of Rabbit Creek
in the County of Perkins and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted in Section 1, 2, 11 and 12
T. 15N., R. 14E.
and conducted to and upon Section 1, 2, 11 and 12, T. 15N., R. 14E.

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 4 day of September A. D. Nineteen
Hundred and 52

DEAN W. LOUCKS, State Engineer.

State of South Dakota

Water License No. 230-1

To John M. Lewton

Chance, South Dakota

Source of Supply

Rabbit Creek

County Perkins

Am't 2.0 Sec. Feet

Point of Diversion Sec. 1, 2, 11 & 12

T. 15N., R. 14E.

Place of Use Sec. 1, 2, 11 & 12

T. 15N., R. 14E.

Purpose Sprinkler Irrigation

Date of Priority June 2, 1951

Recorded August 21, 1951

In Book 3 of 3 Page 4

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Parkins } SE.

Lloyd Sudlow being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the.....

Bison Courier a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the town of Bison County of Perkins and State of South Dakota;

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

July 12, 1951

July 19, 1951

July 26, 1951

August 2, 1951

in each and every issue of the full number thereof, the first publication being made on the 12 day of July

1951 and the last publication on the 2 day of August 1951, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was manager the printer X and publisher X of the said newspaper.

Lloyd Sudlow

Subscribed and sworn to before me this 3 day of August A. D. 1951

Clara B. [Signature]
 Notary Public Parkins County, S. D.

NOTICE OF INTENTION
 TO APPROPRIATE WATER
 No. 230-1
 APPROPRIATION OF WATER
 Office of State Engineer,
 Pierre, So. Dak., June 28, 1951
 Notice is hereby given that John
 M. Lewton, whose postoffice address
 is Chance, So. Dak., has made an
 application in accordance with the
 provisions of the water laws of
 South Dakota for a permit to ap-
 propriate for beneficial use 2.0 cu-
 bic feet of water per second of
 time from Rabbit Creek through
 the John M. Lewton Sprinkler Irrig-
 ation Project the point of diver-
 sion of which is to be located on

both banks of said stream between
 point No. 1 — 150' S. of NW Cor. of
 the SW 1/4 Sec. 2, and Point No. 2 —
 1020' N. of the SW Cor. of the SW 1/4
 Sec. 12, T. 15N., R. 14E. Said wa-
 ter to be used for the purpose of
 providing irrigation on the fol-
 lowing described land:

SW 1/4 Sec. 1, S 1 Sec. 2,
 SW 1/4 Sec. 2, S 1 Sec. 2,
 NE 1/4 Sec. 11, E 1/4 Sec. 12,
 NW 1/4 Sec. 12, SW 1/4 Sec. 12,
 Sec. 12, T. 15N., R. 14E.

This application will be taken
 up by the State Engineer at his of-
 fice at Pierre for consideration up-
 on the 7th day of August, 1951, at
 10:00 A. M. All persons who be-
 lieve 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 fur-
 ther, the information presented.

Appropriation action will be tak-
 en by the State Engineer after
 suitable time has elapsed for the
 consideration of any or all infor-
 mation presented.

DEAN W. LOUCKS,
 State Engineer.

J12-A2

RECEIVED
 AUG 5 1951
 OFFICE OF STATE ENGINEER
 PIERRE, S. DAK.

Form 20.

N 230-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date December 9, 1959

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

NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 2; E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 3; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10; W $\frac{1}{2}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 11;
S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec 12; NW $\frac{1}{4}$, Sec 13; N $\frac{1}{2}$, Sec 14; All in Township 15 North,
Range 14, EBHM, Perkins County, South Dakota,

formerly owned by Dorothy N. Lewton

has been transferred to David P. Gano and Judy M. Gano, as joint tenants with
right of survivorship and not as tenants in common,

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
230-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of PERKINS) ss.

