

No. 238-1

Division No. 1

Little Missouri River District

PERMIT

to appropriate water from

Little Missouri River

Harding County, South Dakota

Name of applicant

Albert Turbiville

Name of diversion works Turbiville

Sprinkler Irrigation Project

Date of first receipt at office of State

Engineer October 24, 1951

Returned to applicant for Correction

..... 19

Corrected application received

..... 19

Date of water right

October 24, 1951

Recorded in Book 3 Page 18

One-fifth of work to be completed

July 18, 1952

Whole work to be completed

January 18, 1953

Final proof of use of water

January 18, 1953

Approved January 18, 1952

DEAN W. LOUCKS, State Engineer.

NO. 228-1

Water Division No. 1 Little Missouri River
(Blanks to be filled by the State Engineer.)District 8.054.71.
OCT 24 1951APPLICATION FOR PERMIT
To appropriate Water within the State of South DakotaOFFICE OF STATE ENGINEER
SIOUX FALLS, S. DAK.

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

1. Name of applicant ALBERT TURBIVILLE
Postoffice address GALE CROCK, County HARDING, 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 AND THE EMPLOYMENT OF OTHERS
- (b) Cash on hand, \$ MAPLE FUNDS TO FINANCE THE PROJECT
- (c) Treasury stock, \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work TURBIVILLE SPRINKLER IRRIGATION PROJECT

3. Quantity of water claimed 1.3 cubic feet per second.

4. Source of water supply LITTLE MISSOURI RIVER

5. Location of point of diversion FROM A POINT 103 FT. EAST OF THE SOUTHWEST CORNER OF SEC. 7, T.19, R.2 ALONG THE LEFT BANK OF THE LITTLE MISSOURI RIVER TO A POINT 356 EAST OF THE NORTHWEST CORNER OF LOT 9, SEC. 30, T.20 N., R.2 E. OF D.H.M. bank.

6. Annual periods during which water is to be used APRIL 15th TO NOV. 1st.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated 463.0 acres. Overhead sprinkling.

(b) Legal subdivisions to be irrigated

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

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

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None Name any of the above uses claimed

(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 works:

- (a) Head gates, \$..... (b) Pumping plant, \$1500.00....
 (c) Fluming, \$3000.00 (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Pressure gauges \$2.50 Total, \$4502.50....

9. Description of diversion works:

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

Model **ER 4 ERE** Berkeley Pump with Ford Ind. 28 H.P. Gasoline motor

II. Dimensions of works: 660 ft. Main Line, 1300 ft. Sprinkler line.

34 Skinner Sprinklers -
 Manufacturer's capacity rating;

nozzle size	Pressure at sprinkler.	G.P.M.
Main	Secondary	
1/4"	3/16"	35#
		45
		55
		60
		15.6
		17.6
		19.0
		20.0

(c) Head gate Width Prosser gate. 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 work 1 years.

11. Time required for complete application of water to the proposed beneficial use 1 years.

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

Times Herald, Buffalo, South Dakota

STATE OF SOUTH DAKOTA

County of **HARDING** } ss.

I, **WALTER TURBIVILLE**, 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.

