

NO. 248-1

Corrected Appl. Water Division No. 1 Bella Fourche River District
(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

OFFICE OF STATE ENGINEER

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

1. Name of applicant

~~Asheim~~ LAWRENCE BURZE

SEP 17 1952

10:12 a.m.

OFFICE OF STATE ENGINEER

So. Dak.

Postoffice address

Elm Springs

County

Lincoln

State

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, \$ 500.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Asheim Irrigation Project3. Quantity of water claimed 0.91 cubic feet per second.4. Source of water supply Bella Fourche River5. Location of point of diversion Pumping station is located S 26° 30' a distance of 2960' from NE Section corner of Sec. 30, T5N, R13E. on Right bank.
(Right or left bank looking down stream)6. Annual periods during which water is to be used June and September

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 64 acres.(b) Legal subdivisions to be irrigated 0.7 acres, SE 1/4, Sec. 30; 56.8 acres, NE 1/4, Sec. 31; 3.5 acres, SE 1/4, Sec. 19; all in T5N, R13E.

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

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

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

(a) Nature of use

(b) Amount of power to be generated horse power.

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

No. 248-1

Division No. 1

Belle Fourche River District

PERMIT

to appropriate water from

Belle Fourche River

Meade County, South Dakota.

Name of applicant

Oscar Asheim

Name of diversion works

Asheim Irrigation Project

Date of first receipt at office of State
Engineer

September 17 1952

Returned to applicant for Correction

September 19 1952

Corrected application received

September 26 1952

Date of water right

September 17 1952

Recorded in Book 3 Page 27

One-fifth of work to be completed

May 15 1953

Whole work to be completed

November 15 1953

Final proof of use of water

November 15 1953

Approved

November 15 1952

DEAN W. JOUCKS, State Engineer.

3. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$..... 100.00
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Ditching \$..... 400.00 Total, \$..... 500.00

9. Description of diversion works:

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

Pumping plant with irrigation ditch.

II. Dimensions of works:

(a) Dam: Height feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope of front (water) face; slope of back face; material used in construction

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

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

(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 ctions in size are made.)

10. Time required for completion of work one (1) years.

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

12. Choice of newspaper for publication of notice of intention to appropriate
 Rapid City Daily Journal

STATE OF SOUTH DAKOTA,

County of Pennington } ss.

I, Oscar Ashelm 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 and 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 Oscar Ashelm

Subscribed and sworn to before me this 12 day of Sept, 1912

Notary Public (or other qualified officer.)

9. Propose to use standard Parshall flume, of wood or metal; 9" throat, 5-3/8" head.

CERTIFICATE OF SURVEYOR

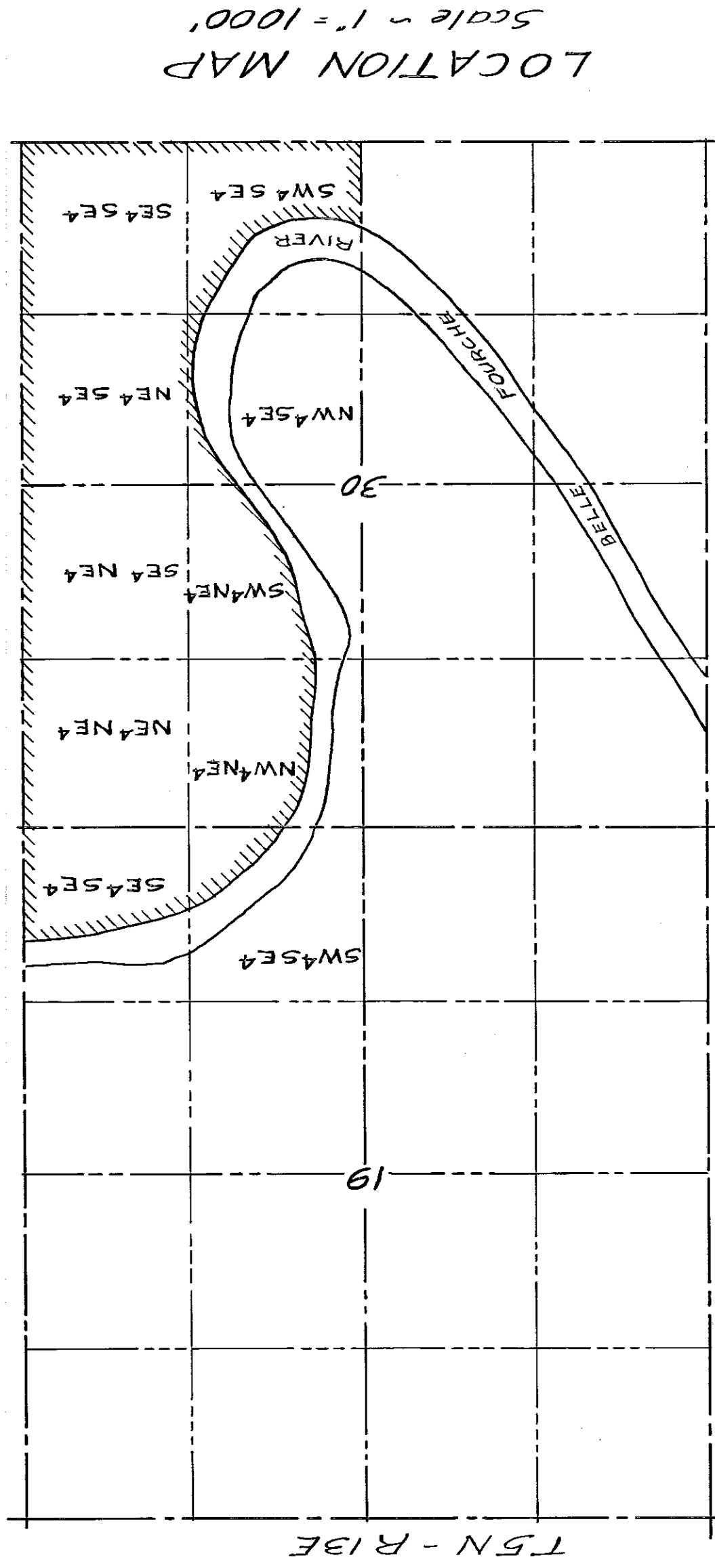
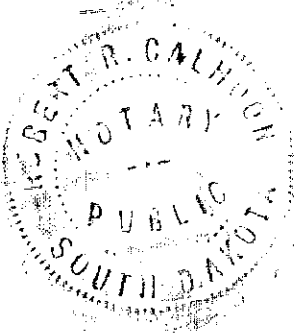
STATE OF SOUTH DAKOTA) ss.
COUNTY OF PENNINGTON)