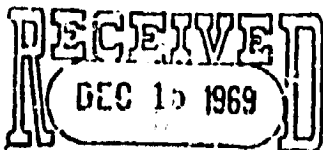
I, Dorothy N. Lewton being first duly sworn in my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Dorothy N. Lewton
(Signed)

Suscribed and sworn to before me this 10 day of December 1959

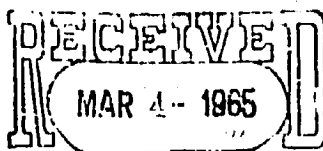
Robert P. Kelley
(Notary Public) Robert P. Kelley
State of South Dakota
My commission expires 6-30-75

It is further stated that the acreage owned by Dorothy N. Lewton is the only land transferred under Permit 230-1.



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

NOTICE OF TRANSFER OF WATER PERMIT



STATE WATER RESOURCES COMM

PIERRE, SOUTH DAKOTA

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that John M. Lewton

who previously owned the land described below has sold his interests to Dorothy N. Lewton

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 230-1

and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 2, and the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12 all in T15N, R14E BHM.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of

Berkshire

SS.

I, Dorothy N. Lewton

being first duly sworn on my

oath depose and say: That my relation to the above described undertaking is that I, Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed

Dorothy N. Lewton

Subscribed and sworn to before me this

26th

day of

February 1965

Notary Public

230-1

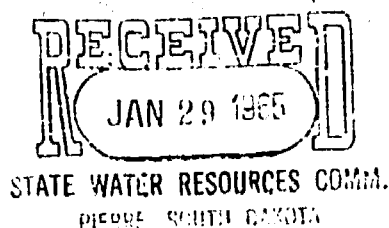
JOHNSON & KELLEY
ATTORNEYS
310 MAIN AVENUE
LEMMON, SOUTH DAKOTA 57638
AREA 605 374-3211

RONALD R. JOHNSON
ROBERT P. KELLEY

IN REPLY REFER TO:

January 27, 1965

Lewton vs Lewton



Mr. Joe Grimes
Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

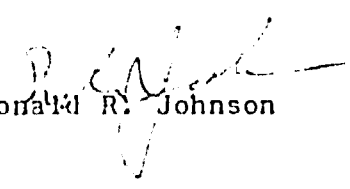
Enclosed find original Quit Claim Deed which has been recorded in the office of the Register of Deeds of Perkins County, South Dakota, on the 24th day of May, 1960, at 3:15 o'clock, P. M., in Book 227 of Deeds on page 577. Your records will show that the rights under Water License number 230-1 are appurtenant in whole or in part to the property conveyed by the enclosed deed.

My client, Dorothy N. Lewton, has owned this property since the date of the deed, but has leased it to her former husband, John M. Lewton, until this time. She now intends to operate this property herself and is desirous of having the water right transferred to her name. We anticipate that Mr. Lewton would not co-operate in executing any further assignments or documents.

Kindly advise your requirements for the transfer and recordation of the water rights in the name of Dorothy N. Lewton.

Yours truly,

JOHNSON & KELLEY


Ronald R. Johnson

RRJ:tg

cc: Dorothy N. Lewton
Meadow, South Dakota

JOHN M. LEWTON

grantor, of P. O. Meadow, Perkins

County, State of South Dakota, for and in consideration of

One Dollar and other valuable considerations Dollars,

convey^s and quit claim^s to DOROTHY M. LEWTON, the

grantee, of Meadow, South Dakota F. O. all interest in the following described real

estate in the County of Perkins in the State of South Dakota:

The Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Two (2);The East One-half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Three (3);The East One-half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Ten (10);The West One-half (W $\frac{1}{2}$) and the South One-half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eleven (11);The South One-half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twelve (12);The Northwest Quarter (NW $\frac{1}{4}$) of Section Thirteen (13); andThe North One-half (N $\frac{1}{2}$) of Section Fourteen (14), all in Township Fifteen (15), Range Fourteen (14), East of the Black Hills Meridian in Perkins County, South Dakota.

Dated this 14 day of April, 1960.

John M. Lewton

STATE OF SOUTH DAKOTA,

County of PERKINS

ss.