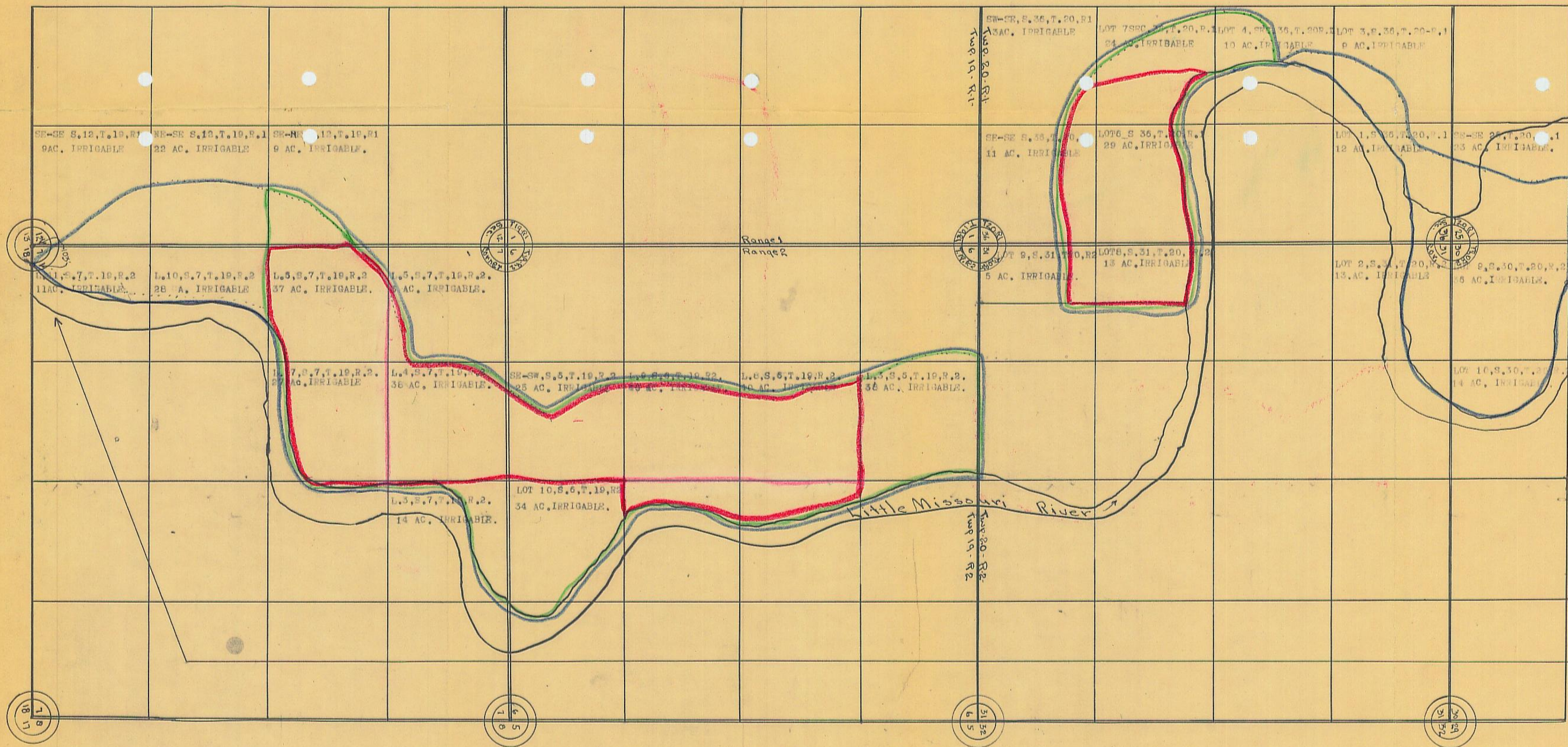
Signed **Albert Turbiville**

Subscribed and sworn to before me this **13th** day of **October**, 19**51**

Notary Public (or other qualified official)

*Each diversion must have a headgate or measuring device.

PLAT
OF THE
TURBIVILLE SPRINKLER IRRIGATION PROJECT
CAMBUCROOK, SOUTH DAKOTA
SCALE: 1 INCH = 660 FEET.



CERTIFICATE:

I, CARL W. CORNELL, LICENSED SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF ALBERT S. TURBIVILLE, CAMBUCROOK, HARRIS COUNTY, SOUTH DAKOTA, I HAVE MADE A SURVEY OF THE AREA SHOWN ON THIS PLAT AND HAVE PREPARED THIS PLAT OF THE TURBIVILLE SPRINKLER IRRIGATION PROJECT FOR THE PURPOSE OF SHOWING THE IRRIGABLE LAND ON EACH OF THE SEVERAL LEGAL SUBDIVISIONS UNDER THE SAID PROJECT OWNED BY HIM. I FURTHER CERTIFY THAT THE BEARINGS AND DISTANCES OF ALL LINES SHOWN AND THEIR LOCATION, WITH REFERENCE TO THE GOVERNMENT CORNERS SHOWN, ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED AND SIGNED AT BUFFALO, SOUTH DAKOTA THIS 15th DAY OF OCTOBER, 1951.
SIGNED: *Carl W. Cornell*
CARL W. CORNELL, LICENSED SURVEYOR
C.R. 1449
(SEAL)

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTH DAKOTA THIS 15th DAY OF OCTOBER, 1951.
W. W. Bennett
NOTARY PUBLIC (SEAL)

POINT OF DIVERSION: FROM A POINT ON THE SECTION LINE WHICH LIES 103 FEET EAST OF THE SOUTHWEST CORNER OF SECTION 7, 15 N., 2 E., 19 R., NORTH ALONG THE LEFT BANK OF THE LITTLE MISSOURI RIVER TO A POINT 353 FEET EAST OF THE NORTHEAST CORNER OF LOT 9, SECTION 30 1.20 NORTH, RANGE 2 E., OF T. 19 N.

Turbiville

Water Right No. 238-1

Map No. 220-1

STATE OF SOUTH DAKOTA
County of Hughes } ss.
Pierre, South Dakota, January 16, 1952.

Dean W. Locks
DEAN W. LOCKS, State Engineer.

Number of permit 230-1

Date of first receipt of application October 21, 1951

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right October 21, 1951

Approved January 18, 1952, Recorded in Book 3 Page 16

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before July 18, 1952.

2nd. - The whole of said work is to be completed on or before January 18,....., 1953.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is January 18, 1953.

4th. The water appropriated shall be used for the purpose of providing overhead ~~.....~~
Sprinkling 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 1.2..... 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 January 18, 1953; said water to be used during the following described annual period:

April 15 to November 1 inclusive.

Witness my hand this 15 day of January, 1950.

Certificate of Construction issued.....
 DEAN W. LOUGHS, State Engineer.

Water License issued....., 19.....

Irrigable area by legal subdivisions.