I, D.E. MATTER, REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS MAP CORRECTLY REPRESENTS THE LOCATION AND AREA OF THE LANDS PROPOSED TO BE IRRIGATED IN EACH SUBDIVISION, AND THE PROPOSED LOCATION OF THE PUMPING STATION AS THE SOURCE OF IRRIGATION WATER, AS DESCRIBED IN THE ACCOMPANYING APPLICATION.

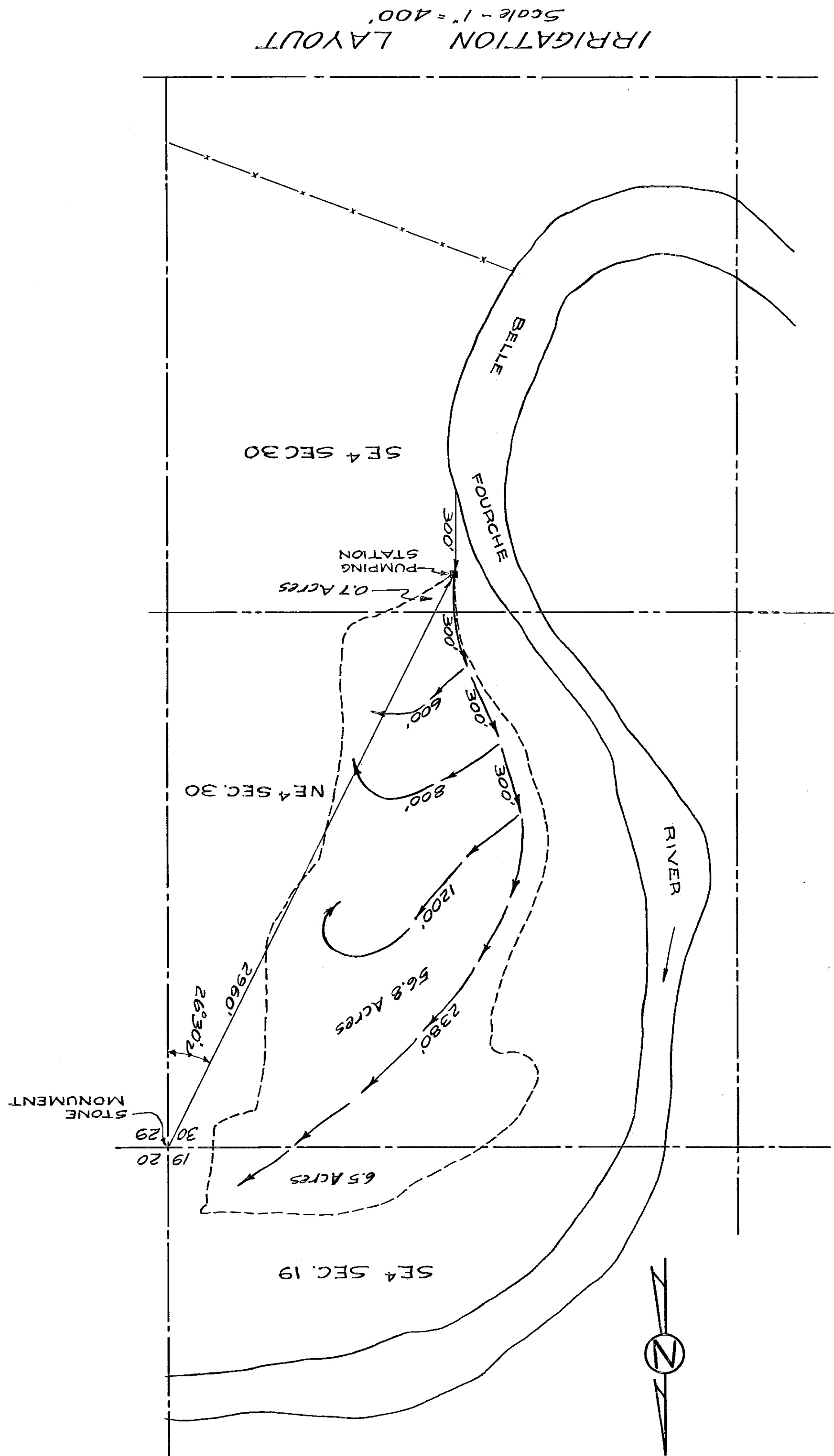
REGISTERED PROFESSIONAL ENGINEER
AND LAND SURVEYOR

ON THIS 16TH DAY OF SEPTEMBER, 1952, BEFORE ME, ROBERT R. CALHOUN, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED D.E. MATTER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WRITTEN INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE THEREIN CONTAINED. IN WITNESS WHEREOF

NOTARY PUBLIC
MY COMMISSION EXPIRES SEPT. 9, 1956



LEGEND
Section Line
Quarter Line
Sixteenth Line
Irrigable land boundaries
Irrigation ditch line
Land owned by Oscar Asheim
Existing Fence



DRAWN: D. E. MATTER,		DATE: 9-16-52
ENGINEERS		CHECKED: D. E. M.
589		OF 1
JOB NO.		1
IRRIIGATION		
FOR OSCAR ASHEIM PROPERTY		

248-1
228-1
Map No. - 228-1

Remarks by State Engineer:

STATE OF SOUTH DAKOTA,

County of Hughes

ss.

Pierre, South Dakota, November 15, 1952

This is to certify that the foregoing application was received at this office at 10:15 o'clock a. m. upon the 17th day of September, 1952 and that after examination it was returned to the Applicant for correction. The corrected application was received in this Office September 26, 1952 and was found to comply with the South Dakota Water Laws, was published in accordance with the provisions thereof and consideration given to any and all information presented. No protests were received.

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Number of permit 240-1

Date of first receipt of application September 17, 1952

Date of return to applicant for correction September 19, 1952

Date of receipt of corrected application September 26, 1952

Date from which applicant may claim right September 17, 1952

Approved November 15, 1952, Recorded in Book 3 Page 27