On this the 14 day of April, 1960, before me

Newell P. Krause

the undersigned officer, personally

appeared John M. Lewton, known to me

or satisfactorily proven to be the person whose name is subscribed to the within instrument

and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Title of Officer

No. 127131

QUIT-CLAIM DEED

SEARCHED
NUMERICAL
GRANTOR
GRANTEE
COMPARED

STATE OF SOUTH DAKOTA }
County of Perkins } ss.

OFFICE of REGISTER of DEEDS

Filed for record the 24 day of

May, 1966, at

2:15 o'clock and Minutes P. M.,

and recorded in Book 227 of Deeds

on page 577

Register of Deeds.

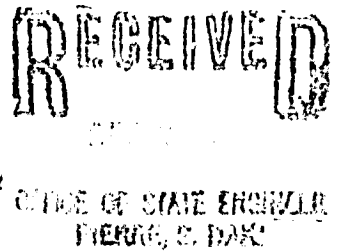
By Deputy.

Pers. 5 / 20

Permit No. 230-1

Water Division No.

Water District



Certificate of Application of Water to Beneficial Use.

Deposition of Holder

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

Ans. John B. Lewton, Mixed farming and stock raising, Chance, Berkshire County, South Dakota.

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. Private operator

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

Ans. 230-1, June 2, 1951, June 2, 1951

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

Ans. Rabbit Creek, Point of diversion on both banks of stream between point #1 -150 feet south of NW Cor. of SW 1/4 Sec. 2 and Point #2 -1030 feet N. of the SE 1/4 Cor. of the SE 1/4 of Sec. 13, T.15 N., R.14 E. of RMP.

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. Ford V-8 Inc. Motor (100 HP) with 5" x 4" FA (Gardner Denver) portable (rubber mounted) pump, 1200 ft. 6" main line, 1640' sprinkler line with 50 "X7/32" sprinkler heads and accessories.

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. NE 1/4 - SW 1/4 Sec. 2 - 33.0 Ac., SE 1/4 - SW 1/4 Sec. 2 - 16.5 Ac., SW 1/4 - NE 1/4 Sec. 2 - 13.0 Ac., SW 1/4 - SE 1/4 Sec. 2 - 10.0 Ac., NE 1/4 - SE 1/4 & c. 2 - 18.0 Ac., SE 1/4 - SE 1/4 Sec. 2 - 40 Ac., NE 1/4 - NE 1/4 Sec. 11 - 26.3 Ac., NE 1/4 - NE 1/4 Sec. 12 - 23.0 Ac., 133.8 Ac.

Water used for irrigation only.

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 Sec. Ft. for irrigation.

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

Ans.

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

Ans. Plant installed in July 1951 and used during irrigation periods since that date. Water applied through sprinkler system described and to the amount of 2.0 Sec. Ft.

(Sign.) John M. Lewton

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 Buffalo, County of Harding, State of South Dakota, on this 20th day of August, 1. D., 1953

Paul M. Sanner

Notary Public.

(SEAL)

Permit No. 230-1

Proof of Application of Water to

Beneficial Use

DEPOSITION OF HOLDER.

Amount of water 2.0 second feet

Source Rabbit Creek

County Perkins

Purpose Irrigation

Sec. 2, 11 & 12 T. 15 N., R. 14 E. of B.H.M.

Place of Use John M. Lewton Ranch.

Date of priority June 8, 1951

Received and filed

RECEIVED

Permit No. 230-1

Water Division No. _____

Water District _____

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated July 16, 1952
19____, I have this day made a thorough examination of the diversion works constructed by John W.