Subdivision	Irrigable area.	Acres.
SE-SE Sec. 12 T. 19 N., R. 1 E.		9.0
NE-SE		28.0
SE-NE		9.0
Lot 11 Sec. 7 T. 19 N., R. 3 E.		11.0
Lot 10		23.0
Lot 6		37.0
Lot 5		3.0
Lot 7		27.0
Lot 4		38.0
Lot 3		14.0
SE-SW Sec. 6 T. 19 N., R. 3 E.		25.0
Lot 9		40.0
Lot 8		40.0
Lot 3		38.0
Lot 10		34.0
SW-SE Sec. 36 T. 20 N., R. 1 E.		3.0
Lot 7		24.0
Lot 4		10.0
Lot 3		9.0
SE-SE		11.0
Lot 6		29.0
Lot 1		12.0
SE-SE- Sec. 25 T. 20 N., R. 1 E.		23.0
Lot 9 Sec. 31 T. 20 N., R. 3 E.		5.0
Lot 8		13.0
Lot 3		13.0
Lot 9 Sec. 30 T. 20 N., R. 3 E.		36.0
Total		463.0

STATE OF SOUTH DAKOTA

WATER LICENSE No. 238 - 1

WHEREAS, On the 24 day of October A. D. 19 51

ALBERT TURBIVILLE

of Camp Crook County of Harding and State of South Dakota duly made application (No. 238-1) to me for a permit to use 1.2 cubic feet per second of the waters of the Little Missouri River County of Harding, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 18 day of January A. D. 19 52

Permit No. 238-1 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 18 day of January A. D. 19 53 and for the application to beneficial use of said water on or before the 18 day of January A. D. 19 53 and,

WHEREAS, On the 14 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 1.2 cubic feet per second of said water as evidenced by my Certificate No. 238-1 dated August 21, 1952 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.1 cubic feet per second of water, with date of priority of October 24, 1951 and, ~~XXXXXXXXXXXX~~

WHEREAS, On the 21 day of August A. D. 19 52

proof was duly made of the application to beneficial use of 1.2 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 Albert Pirbiville of Camp Crook, South Dakota the holder and owner of said permit No. 238-1 a water right, dating from October 24, 1951 to the use of 1.2 cubic feet per second of the waters of the Little Missouri River in the County of Harding and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at between Section 17, T.19N., R.2E. and Section 30, T.20N., R.2E.

and conducted to and upon Section 12 T. 19N., R. 1E.
Section 7 & 6 T. 19N., R. 2E.
Section 26 & 25 T. 20N., R. 1E.
Section 30 & 31 T. 20N., R. 2E.
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. 238 - 1

To Albert Pirbiville

Camp Crook, South Dakota

Source of Supply

Little Missouri River

County

Am't 1.2 Sec. Feet

Point of Diversion between Sec. 17,

T.19N., R.2E. & Sec. 30, T.20N., R.2E.

Place of Use See Application

Purpose Sprinkler Irrigation

Date of Priority October 24, 1951

Recorded January 18, 1952

In Book 3 of 3 Page 18

Permit No. 292-1 grants an enlargement of 3.0 cubic feet per second of water to Permit No. 238-1 which is for 1.20 c.f.s., or granting a total of 4.2 cfs under both Water Rights. No. 238-1 retains the original priority date of October 24, 1951.

Permit No. 238-1

Water Division No. _____

Water District _____

JUL 15 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.) Camp Crook, South Dakota(Date) July 14, 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 _____

Missouri River 1.2 second feet of the waters of the state from the Little
 through the Turoville Sprinkler Irrigation Project
 for Irrigation purposes

In accordance with terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Albert Turbiville

2. The postoffice address of such person or the place of business of such corporation is Camp Crook
 County of Harding State of South Dakota

3. The number of such permit is 238-1 and the date set for the completion of such work is
September 20, 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 application for such permit, is 1.2 cubic feet per second.

6. The amount of land for which said water is available is 463 acres,
 particularly described as follows:

SE $\frac{1}{4}$ Sec. 12 - 9.0 Ac., NE $\frac{1}{4}$ Sec. 12, 22.0 Ac., SE $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 12 9.0 Ac.
 All in T. 19 N., R. 1 E. of BHM. also
 Lot 11, Sec. 7 - 11.0 Ac., Lot 10 Sec. 7 - 28.0 Ac., Lot 6 Sec. 7 - 37.0 Ac.,
 Lot 5, Sec. 7 - 3.0 Ac., Lot 7 S c. 7 - 27.0 Ac., Lot 4 S c. 7 - 38.0 Ac.,
~~XXXXXX~~ Lot 3 Sec. 7 - 14.0 Ac., SE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 6 - 25.0 Ac.,
 Lot 9 S c. 6 - 40.0 Ac., Lot 8, Sec. 6 - 40.0 Ac., Lot 3 Sec. 6 - 35.0 Ac.,
 Lot 10 Sec. 6 - 34.0 Ac., T. 19 N., R. 2 E. of BHM. also
 SW $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 36 - 3.0 Ac., Lot 7 Sec. 36 - 24.0 Ac., Lot 4 Sec. 36 - 10.0 Ac.,
 Lot 3 Sec. 36 - 9.0 Ac., SE $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 36 - 11.0 Ac., Lot 6 Sec. 36 - 29.0 Ac.,
 Lot 1 Sec. 36 - 12.0 Ac., SE $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 25 - 23.0 Ac., in T. 20 N., R. 1 E. of BHM.
 also
 Lot 9 Sec. 31 - 5.0 Ac., Lot 8 Sec. 31 - 13.0 Ac., Lot 2 Sec. 31 - 15.0 Ac.
 Lot 9 Sec. 30 - 36.0 Ac., in T. 20 N., R. 2 E. of BHM. Total 463 Acres.