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 May 15, 1953.

2nd. The whole of said work is to be completed on or before November 15, 1953.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 15, 1953.

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 0.9 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before November 15, 1953; said water to be used during the following described annual period:

June and September

Witness my hand this 15th day of November, 1952

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

Remarks by State Engineer:

STATE OF SOUTH DAKOTA,
County of Hughes } ss.

Pierre, South Dakota, November 15, 1952

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6th. The amount of the appropriation herein granted shall not exceed 0.9 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before November 15, 53; said water to be used during the following described annual period:

June and September

Witness my hand this 15th day of November, 1952

Dean W. Loucks
DEAN W. LOUCKS

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 247-1

To OSCAR ASHEIM
ELM SPRINGS, SOUTH DAKOTA
MEADE COUNTY

Source of Supply Belle Fourche River
Meade County

Am't 0.9 Sec. Feet

Point of Diversion
(See Water License)

Place of Use
(See Water License)

Purpose Irrigation

Date of Priority September 17, 1952

Recorded November 15, 1952

in Book 3 of W.R. Page 27

STATE OF SOUTH DAKOTA

WATER LICENSE No. 248-1

WHEREAS, On the 12th. day of September A. D. 1952
Oscar Asheim

of Elm Springs County of Meade and State of
South Dakota duly made application (No. 248-1) to me for a permit to use 0.91
cubic feet per second of the waters of the Belle Fourche River
County of Meade State of South Dakota, for Irrigation
purposes; and

WHEREAS, On the 15th. day of November A. D. 1952
Permit No. 248-1 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 15th. day of
November A. D. 1953 and for the application to beneficial use of said
water on or before the 15th. day of November A. D. 1953
and,