Lewton _____, of Chance _____

Perkins _____ County, South Dakota, holder of permit No. 230-1 _____, issued

upon application No. 230-1 _____, bearing date of priority of June 2, 1951 _____, 19____, authorizing the

diversion of 2.0 second feet of the water of Rabbit Creek _____ for irrigation _____

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

The diversion works comprise:

Ford V-8 -100 HP Ind. Motor with 5"x4" BA Gardner Denver portable	
pumping unit with safety controls, collection, etc.	2100.00
1000ft. 6" main line, 1640 ft. sprinkler line, 3 pressure gages	
and other accessories - 50' x 7/32" Skinner sprinklers	450.00
	Total 6150.00

and the system is in the following condition: Excellent working condition _____

The point of diversion is located on both banks of stream between point #1 - 150
feet south of NW Cor. of the SW 1/4 Sec. 3 and Point #2 - 1020' N of the SW Cor.
SE 1/4 NW 1/4 Sec. 13, T.15 N. R.14 E. of B.H.V.

The works are capable of diverting and conveying to the place of use 2.0 second-feet of water,
which is to be used for irrigation _____

The legal sub-divisions to be irrigated are: SW 1/4 - SW 1/4 Sec. 1, SE 1/4 - NW 1/4 Sec. 3, SW 1/4 - NW 1/4 - SW
1/4 - SW 1/4, NE 1/4 - SW 1/4, SE 1/4 - SW 1/4, SE 1/4 - NE 1/4, NE 1/4 - NE 1/4, SE 1/4 - SE 1/4 of Sec. 3, NE 1/4 - NE 1/4 Sec. 11
NW 1/4 - NW 1/4 Sec. 13, NE 1/4 - SW 1/4, SE 1/4 - SW 1/4, NW 1/4 - SE 1/4, SE 1/4 - NE 1/4 Sec. 13 all in T.15 N.,
R.14 E. of B.H.V.

_____ comprising a total of 355 ^{irrigable} / _____ 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 August

Carl M. Cornell August 15, 1952
Examining Engineer.

Permit No. 230-1

Water Division No. _____ Water District _____

RECEIVED

JUL 14 1952

NOTICE OF COMPLETION OF WORKS

OFFICE OF STATE ENGINEER
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.) Chance, South Dakota

(Date) July 7, 1952

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____
 2.0 _____ second feet of the waters of the state from Rabbit Creek
 through the John M. Lewton Sprinkler Irrigation Project
 for _____ irrigation _____ purposes
 _____ in accordance with terms and con-
 ditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

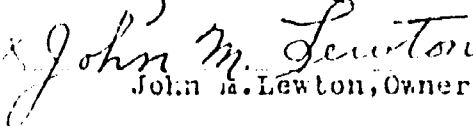
1. The name of the person or corporation holding said permit is John M. Lewton
2. The postoffice address of such person or the place of business of such corporation is Chance
 County of Perkins State of South Dakota
3. The number of such permit is 230-1 and the date set for the completion of such work is
 September 15, 1952
4. Said water to be used for _____ irrigation _____ purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
 water which said works are capable of conducting to the place of intended use, in accordance with the plans
 accompanying the application for such permit, is 2.0 _____ cubic feet per second.
6. The amount of land for which said water is available is 355 _____ acres,
 particularly described as follows:

SW $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 1--18.5 Ac., SE $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 2 --2.5 Ac., SW $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 2 --12 Ac.
 NW $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 2-2- 3.7 Ac., SW $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 2 -1.0 Ac., NE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 2 --33 Ac.
 SE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 2 --16.5 Ac., SW $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 2 - 27.0 Ac., NW $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 2 -27.0 Ac.,
 SW $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 2 -6.8 Ac., SE $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 2 -25.5 Ac., NE $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 40 Ac.
 SE $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 2 -40 Ac., NE $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 11 -26.3 Ac., NW $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 12 -28 Ac.
 NE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 12 -16 Ac., SE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 12, 2.5 Ac., NW $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 12 -14.5 Ac.
 SW $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 12 -7.7 Ac. all in T. 15N..R. 14 E. of B.H.M. Total 355 Acres.

I hereby certify that the facts set forth in the above notice are true.


 Carl H. Connell Engineer.