(Signature.)

Albert Turbiville
Albert Turbiville, Owner.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Harding, ss.

Donald L. Cammack of said County and State, being first duly sworn, on his oath, says: That the BUFFALO TIMES-HERALD is a weekly newspaper of general circulation, printed and published in the Town of Buffalo, in said County and State, by Donald L. Cammack and has been such newspaper during the time hereinafter mentioned and that Donald L. Cammack the undersigned, am Editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and the advertisement headed

NOTICE OF INTENTION TO APPROPRIATE WATER

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in any supplement, once each week for four successive weeks, the first publication being made on the 22nd day of November 1951 and the last publication being made on the 13th day of December 1951.

The first publication being made on the 22nd day of November 1951

The second publication being made on the 24th day of November 1951

The third publication being made on the 5th day of December 1951

The fourth publication being made on the 13th day of December 1951

The fifth publication being made on the _____ day of _____ 19____

The sixth publication being made on the _____ day of _____ 19____

The seventh publication being made on the _____ day of _____ 19____

The eighth publication being made on the _____ day of _____ 19____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$5.00 and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this

31st day of December 1951

Donald L. Cammack

My Commission Expires 4-18-55

RECEIVED
JAN 9 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

NOTICE OF INTENTION TO APPROPRIATE WATER

No. 225-1

Office of State Engineer,
Pierre, South Dakota,
November 5, 1951

Notice is hereby given that Albert Turberville, whose postoffice address is _____, Camp _____, Crook County, Dakota, has made an application for a permit to appropriate water in accordance with the provisions of the water laws of South Dakota for permits to appropriate water for beneficial use of 1.2 cubic feet of water per second of time from the Little Missouri River through the Turberville Sprinkler Irrigation Project, the point of diversion of which is to be located on the left bank of said stream between a point 103' E. of SW corner Sec. 7, T. 19 N., R. 2 E. and a point 355' E. of NW corner lot 3, Sec. 20, T. 20 N., R. 2 E. Said water to be used for the purpose of providing irrigation on the following described land:

Sec. 12, T. 19 N., R. 1 E., Sec. 4 and 7, T. 19 N., R. 2 E., Sec. 35 and 36, T. 20 N., R. 1 E., Sec. 20 and 21, T. 20 N., R. 2 E.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 20th day of December, 1951, 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.

DEAN W. LOUCKS
State Engineer

(Pub. Nov. 22-29-Dec. 6-13)

Publication Fees - - - \$

Received Payment,

Permit No. 338-1

Water Divisor No. _____

Water District _____

CERTIFICATE OF EXAMINATION OF WORKS

OFFICE OF STATE ENGINEER
PIERRE, S. DAKOTA

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 18, 1953

I have this day made a thorough examination of the diversion works constructed by

Albert Turbiville, of Camp Crook,HardingCounty, South Dakota, holder of permit No. 338-1, issuedupon application No. 338-1, bearing date of priority ofOct. 34, 1951

authorizing the

diversion of 1.2 second feet of the waters of The Little Missouri River for Irrigation

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

The diversion works comprise: 50 H.P. LeRoi Motor with 4" x 4" pump33 1/2 x 7/32 Skinner sprinklers750' 6" main line, 1400' 5" sprinkler line Total Cost \$4823.39and the system is in the following condition: GoodThe point of diversion is located along the left bank of the Little Missouri River beginning at a point 103 feet east of the southwest corner of Sec. 7 T.19, R.2 to a point 356' E of the NW Cor. Lot 9, Sec. 30, T.20, R.2The works are capable of diverting and conveying to the place of use 2.1 second-feet of water,

which is to be used for

IrrigationThe legal subdivisions to be irrigated are E1-SE1, SE1-NE1, Sec. 13, T.19 N., R.1 E., Lots 3, 4, 5, 6, 7, 10 & 11 Sec. 7, T.19 N., R.2 E., SE1-SW1, Lots 3, 9, 9 & 10 Sec. 8, T.19 N., R.2 E., SW1-SE1, SE1-SE1, Lots 1, 3, 4, 6 & 7 Sec. 30, T.20 N., R.1 E., SE1-SE1, Sec. 25, T.20 N., R.1 E., Lots 2, 8, & 9 Sec. 31, T.20 R.2, Lot 9 Sec. 30 T. 20 N., R.2 E.comprising a total of 105 irrigable acres of land.The domestic use intended comprises NoneThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 31st day ofAugust

A. R. 10

Carl H. Cornell

Examining Engineer.

RECEIVED

Permit No. 238-1

Water Division No.

Water District OF STATE ENGINEER
PIERRE, S. DAK.

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

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

Ans. Albert Turbiville Camp Crook, Harding County, South Dakota

Occupation Mixed farmer and stockman

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 enterprise of my own.

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

Ans. 238-1 October 24, 1951 October 24, 1951

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

Ans. Little Missouri River - Between a point 103 feet east of the SW Cor. of Sec. 7, T. 19 N., R. 2 E. along the left bank of the Little Missouri River to a point 356 feet E. of the NW Cor. Lot 9, S. 30, T. 20 N., R. 2 E. of BHM.