WHEREAS, On the 29th. day of April A. D. 1955
the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.9
cubic feet per second of said waters, as evidenced by my Certificate No. 248-1
dated May 26, 1955 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 0.9 cubic feet per second of water, with date of
priority of September 17, 1952 and,

WHEREAS, On the 19th. day of May A. D. 1955
proof was duly made of the application to beneficial use of 0.9 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 Oscar Asboim
of Elm Springs the holder and owner of said permit No. 248-1
a water right, dating from September 17, 1952 to the use of 0.9
cubic feet per second of the waters of the Belle Fourche River
in the County of Meade and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point located S. 26° 30' W.
a distance of 2,960' from the NE cor. of Sec. 30-T 5N-R 13E
and conducted to and upon .7 acres of the SE 1/4 of Sec. 30
56.8 acres of the NE 1/4 of Sec. 30
6.5 acres of the SE 1/4 of Sec. 19 -T 5N-R 13E
for the purpose of irrigation

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

WITNESS, My hand and seal of my office at Pierre, South Dakota,
this 26th day of May A. D. Nineteen
Hundred and Fifty-five

DEAN W. LUCKE

State Engineer.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Pennington } ss.

E. H. Lighter being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Rapid City Daily Journal a newspaper which during the whole time of publication of said notice herein-after stated, has been and is printed and published in the City of Rapid City County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

October 4, 1952
October 11, 1952
October 18, 1952
October 25, 1952

in each and every issue of the full number thereof, the first publication being made on the 4th day of October 1952 and the last publication on the 25th day of October 1952, upon which days or times of publication afore-said the newspaper was regularly published, and that during the whole time of said publication he was Business Manager the printer and publisher of the said newspaper.

E. H. Lighter

Subscribed and sworn to before me this 25th day of October A. D. 1952

[Signature]
 Notary Public Pennington County, S. D.

Oct. 4, 11, 18, 25, 1952
 APPROPRIATION OF WATER
 Office of State Engineer,
 Pierre, S. Dak., Sept. 25, 1952
 Notice is hereby given that Oscar Ashelm whose postoffice address is Elm Springs, S. Dakota has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .31 cubic feet of water per second of time from the Belle Fourche River through the Ashelm Irrigation Project, the point of diversion of which is to be located on the right bank of said stream in the SE 1/4 of Section 30 Twp. 5N Range 13E. Said water to be used for the purpose of providing irrigation on the following described land:
 SE 1/4 & NE 1/4 Sec. 30 and SE 1/4 Sec. 19 T. 5N., R. 13E.
 This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15 day of November, 1952, 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.
 Appropriate 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.

(First Publication: _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., November 27, 1952

Notice is hereby given that OSCAR ASHEM whose postoffice address is Elin Springs S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 21 cubic feet of water per second of time from the Golla Loursene River through the Ashain Irrigation Project, the point of diversion of which is to be located on the right bank of said stream in the SE 1/4 ~~SECTION 30~~ of Section 30 Twp. 5N Range 13E Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4 & NE 1/4 Sec. 30 and SE 1/4 Sec. 19 T. 5N., R. 13E.

~~NOTICE OF INTENTION TO APPROPRIATE WATER~~

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 10 day of November, 1952, at 2:00 P.M. MT. 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.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

FRANK W. LOUCKS
State Engineer

HCS:mt
Inc.
cc: Father

STATE OF SOUTH DAKOTA
Office of
STATE ENGINEER
Pierre

September 22, 1952

Oscar Ashelin

Elm Springs, S. Dak.

Dear Mr. Ashelin:

You are hereby notified that your State Water Application No. 240-1 for a permit to appropriate water from The Belle Fourche River through the Ashelin Irrigation Project has been examined and found to comply with the water laws of South Dakota and the regulations thereunder. You are now instructed to publish a notice of your intentions in relation to this proposed appropriation once a week for four consecutive weeks in some paper of general circulation in the locality of the stream system in which the works are to be located, in accordance with Section 61.0124 of the Water Code.

A notice is enclosed herewith, which you are directed to publish in the Rapid City Daily Journal printed at Rapid City, South Dakota, in compliance with the law, you making the necessary arrangements with the publisher as indicated in the letter to him, also enclosed.

The proof of publication, also sent herewith, must be filed in the State Engineer's office on or before November 28, 1952, this date being sixty days from the date of these instructions. In case of failure to file satisfactory proof within the time stated, your application will thereafter be treated as an original application filed on the date of receipt of proof of publication in proper form. It is to your interest, therefore, to see that the proof is promptly returned.

Very truly yours,

WILLIAM M. TUGGERS
State Engineer.