(Signature)


 John M. Lewton, Owner



Joe Foss Building
523 East Capitol
Pierce, South Dakota 57501

Division of Water Rights
605 773-3352

No. 230-1

December 16, 1983

Gary Larson
Bison SD 57620

Dear Mr. Larson:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper 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.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

OWNER-820A-2/83



Department of Water & Natural Resources

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

second Notice

March 15, 1984

Permit No. 230-1

Gary Larson
Bison, South Dakota 57620

Dear Mr. Larson:

On December 16, 1983 notice was sent to you concerning the transfer of Water Permit No. 230-1 in the name of John Lewton which covers Irrigation of 355 acres in the portions of Secs. 1, 2, 11 & 12 all in T15N, R14E B.H.M. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The permit can then be transferred to your name. If you are not the present owner of the land covered under this Permit, please notify this office. It is very important that ownership records be kept current. 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.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S509.kr

Equal Opportunity Employer

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered —¢
☐ Show to whom, date, and address of delivery.. —\$

- ☐ Show to whom, date, and address of delivery.. —#

3. ☐ RESTRICTED DELIVERY

RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$_____

3. ARTICLE ADDRESSED TO:

Mary Gardner
Bism SD 57620

4. TYPE OF SERVICE:

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED MAIL ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

p 404 786 658

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY May 1950

DATE OF DELIVERY

✓ 3-20-84

4. ADDRESSEE'S ADDRESS (Only if required)

7. UNABLE TO DELIVER BECAUSE:

74. EMPLOYEE'S INITIALS

1620

726

RETURN RECEIPT, REGISTERED, INSURED, AND CERTIFIED MAIL

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol

Pierre, South Dakota 57501

Water Rights Division

605 773-3352

November, 1983

Dear Sir:

Enclosed is your 1983 Irrigation Water Use Questionnaire. Water Management Board Rules now require the Questionnaire to be submitted each year. Water Permits approved in the last few years also have the qualification that requires the Questionnaire to be submitted each year.

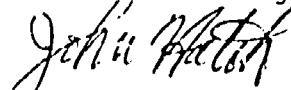
Irrigation water use data is very valuable. Actual water use from an underground aquifer or stream helps the Board to determine if additional applications can be approved or should be denied, establishes the permit owner's record of water use, is useful in the design and development of new irrigation projects, and provides excellent documentation of South Dakota's rights and claims to water when dealing with downstream States.

Please complete the enclosed questionnaire as accurately as possible. If you have not kept accurate records, estimates will be satisfactory. If you did not irrigate or your system has not been constructed, this should also be indicated. The 1983 questionnaire should be returned to this office on or before December 1, 1983.

Some permit holders may receive more than one questionnaire, if you have multiple permits. If possible complete each data sheet pertaining to the permit it applies to. If you are unable to do so, complete one and return all questionnaires. If you have any questions concerning the land to be irrigated under specific permits, call or write us.

State Water Laws require that a permit for irrigation remains appurtenant to the land. If you no longer own the land a water permit or water right pertains to, indicate this on the bottom of the questionnaire(s) and return the questionnaire to this office. Be sure to include the new owner's name and mailing address.

For the Water Management Board



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

NOTE. If mailing label is incorrect or does not have your complete mailing address (rural route, box or street address) please include this information on questionnaire to insure proper delivery in the future.

NOTICE OF TRANSFER OF WATER PERMIT

Date: 12/16/83

SW 1/4 SW 1/4 sec 1; SE 1/4 NW 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4, SW 1/4 NE 1/4, NW 1/4, SE 1/4, SW 1/4 SE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, sec 2: NE 1/4 NE 1/4 sec 11; NW 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 SW 1/4, NW 1/4 SE 1/4, SW 1/4 NE 1/4, sec 12; all in T15N, R14E
formerly owned by John M. Lewton

Water Right Permit No. 230-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

I, Gary R. Larson and Theodore Brockel 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.

Mary R. Tasson
Theodore Brackel
(Signed)

Subscribed and sworn to before me this 31 Day of Jan, 19 84.