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. 1490 HP Le Roi Engine (Gasoline) tractor mounted, with 4" x 4" Le Roi pump A30 226

750 ft. 6" main line

1490 ft. 5" sprinkler line with 33 1/2 x 7/32 Skinner sprinkler heads and accessories

Total cost \$4822.39

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.) SW 1/4 - SW 1/4, Lot 10 Sec. 6 T. 19, R. 2, SE 1/4 - SE 1/4, Lot 6 Sec. 36, T. 20 N., R. 2 E of BHM.

SE 1/4 - SW 1/4 - 35 Ac., Lot 10 - 34 Ac. Sec. 6 T. 19 N., R. 2

SE 1/4 - SE 1/4 - 11 Ac., Lot 6 - 29 Ac., Sec. 36 T. 20, R. 2

Total actually irrigated 29 Ac.

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. 3.0 Sec. Ft.

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. I am the original applicant. Private enterprise.

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

October 18, 1982

Eugene Turbiville
St Rt 46146, Box 3
Camp Crook SD 57724

Dear Mr. Turbiville:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name. **(\$5.00 total for the two permits).**

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosures

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

October 18, 1982

Eugene Turbiville
St Rt 46146, Box 3
Camp Crook SD 57724

Dear Mr. Turbiville:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name. (\$5.00 total for the two permits).

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosures

No. 238-1

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

November 3, 1982

Eugene Turblville
Star Route #46146, Box 3
Camp Crook, South Dakota 57724

Dear Mr. Turblville:

Enclosed is receipt No. 4 9012 In the amount of \$ 2.50 which you
paid for transfer of Water Right No. 238-1.

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

Sincerely,

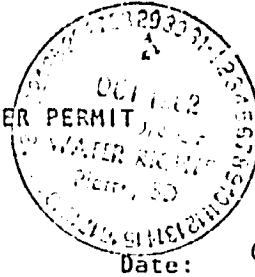
Cenny Young
Water Rights Specialist

GY:ms
Enc.

NO. 238-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501



Date: OCT 27 1932

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

463 acres in portions of Section 12, T19N, R1E; Section 6 & 6, T19N, R2E;
Sections 25 & 36, T20N, R1E and Section 30 & 31, T20N, R2E

formerly owned by Albert Turbiville

has been transferred to Eugene Turbiville, St Rt 46146, Box 3, Camp Crook SD 57724
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 238-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Harding) ss.

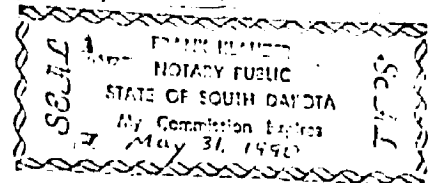
I, EUGENE Turbiville being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Eugene W. Turbiville
(Signed)

Subscribed and sworn to before me this 27th Day of October, 1932.

Frank Klauzer

(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 9012

PIERRE, October 29, 1982

RECEIVED OF Eugene Turbiville, St Rt 46146, Box 3, Camp Crook SD 57724
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing a transfer of Permit No. 238-1	2	0
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	0

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH 15



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

238-1
292-1

EUGENE TURBIVILLE
Camp Crook, SD

Dear Mr. TURBIVILLE:

I am writing to follow up on Montana Water Permit Application No. 76844-S39F, Charles Oleson, for irrigation from the Little Missouri River, in Montana. During the April 16, 1991 informal hearing in Camp Crook by the Montana Department of Natural Resources and Conservation, Mr. Oleson agreed to a minimum flow bypass to protect of downstream water right holders, including those in South Dakota. Mr. Oleson agreed to condition his permit so that he can only pump when at least 30 cubic feet of water per second (cfs) is flowing at the U.S. Geological Survey (USGS) gaging station at Camp Crook. We have checked with USGS concerning the April 10 flow that was discussed April 16. The USGS inspected the gage April 11 and the April 10 flow was actually 11 cfs. On April 25, 1991, the flow at the Camp Crook gage was 7.5 cfs.

I have enclosed a list of South Dakota Water Rights on the Little Missouri River. The list includes priority dates. If at any time you wish to know the flow at the Camp Crook gage or have any questions, contact either Del Brosz or Mark Rath, Water Rights Division, telephone number (605) 773-3352.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

238-1

SOUTH DAKOTA WATER RIGHTS/PERMITS ON THE LITTLE MISSOURI RIVER

PERMITNUM	FIRSTNAME	LASTNAME	CORPNAME	PRIORITY	DIVRATE
945-1			CATRON LAND CO	5/12/1971	3.33
270-1A			DAHL RANCH INC	2/06/1956	0.80
251-1B			MOSELEY BROS	4/01/1905	2.20
251-1				3/09/1953	2.25
1302-1			PAINTER INC	6/25/1903	3.86
178-1				4/25/1946	1.40
1072-1	REX L	BURGHEDUFF		8/14/1975	2.30
268-1	JOHN B	CATRON		12/20/1955	6.63
1327-1	RICHARD/BERNICE	CUNDY		4/27/1903	0.47
233-1	THOMAS	DAVIS		8/01/1951	1.97
265-1	LYLE/SHARON	GUNDERSON		7/26/1955	2.00
247-1	JOSEPH	HEGGER		5/24/1941	2.10
1303-1	FRANK	LATHAM		9/06/1952	1.71
236-1	DEAN R	TARTER		9/10/1951	1.10
238-1	EUGENE	TURBIVILLE		10/24/1951	1.20
292-1	EUGENE			2/23/1957	3.00



2-28-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 5, 2000

Eugene Turbiville
HC 59 Box 2
Camp Crook, SD 57724-9803

Dear Mr. Turbiville:

Thank you for taking the time to visit with me last week about ownership of your water rights. It is my understanding that you have sold all of the land to your son.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on Water Right Nos. 238-1, 292-1 & 512-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1. The forms will need to be completed and then signed in the presence of a notary public by the new owner(s).