WCS:mt
Enc.
cc: Patter

Water Division No. 1 Belle Fourche River District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED

MAY 20 1955

DEPOSITION OF HOLDER

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

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

Ans. Alvin Ashwin Rancher - Farmer

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. _____

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

Ans. 248-1 Sept 17, 1952 - Nov 15, 1953

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

Ans. Belle Fourche River - S 26° 30' W, distance of 2.960 from NE section corner of S. 30, T51N, R. 13E

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. 6" Parma water lifter driven by Farmall tractor, Parshall flume.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation, 0.7 acres in S. E. Sec 30
28 acres in N.E. Sec 30

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

Ans. _____

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

Ans. 0.91 cu. ft. per sec.

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. June 1953 - 4 days - Sept. 1953 - 4 days
Both at rate of 10,91 cu ft. per sec.

(Sign.) Oscar Asheim

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 Hot Springs, County of Pennings,
State of South Dakota, on this 19 day of May, A.D., 1955

George Gunn

Permit No. _____

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER:

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

Permit No. 248-1

Water Div. No. 1 Belle Fourche Water Dist.

**Certificate of Completion
of Works.**

Dated May 26, 1955

Stream Belle Fourche River

County Meade

Amount 0.2

Date of priority September 17, 1952

Recorded in Book 3

of Water Rights page 27

DATE MICROFILMED

Permit No. 248-1.

Water Division No. 1

Belle Fourche Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Oscar Asheim

of Elm Springs, County of Meade and State of
 the holder of Permit No. 248-1, issued upon Application
 No. 248-1, bearing date of priority of September 17, 1952, authorizing the diversion of

0.9 second-feet of the waters of the Belle Fourche River
 County of Meade, State of South Dakota, at a point located S. 26°
30' W. 2,960' from the NE Sec. corner of Sec. 30-T 5N-R 13E
 for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are adequate for divert-
 ing and conveying to the place of intended use 0.9

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

to-wit: .7 acres of the SE $\frac{1}{4}$ of Sec. 30

56.8 acres of the NE $\frac{1}{4}$ of Sec. 30

6.5 acres of the SE $\frac{1}{4}$ of Sec. 19

all in T 5N-R 13E

Witness my hand this 26th. day of May A. D. 1955

DEAN W. LOUCKS,

State Engineer of South Dakota.

Permit No. 248-1
Belle Fourche
Water Div. No. 1 Water Dist.

**Certificate of Completion
of Works.**

Dated May 26, 1955

Stream: Belle Fourche River

County: Meade

Amount: 0.9

Date of priority September 17, 1952

Recorded in Book 3

of Water Rights page 27

Permit No. **248-1**Water Division No. **1****Belle Fourche** Water District

Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Oscar Asheim**of **Elm Springs** County of **Heade** and State ofthe holder of Permit No. **248-1**, issued upon Application No. **248-1**, bearing date of priority of **September 17, 1952**, authorizing the diversion of**0.9** second-feet of the waters of **the Belle Fourche River**County of **Heade** State of South Dakota, at **a point located S. 26° 30' W. 2,960' from the NE Sec. corner of Sec. 30-T 5N-R 13E**for **irrigation**

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use **0.9**

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

to-wit: **.7 acres of the SE $\frac{1}{4}$ of Sec. 30****56.8 acres of the NE $\frac{1}{4}$ of Sec. 30****6.5 acres of the SW $\frac{1}{4}$ of Sec. 19****all in T 5N-R13E**

Witness my hand this **26th** day of **May** A. D. 19 **53**

DEAN W. LOUCKS,

State Engineer of South Dakota.

Permit No. 248-1Water Division No. 1Belle Fourche River Water District

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

RECEIVED

MAY 20 1955

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated April 22
1955, I have this day made a thorough examination of the diversion works constructed by
Osser Asheim, of Elm Springs
Meads County, South Dakota, holder of Permit No. 248-1, issued
upon Application No. _____, bearing date of priority of September 17, 1952, authorizing the
diversion of 0.91 second feet of the waters of Belle Fourche River for irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: a 6-inch "Parash" lift pump driven by standard "Farmall"
tractor; standard Parshall flume of wood with metal bottom, 2" throat and 5-3/8"
head; contour ditches.

and the system is in the following condition: All of the system is in good condition with the
exception that the river has recently changed its bed making it almost impossible
to obtain water at the designated location. I recommend that the permit holder be
authorized to move the station approx. 400 feet due south

The point of diversion is located 3250-301W, 2960 feet from NE corner of Section
30, T5N, R13E

The works are capable of diverting and conveying to the place of use 0.91 second-feet of water,
which is to be used for irrigation purposes.

The legal sub-divisions to be irrigated are: SE4 Sec. 30, 0.7 acres thereof.

NE4 Sec. 30, 56.8 acres thereof.

SE4 Sec. 19, 6.5 acres thereof. All in

T5N, R13E, BHM

comprising a total of 64.0 acres of land.