(Notary Public)

WNR-820-4/83
Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

No 4 9618

South Dakota Department of Water and Natural Resources

Pierre, March 30, 1984

RECEIVED OF Gary Larson, Box 337, Bison, SD 57620

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

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 for WR#230-1	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

Chief Engineer

JOHN HATCH/ms

No. 230-1

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

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

April 2, 1984

Gary R. Larson &
Theodore Brockel
Box 337
Bison, South Dakota 57620

Dear Sirs:

Enclosed is receipt No. 4 9618 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 230-1.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms;
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



Department of Water & Natural Resources

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

March 23, 1987

TED BROCKEL/GARY LARSEN
BOX 337
BISON, SD 57620

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) 230-1, 1031-1. 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). 230-1, 1031-1 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 questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

South Dakota
Department of
Water & Natural Resources

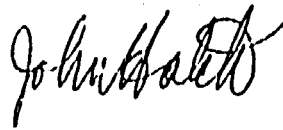
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: TED BROCKEL/GARY LARSEN
BOX 337
BISON, SD 57620

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 230-1 and 1031-1

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 230-1 and 1031-1 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 230-1

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 230-1 to add the following qualification:

"This Permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: TO: SPECIAL AGENT LORSON Rm 337 P.O. Box 57690	4. Article Number P 576 309 722 5. Type of Service: ☐ Registered ☐ Insured ☐ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Addressee X Elizabeth Brockel	8. Addressee's Address (ONLY if requested and fee paid) Box 337 Bism SA 57690
7. Date of Delivery 5/15/87	

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

TED BROCKEL/GARY LARSEN
BOX 337
BISON, SD 57620

NOTICE

Re: Violation of Water Permit No(s). 230-1

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 230-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 230-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

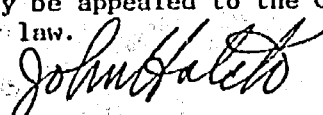
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 230-1 until either the 1987 Questionnaire is submitted or for a period of up to one 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 questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: TED BROCKEL/GARY LARSEN
BOX 337
BISON, SD 57620

FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352

SUBJECT: One Year Suspension Of Water Permit No(s). 230-1 and 1031-1

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 230-1 and 1031-1 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

230-1 1031-1

● **SENDER:** Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery *(Extra charge)*

TED BROCKEL/GARY LARSEN
BOX 337
BISON, SD 57620

4. Article Number

P 501-738-992

Type of Service.

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature — Addressee
X *[Signature]*

6. Signature — Agent
X

7. Date of Delivery

8. Addressee's Address (ONLY if requested and fee paid)

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

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

February 9, 1990

TED BROCKEL/GARY LARSON
BOX 337
BISON, SD 57620

NOTICE

RE: Violation of Water Permit No(s). 1031-1, (230-1)

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1031-1, 230-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1031-1, 230-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

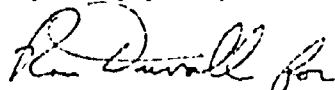
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1031-1, 230-1 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

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

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

February 23, 1990

230-1
1031-1

Ted Brockel
Box 91
Bison SD 57620

Dear Mr. Brockel:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 230-1 and 1031-1. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall /KS

RON DUVALL
Natural Resources Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

February 26, 1990

1031-1
230-1

Ted Brockel
Box 91
Bison, SD 57620

Dear Mr. Brockel:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 1031-1 and 230-1. You indicated in a telephone conversation with Ron Duvall, of this office, that you are the sole owner of the land described in these water rights.

Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total \$5.00).

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 me.

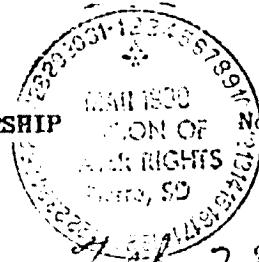
Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



230-1

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: Feb 28, 1990

I/We request that Water Permit/Right No. 230-1

formerly owned by: Gary Larson & Ted Brockel

be transferred to: (name & address) Ted Brockel Bismarck, SD 57620 (telephone No.) 244-5431

Title to the following described land(s)/property has been transferred as described above:
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 1; SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 2; SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 11;
NW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12, T15N, R14E (355 acres)

I/We understand that the validity of Water Permit/Right No. 230-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Perkins)

I/We Ted Brockel being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Ted Brockel
(Signed)

Subscribed and sworn to before me this 27 day of February, 1990.