Upon completion, please return them to our office with a required filing fee of \$2.50 each (total of \$15.00). The check or money order for the fee can be made payable to the "Water Rights Program".

If you have any questions, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 238-1

Date: 11-1-00

I/We request that Water Right No. 238-1

formerly owned by: Eugene Turbiville

be transferred to: (name & address) Ronald or Laurel Turbiville HC 59 Box 2
Camp Crook SD 57724 Telephone No. 605-797-4436

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

(diversion from the Little Missouri River)

463 acres: E 1/4 SE 1/4, SE 1/4 NE 1/4 Sec 12, T19N, R1E; Lots 3, 4, 5, 6, 7, 10 & 11, Sec 7, SE 1/4 SW 1/4, Lots 3, 8, 9 & 10, T19N, R2E; SW 1/4 SE 1/4, Lots 1, 3, 4, 6 & 7 Sec 36, T20N, R1E; SE 1/4 SE 1/4 Sec 25, T20N, R1E; Lot 9 Sec 31 & Lots 2, 8 & 9 Sec 30, T20N, R2E

I/We understand that the validity of Water Right No. 238-1 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 HANDING)

~~I/We~~ Ronald or Laurel Turbiville 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.

Ronald Turbiville / Laurel Turbiville
(Signed)

Subscribed and sworn to before me this 1 day of Nov, 2000.

[Signature]
(Notary Public)

My Commission Expires 10/7/2002

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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416676

Pierre, November 7, 2000

Ronald Kurhville, HC 59 Box 2, Camp Crook SD 57724

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____ after period of seven years.

Fee to retain Future Use Permit No. _____

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form _____ Water Right No. 238-1

Fee for Filing Extension Request _____

Fee for _____

2 50

Total

2 50

(Any Other Work Provided by Law)

By Mustard Erdel
Chief Engineer 105



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3192
www.state.sd.us/denr

November 8, 2000

Ronald or Laurel Turbiville
HC 59 Box 2
Camp Crook, SD 57724

RE: Ownership changes for Water Right Nos. 238-2, 292-1, 512-1 and Vested Water Right
Nos. 1291-1, 1292-1 and 1293-1

Dear Mr. & Mrs. Turbiville:

Thank you for following up on the ownership changes for the above listed water rights and vested water rights. The transfers have been completed and they are now listed in your names.

Enclosed are your Receipt Nos. 416671, 416672, 416673, 416674, 416675 and 416676 in the amounts of \$2.50 each. You may keep them for your records.

If you have any questions concerning the transfers or the water rights, please get in touch with me.

Sincerely,

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

enclosures

238-1 HD-LM
Eugene Turbiville
Camp Crook, SD 57724

NOVEMBER 1978

This is the Water Rights Commission data sheet for recording 1978 irrigation estimates. Please fill out and return at once.

Please mark (X) on appropriate answers:

1. Source of water: Ground _____ Surface X
2. Type of Power: Electric _____ Gasoline _____ Diesel _____ Propane _____
Gravity X Natural Gas Pipeline _____ Other _____
3. Type of System:
Hand moved sprinklers _____ Side wheel _____ Siphons X
Portable booms _____ Towlines _____ Other _____
Center pivots (number of) _____ Gun type _____
Gated pipes _____ Hydromatic _____
4. Well Information if known:
Static water level beginning of Season _____
Static water level end of Season _____

Month	Estimate No. of Days Pumped	Average No. of Hours Per Day	Average Pumping Rate (GPM)	Acres of Crop Irrigated and Proportion of Water Used		
				Crop	Acres	Estimated Water Use
April	2.72	20	1000	Alfalfa	40	3" 10.00
May						
June						
July						
August						
September						
October						
Other Months						

If you did not irrigate during 1978 please check box ☐
Additional Comments:

PLEASE RETURN THIS COMPLETED DATA SHEET TO:

WATER RIGHTS COMMISSION
Joe Foss Building
Pierre, South Dakota 57501

RECEIVED

APR 18 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 238-1

Date: 4-16-08

I/We request that Water Right No. 238-1

formerly owned by: Ronald or Laurel Turbiville, HC 59 Box 2, Camp Crook SD 57724

be transferred to: (name & address) Ron Turbiville, HC 59 Box 2, Camp Crook SD 57724

Telephone No. 605 797-4614

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

463 acres - E ½ SE ¼, SE ¼ NE ¼, Section 12, T19N, R1E; Lots 3-7, Lots 10-11 Section 7, T19N, R2E;

SE ¼ SW ¼, Lots 3, 8, 9, 10 Section 6, T19, R2E; S ½ SE ¼, Lots 1, 3, 4, 6, 7 Section 36, T20N, R1E