The domestic use intended comprises none

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

Witness my hand, this 18 day of May, A. D. 1955

D. E. Matter

Examining Engineer.

D. E. Matter

Permit No. **248-1**

Water Division No.

Water District

RECEIVED**Notice of Completion of Works****APR 14 1955****8:55 A.M.
OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA**

(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.) **Elm Springs, South Dakota**(Date) **May 1, 1955**

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of **0.91**

.....second feet of the waters of the state from **the Belle**
Fourche River from the point of diversion **S 26° 30' W**, a distance of **2,960** feet from
 the northeast section corner of Section 30, Township 5 North, Range 13 East, right bank
 forthe purposes

of **irrigation** in accordance with the 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 **Oscar Ashoin**

2. The postoffice address of such person or the place of business of such corporation is **Elm Springs**
 County of **Meade** State of **South Dakota**

3. The number of such permit is **248-1** and the date set for the completion of such work is
November 15, 1953

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 ac-
 companying the application for such permit, is **0.91** cubic feet per second.

6. The amount of land for which said water is available is **64** acres.
 particularly described as follows: **0.7 acres, SE $\frac{1}{4}$, Section 30;**

56.8 acres, NE $\frac{1}{4}$, Section 30;**6.5 acres, SE $\frac{1}{4}$, Section 19;****all in Township 5 North, Range 13 East.**

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

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

(Signature.)

Engineer.

Oscar Ashoin

RECEIVED

Permit No. 248-1

APR 14 1955

Water Division No.

Water District

8:55 A.M.
OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.) Elm Springs, South Dakota

(Date) May 1, 1955

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 1st day of May 1955 at Elm Springs County of Keade State of South Dakota, before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 0.91 cubic feet per second of the waters of the Belle Fourche River in accordance with the terms and conditions of Permit No. 248-1 heretofore issued by the State Engineer of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are
Oscar Asheim, Elm Springs, South Dakota
- The use to which said water has been applied is providing irrigation
- The amount applied to beneficial use is 0.91 cubic feet per second
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
0.7 acres, SE $\frac{1}{4}$, Section 30;
56.8 acres, NE $\frac{1}{4}$, Section 30;
6.5 acres, SE $\frac{1}{4}$, Section 19;
all in Township 5 North, Range 13 East.
- The name of the canal or ditch or other works by which said water is connected to such place of use is
Asheim Irrigation Project Supply Lateral
- The right to take the water from such works is based upon permit No. 248-1
- The source of supply from which such water is diverted is Belle Fourche River
- The date of priority which said user is prepared to establish is November 15, 1953

(Sign)

Oscar Asheim

Form 20.

N 248-1

NOTICE OF TRANSFER OF WATER PERMIT

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

Date December 19, 1969

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

Portions of the SE $\frac{1}{4}$, Section 19 and E $\frac{1}{2}$ Section 30, T5N, R13E

formerly owned by Oscar Ashiem

has been transferred to Lawrence Burke

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 248-1 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 Minnehaha

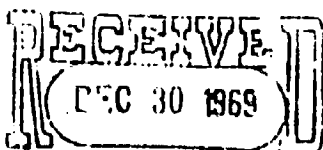
ss.

I, Lawrence Burke 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.

(Signed)

Subscribed and sworn to before me this 29th day of December, 1969

(Notary Public)



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA



Department of Water & Natural Resources

Joe Foss Building

Pierre, South Dakota 57501

Water Rights Division (605) 773-3352

June 10, 1981

Lawrence Burke
Elm Springs, SD 57736

Mr. Burke:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
243-1	0.9 cfs	64.00	\$26.00
TOTAL			\$26.00

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8320

June 23, 1981

PIERRE, _____

RECEIVED OF Lawrence and Doris Burke, Elm Springs, SD 57736

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 filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for <u>water master services on WR# 248-1</u>	26.	00
(any other work as provided by law)		
TOTAL	26.	00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / E.E.

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981
Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Receipts (total fee)</u>	<u>Amount Returned</u>
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	58.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Valley	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

Do not use this space.

STATE OF SOUTH DAKOTA
DIRECT VOUCHER

AGENCY VOUCHER No.	DATE

PAYEE • Lawrence Burke
Elm Springs SD 57736

DEPT. • DWHH, Water Rights Division
Foss Bldg.
Pierre SD 57501

STAPLE
HERE

AGENCY •

ADDRESS •

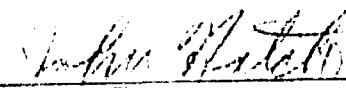
Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		23 01	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL 22						23 01	

Warrant # 82099271
AC # 077372
date — 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			248-1 Lawrence Burke		23 01	
TOTAL					23,01	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.


Claimant Signature

11-5-81
Date

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.