Ferne Brockel
Commission Expires 5/6/91 (Notary Public)

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 water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412116

Pierre, March 2, 1990

RECEIVED OF Ted Brockel, Box 21, Bison, SD 57620-0021

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

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 Water Right No. 230-1

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

2 50

By

John Hatchman
Chief Engineer

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

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

March 28, 1996

No. 1031-1
230-1

Ted Brockel
Box 91
Bison SD 57620-0091

Dear Mr. Brockel

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 230-1 and 1031-1.

Our records now show you as the owner of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



230-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

KENT LADUE, OPERATOR
HC 69 BOX 455
MEADOW SD 57644

NOTICE

RE: Violation of Water Permit No(s) 230-1 & 1031-1

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 230-1 & 1031-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 230-1 & 1031-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-25. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification, or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 230-1 & 1031-1 in accordance with applicable provisions of SDCL 46-1-12;
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 before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 14, 1992

230-1
1031-1

Kent LaDue
HC 69 Box 455
Meadow, SD 57644

Dear Mr. LaDue:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 230-1 and 1031-1. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

KENT LADUE, OPERATOR
HC 69 BOX 455
MEADOW, SD 57644

4a. Article Number

P906 557 782

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-11-92

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

Matthew Thomas Gilchrist

PS Form 3811, November 1990

U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT



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 18, 2008

NOTICE

TO: KENT LADUE, OPERATOR, 14478 RABBIT CREEK RD, MEADOW, SD 57644

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 230-1 & 1031-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 230-1 & 1031-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2008** 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 230-1 & 1031-1 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights Staff will recommend to the Board that Nos. 230-1 and 1031-1 be suspended for three years;**
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 **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: TED BROCKEL, PO BOX 91, BISON SD 57620-0091

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.

230-1

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3141
Status: **Delivered**

Your item was delivered at 3:00 PM on January 22, 2008 in BISON, SD 57620. The item was signed for by T BROCKEL.

Track & Confirm

Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3141

TED BROCKEL
PO BOX 91
BISON SD 57620-0091

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811
OR PHONE (FOR USE ONLY)

☐ Priority Mail™ Service
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PS Form 3800, May 2002

230-1

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 3134
Status: **Delivered**

Your item was delivered at 1:35 PM on January 25, 2008 in MEADOW,
SD 57644. The item was signed for by R REEDE.

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No FEAR Act EEO Data

FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 3134

KENT LADUE, OPERATOR
14478 RABBIT CREEK RD
MEADOW SD 57644

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

ONE PHONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

U.S. Postal Service, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2008

230-1
1031-1

Kent Ladue
14478 Rabbit Creek Rd
Meadow SD 57644

Dear Mr. Ladue:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 230-1 and 1031-1.

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

If you have any questions, please contact me.

Sincerely,

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

c: Ted Brockel



230-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: KENT LADUE, OPERATOR, 14478 RABBIT CREEK RD, MEADOW, SD 57644
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 230-1 & 1031-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 230-1 & 1031-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 230-1 & 1031-1 in accordance with applicable provisions of SDCL 46-1-12; **Due to past violations, the Water Rights Staff will recommend Nos. 230-1 & 1031-1 be suspended for a period of up to three years.**
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 before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: TED BROCKEL, PO BOX 91, BISON SD 57620-0091

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.

230-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 2019

230-1
1031-1

Kent Ladue
14478 Rabbit Creek Rd
Meadow SD 57644

Dear Mr. Ladue:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 230-1 & 1031-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is fluid and cursive, with the first name "Genny" and last name "McMath" clearly distinguishable.

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

c: Ted Brockel, PO Box 91, Bison SD 57620-0091