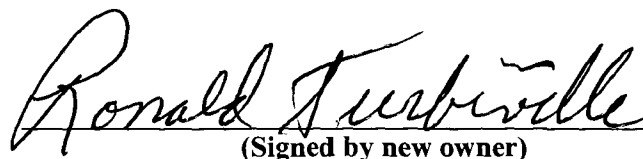
SE ¼ SE ¼ Section 25, T20N, R1E; Lots 2, 8, 9 Section 31 & Lot 9 Section 30, T20N, R2E

I/We understand that the validity of Water Right No. 238-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Ronald Turbiville, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/21, 20 08

RECEIVED OF Ron Turbiville HC 59 Box 2 Camp Crook SD 57724

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	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>238-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03651

By

Charles Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 2008

Ronald Turbiville
HC 59 Box 2
Camp Crook SD 57724

RE: Water Right and Vested Water Right Nos. 238-1, 292-1, 1291-1, 1292-1 & 1293-1

Dear Mr. Turbiville:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right and Vested Water Right Nos. 238-1, 292-1, 1291-1, 1292-1 and 1293-1. The ownership changes have been completed. The above listed water rights and vested rights are now listed solely in your name.

Enclosed are your Receipt Nos. 3631, 3632, 3633, 3634 and 3635 in the amounts of \$2.50 each. You may keep these for your records.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

238-1

McMath, Genny

From: Gronlund, Eric**Sent:** Thursday, October 14, 2010 9:55 AM**To:** McMath, Genny**Subject:** partially completed transfer of ownership forms requested.

For Water Right Nos. 292-1, 238-1, 1291-1, 1292-1 and 1293-1 currently held in the name of Ronald Turbiville.

Please sent to Don Zacher, Belle Butte Title Company, PO Box 636, Belle Fourche SD 57717 (his phone number is 642-7304 if we have further questions). He will have the new owner complete them at closing.

I told him that we would like look at past history of water use (if pumping was involved) and let him know if there are any red flags. Being from surface water up in Harding Cty, I presume if there wasn't irrigation there could be legal excuse.

Eric Gronlund**Water Rights Program, DENR****Phone:** (605) 773-3352**Fax:** (605) 773-4068**Email:** eric.gronlund@state.sd.us**Web:** www.denr.sd.gov

10/14/2010



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 15, 2010

Don Zacher
Belle Butte Title Company
PO Box 636
Belle Fourche SD 57717

RE: Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1

Dear Mr. Zacher:

I am writing in follow-up to your phone conversation with Eric Gronlund with our program.

Enclosed as discussed are partially completed Notice of Transfer of Ownership forms for filing ownership changes with Water Right Nos. 292-1 & 238-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1. The new owner(s) will need to sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$250.00). The check or money order for the fee can be made payable to the Water Rights Program.

Every year, we mail out irrigation questionnaires for irrigators to report how much water they pumped during the current crop year. Irrigation questionnaires for Vested Water Right Nos. 1291-1, 1292-1 and 1293-1 are not required due to the type of system used. I reviewed past irrigation questionnaires for Water Right Nos. 238-1 and 292-1 and found irrigation has taken place in most years. In years where no irrigation took place, comments were made on the questionnaires indicating they either had enough natural moisture or they lacked sufficient water.

Enclosed are excerpts of SD Water Laws and Water Management Board Rules. The excerpts outline when a water right is subject to cancellation and some of the reasons the Board has determined to be legal excuse for not irrigating.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

NOV - 2 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 238-1

Date: _____

I/We request that Water Right No. 238-1

formerly owned by: Ronald Turbiville

be transferred to: (name & address) Robert Garone

5-3-44-202 Minami Azabu

Minato-Ku Tokyo Telephone No. 106-0047

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

463 acres in the E 1/2 SE 1/4, SE 1/4 NE 1/4 Section 12, T19N, R1E; Lots 3-7, Lots 10-11 Section 7, T19N, R2E; SE 1/4 SW 1/4, Lots 3, 8, 9, 10 Section 6, T19N, R2E; S 1/2 SE 1/4, Lots 1, 3-4, 6-7 Section 36, T20N, R1E; SE 1/4 SE 1/4 Section 25, T20N, R1E; Lots 2, 8-9 Sec 31 & Lot 9 Section 30, T20N, R2E

I/We understand that the validity of Water Right No. 238-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Robert Garone, the new owner, certify that the above information is true and correct.

Robert F. Garone
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/2, 20 10

RECEIVED OF Stewart Title of the Black Hills (R Garone) PO Box 459 Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50 00	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>238-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04662

By

Harold Erbe

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2010

Robert Garone
5-3-44-202 Minami Azabu
Minato-Ku Tokyo 106-0047

Dear Mr. Garone:

I am writing to acknowledge receipt of the ownership changes you filed with Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1, 1292-1 and 1293-1.

The ownership changes have been completed. The water rights and vested water rights formerly held by Ronald Turbiville are now listed in your name. The receipts for the filing fees will be forwarded with a copy of this letter to Stewart Title Company in Spearfish SD.

Each October we mail out irrigation questionnaires to water right holders in the state for purposes of having them report how much water was diverted during the season. Both Water Right Nos. 238-1 and 292-1 require annual submission of the forms. Do you have a renter on the property you would like the correspondence sent to? Please call or drop me a line so we can edit our records accordingly.