DIVISION APPROVAL

11-5-81
DATE

APPROVAL SIGNATURE

DATE

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8799

PIERRE, _____, 19__

RECEIVED OF Tucky Tiffet, Omaha SD 57767

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. _____ Transfer of Water right No. 2441-1	2	50
Fee for filing _____		
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	50

WATER RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Officer

NO. 248-1

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 6, 1982.

This is to notify you that the title to the lands described as follows:
64 acres - E 1/2 Section 30, SE 1/4 Section 19 all in T5N, R13E

formerly owned by Lawrence Burke

has been transferred to Tucky D. Tifft and Linda L. Tifft

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 248-1 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 Pennington) ss.

I, Tucky D. Tifft and Linda L. Tifft 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 infor-
mation herein stated is true.

Tucky D. Tifft
(Signed)
Linda L. Tifft

Subscribed and sworn to before me this 6th Day of April, 1982.

Robert Emerson
(Notary Public)
My commission Expires 2-7-83.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

248-1

Sam Johnston
17942 River Rd
Elm Springs, SD 57736

Dear Mr. Johnston:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 248-1. The water right is currently listed in the name of Tucky D and Linda L Tift.

Please review the form for accuracy and make any necessary corrections. You will need to fill in the portion titled "*he transferred to: (name & address).....*". Upon completion, please sign the form in the presence of a notary public and return them to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or completion of the form, please get in touch with me.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 248-1

Date: Jan 9, 98



I/We request that Water Right No. 248-1

formerly owned by: Tucky D and Linda L Tiff

be transferred to: (name & address) Sam and Cary Johnston
17942 River Road Elmsprings S.D. 57736 Telephone No (605) 798-2200

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

64 acres - E 1/2 Section 30 and SE 1/4 Section 19, T5N, R13E

I/We understand that the validity of Water Right No. 248-1 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Meade)

I/We Sam & Cary Johnston 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.

Sam Johnston
Cary Johnston (Signed)

Subscribed and sworn to before me this 9th day of January, 1998.

Toni Seiner
(Notary Public)

My Commission Expires April 20, 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

NO 415591

Pierre, January 12, 19 98

RECEIVED OF Sam and Cary Johnston, 17942 River Road, Elm Springs, SD 57736
the following amount in fees for services rendered as provided for by law:

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

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

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

Fee for Filing Transfer Form: Water Right No. 248-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer

Glen Hatch



248-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

No. 248-1

Sam and Cary Johnston
17942 River Road
Elm Springs, SD 57736

Dear Mr. And Ms. Johnston:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 248-1.

Our records now show you as the owner of Water Right No. 248-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

248-1

310-1

311-1

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Sam Johnston

ADDRESS: 17942 River Rd. Elm Springs, SD 57736

COUNTY: Meade

DATE: February 18, 1998

TELEPHONE:

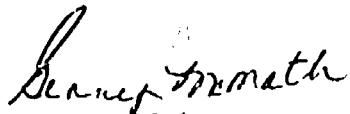
RE: transfers for 248-1, 310-1 and 311-1

COMMENTS:

Mr. Johnston called in response to a letter I mailed him on transferring portions of No. 310-1 and 311-1 to his name with the remaining portions transferred to Mitch O'Connell. Mr. Johnston indicated that the portion he now owns is on a contract for deed from Breckenridge Partnership. He would like his portion left under Breckenridge Partnership until the contract is paid off.

I told him to disregard the transfer forms I mailed him - that the water rights would still be divided and reissued, however since they were already in the name of Breckenridge Partnership, we would only need transfer forms from Mitch O'Connell.

Mr. Johnston stated that Water Right No. 248-1, recently transferred to his name, has now been mortgaged to Breckenridge Partnership. He requested that I mail him a transfer form and he would forward it on to Lester Clark (dba Breckenridge Partnership).


Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1998

248-1

Sam Johnston
17942 River Rd
Elm Springs, SD 57736

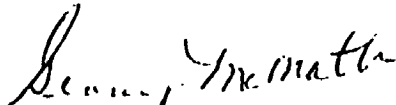
Dear Mr. Johnston:

Enclosed, as you requested, is a "Notice of Transfer of Ownership" form for filing an ownership change on Water Right No. 248-1. You indicated during our phone conversation that you wished to have this changed over to Breckenridge Partnership.

I have completed most of the form with the exception of the signature area. It will need to be signed in the presence of a notary by a representative of Breckenridge Partnership. A \$2.50 filing fee is required and can be forwarded to our office along with the signed form.

Thank you for getting in touch with me about this matter. If I can answer any questions for you, please let me know.

Sincerely,


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

encl

File No. 248-1

310-1

311-1

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Sam Johnston, 17942 River Rd, Elm Springs, SD 57736

DATE: July 24, 2001

TELEPHONE: 605 798-2200

RE: irrigation of land under Water Right No. 248-1

COMMENTS:

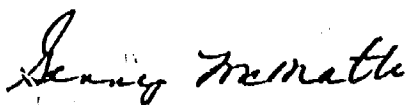
Water Right No. 248-1 authorizes irrigation of 64 acres. The 2000 irrigation questionnaire submitted by Mr. Johnston reported irrigation of 300 acres.

I spoke with Mr. Johnston about the irrigation report. He indicated the questionnaire included irrigation for all the land he irrigated which includes 248-1, 310-1 and 311-1. He owns portions of land under No. 310-1 and 311-1 (Breckenridge Partnership) but has not yet had them transferred to his name because the contract for deed has not been paid off yet.

He said the remaining land that he does not own under No. 310-1 and 311-1 is now owned by Gale Miller, Pierre, SD.

Mr. Johnston also mentioned that the land he purchased from Tift (No. 248-1) contains about 100 irrigated acres. He did not understand why the water right only showed 64 acres. He said he would like to get that taken care of too. He said he would be coming to Pierre to take care of the transfers next summer when the contract was paid. I told him we could wait until then to iron out whether he needed an additional water permit for the acreage over and above the 64 specified on No. 248-1. The reason for the wait would be to clarify which acres he is irrigating. The land under Nos. 310-1 and 311-1 are adjacent to No. 248-1. There may be some overlap of acreage.

I told Mr. Johnston that I would try to get the correct number of irrigation questionnaires to him for reporting the acreage he irrigates on. If I didn't get it straightened out, he could go ahead and put them all down on one form.



Genny McMath
Environmental Scientist



0348-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: SAM & CARY JOHNSTON, 17942 RIVER RD, ELM SPRINGS, SD 57736

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 248-1. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 248-1 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 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SAM & CARY JOHNSTON
17942 RIVER RD
ELM SPRINGS SD 57736

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Fred D. Ferguson 1-17-02

C. Signature

x Fred D. Ferguson ☒ Agent ☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☒ Express Mail
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4. Restricted Delivery? (Extra Fee)

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2. Article Number (Copy from service label)

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PS Form 3811, July 1999

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 2002

248-1

Sam & Cary Johnston
17942 River Rd
Elm Springs, SD 57736

Dear Mr. & Mrs. Johnston:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 248-1.

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



248-1
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, 2014

NOTICE

TO: SAM & CARY JOHNSTON, 21216 RIVER RD, ELM SPRINGS, SD 57791

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 248-1, 310B-1 & 311B-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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 **9:00 am, March 6, 2014**, 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) 248-1, 310B-1 & 311B-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 3, 2014**, 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.

248-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2014

248-1
310B-1
311B-1

Sam & Cary Johnston
21216 River Rd
Elm Springs SD 57791

Dear Sirs:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 248-1, 310B-1 and 311B-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 cursive script that reads "Genny McMath".

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



248-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 25, 2017

248-1
310B-1
311B-1

Sam Johnston
21216 River Rd
Elm Springs SD 57791

Dear Mr. Johnston:

I am writing in regard to the 2016 irrigation questionnaires you submitted for Water Right Nos. 248-1, 310B-1 and 311B-1. Copies of the questionnaires are enclosed showing the legal descriptions covered under each water right and the water use reported. In reviewing the data, the amount of water pumped seems excessive and may be in error.

All three water rights authorize diversion of water from the Belle Fourche River allowing up to three acre-feet of water per acre per year (36 inches per acre). The following information was reported:

Water Right No. 248-1	Water Right No. 310B-1	Water Right No. 311B-1
• Acres irrigated: 64 • Authorized water use: 192 acre feet • Water diverted: 398 acre feet (equivalent to 6.2 acre feet per acre)	• Acres irrigated: 284 • Authorized water use: 852 acre feet • Water diverted: 1326 acre feet (equivalent to 4.7 acre feet per acre)	• Acres irrigated: 94 • Authorized water use: 282 acre feet • Water diverted: 530 acre feet (equivalent to 5.6 acre feet per acre)

In all instances above, you are reporting significantly greater volume than is authorized.

The application of water varies greatly for the different types of systems, crops irrigated, topography and climatic conditions. Given those criteria it is still rare that irrigators even apply up to the volume of water they are authorized.

Many times irrigators do not keep track of the days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the questionnaires in a timely manner, the forms need to be as accurate possible.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine if an aquifer or stream may or may not be nearing full appropriation. Our goal is to protect existing water rights and ensure that additional water rights do not impair those existing water users.

Sam Johnston
July 25, 2017
Page 2

If you did indeed apply that much water in 2016, you are exceeding the limits of your water right and need to be cutting back to within authorized use as outlined in your water right. If you have any questions or have changes to make on the questionnaires, please give me a call.

Sincerely,

A handwritten signature in cursive script, reading "Genny McMath".

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

enclosures