Sincerely,

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

c: Stewart Title of the Black Hills w/Receipts

McMath, Genny

From: midorijhts@aol.com
Sent: Monday, November 15, 2010 5:19 PM
To: McMath, Genny
Subject: Ownership changes for Water Rights for Robert Garone

Hello Genny,

Thank you for your letter of 2 November, 2010.

I am now renting the property back to Ronald Turbiville. Could you arrange to have the irrigation questionnaires sent to him. Ronald continues to live on the property, so there should not be any change of address.

Please be in touch if there are any issues, or if I can be of assistance.

Best regards,
Robert Garone



238-1

**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 24, 2012

NOTICE

TO: RONALD TURBIVILLE, 2 N CAMP CROOK RD, CAMP CROOK, SD 57724

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 238-1 & 292-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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 **10:00 am, March 7, 2012**, 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) 238-1 & 292-1 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 **March 2, 2012**, 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: ROBERT GARONE, MINATO-KU, 5-3-44-202 MINAMI AZUBU, TOKYO JAPAN 106 0047

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

February 6, 2012

238-1
292-2

Ronald Turbiville
12100 N Camp Crook Rd
Camp Crook SD 57724

Dear Mr. Turbiville:

I am writing to acknowledge receipt of the 2011 irrigation questionnaires for water rights held by Robert Garone.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 238-1 and 292-1. 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
email: genny.mcmath@state.sd.us

c: Robert Garone

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 238-1Date: 2-9-15I/We request that Water Right/Permit No. 238-1 formerly owned by:Robert Gascone

be transferred to:

New Owner Name: John LathamAddress: Box 18City, State, Zip Camp Creek, SD 57724Telephone No. (605) 430-8157

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

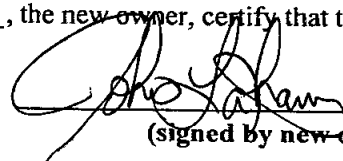
Transfer by warranty deed on 1-30-15

☒ I understand that the validity of Water Right/Permit No. 238-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, John Latham, the new owner, certify that the above information is true and correct.


(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

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

RECEIVED

FEB 23 2015

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/24, 20 15

RECEIVED OF John Latham 12296 Latham Rd Camp Creek SD 57724

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>238-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 07295

By Jeanne Goodman
Chief Engineer

238-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2015

John Latham
Box 18
Camp Crook SD 57724

RE: Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1 & 1293-1

Dear Mr. Latham:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on the above listed water rights and vested water rights held by Robert Garone.

Prior to processing the ownership changes, I need to make sure what land you purchased and if all of the land under each water right is being transferred. The forms you submitted did not include legal descriptions but contained the comment "transfer by warranty deed on January 20, 2015". This does not tell us which land was transferred.

Enclosed are copies of Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1 & 1293-1. The legal descriptions for the land they authorize for irrigation are found within the documents. Please review them and give me a call to verify that you purchased all of the lands. Once we have the verification from you, the ownership changes will be processed.

Thank you in advance for your help.

Sincerely,

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

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

enclosures

File No. 238-1
292-1
1291-1
1293-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: John Latham, Box 18, Camp Crook SD 57724

DATE: March 24, 2015

TELEPHONE: 605 430-8157

RE: transfer of water rights

COMMENTS:

On February 23, 2015, Mr. Latham submitted four transfer of ownership forms for Water Right Nos. 238-1 & 291-1 and Vested Water Right Nos. 1291-1 and 1293-1.

The forms did not include legal descriptions as to which land was transferred. They all included a notation indicating they were transferred by warranty deed 1-30-15.

To ensure they purchased all of the land under each water right, I sent a letter to Mr. Latham requesting clarification. The letter included copies of each water right.

Mr. Latham called on March 24th and indicated he and his brother Jason purchased all of the land. We can now proceed with processing the ownership changes. Since he filled out the top part of the form with his name and signed them all that way, the water rights will be transferred to his name only.



Genny McMath
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2015

John Latham
Box 18
Camp Crook SD 57724

RE: Water Right Nos. 238-1 & 292-1 and Vested Water Right Nos. 1291-1 & 1293-1

Dear Mr. Latham:

The ownership changes for the above listed water rights and vested water rights have been completed. Enclosed for your records are Receipt Nos. 07294, 07295, 07296 and 07297 in the amount of \$50 each.

For informational purposes, each year you will receive an irrigation questionnaire for Water Right Nos. 238-1 and 292-1. The forms request information on how much water was pumped during the season. Enclosed is a sample copy of an irrigation questionnaire to give you an idea of what type of information to keep track of during the season. The forms are typically mailed out in mid-October and are due back in our office by the 1st week in December. Questionnaires are not required for Nos. 1291-1 and 1293-1 because our records show the land to be irrigated with "water spreading" systems.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



238-1
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 20, 2017

NOTICE

TO: JOHN LATHAM, BOX 18, CAMP CROOK, SD 57724

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 238-1 & 292-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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 **Wednesday, March 1, 2017 at 11:00 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 238-1 & 292-1 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 before the **March 1, 2017** 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>

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.



238-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 31, 2017

238-1
292-1

John Latham
Box 18
Camp Crook SD 57724 0018

Dear Mr. Latham:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 238-1 & 292-1. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us