

No.

Division No.

..... District

PERMIT

to appropriate water from :

The Belle Fourche River

Butte ¹¹ County, South Dakota

Name of applicant

W. B. Wilson

Name of diversion works **W. B. Wilson**

Irrigation Project

Date of first receipt at Office of State
Water Resources Commission

..... 19.....

Returned to applicant for Correction

..... 19.....

Corrected application received

..... 19.....

Date of Water Right

..... 19.....

Recorded in Book..... Page.....

One-fifth of work to be completed

..... 19.....

Whole work to be completed

..... 19.....

Final proof of use of water

..... 19.....

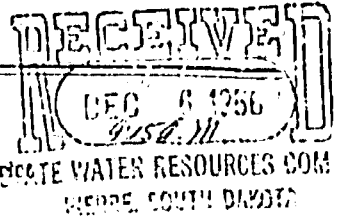
Approved

..... 19.....

State Water Resources Commission

By:

Chief Engineer



No. 2-85-1
 Water Division No. 1 Belle Fourche River District
 (Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant W. R. Wilson Edgar Colin Smart
208 S. Crescent, Chandler, Arizona 85224
 Postoffice address BELLE FOURCHE County BUTTE State SO. DAK.

- I. If a corporation
- | | | | | | |
|--------------------------------------|---|---|---|---|---|
| _____ | X | X | X | X | X |
| (a) Name of same | X | X | X | X | X |
| (b) Date and place of incorporation | X | X | X | X | X |
| (c) Amount of capital stock | X | X | X | X | X |
| (d) Amount paid in | X | X | X | X | X |
| (e) Names and addresses of directors | X | X | X | X | X |

(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)

- | | | | | |
|----------------------------|---|---|---|---|
| _____ | X | X | X | X |
| (b) Cash on hand, \$ | X | X | | |
| (c) Treasury stock, \$ | X | X | | |
| (d) Bonds to be issued, \$ | X | X | | |
| (e) Other resources, \$ | X | X | | |

2. Name of diversion work W. R. WILSON IRRIGATION PROJECT
 3. Amount of water claimed 2.14 cubic feet per second
 4. Source of water supply BELLE FOURCHE RIVER
from a point N 28° W 1495 ft. from the N 1/4 corner of Sec. 31 to a point
 5. Location of point of diversion S 16° 45' N 1328.3 ft. from said north 1/4 corner
of Sec. 31 T.9 N., R.3 E of BHM (north)
on left bank Butte County.
 6. Annual period or periods during which water is to be used April 1st thru November 15th
 7. To be used for:

I. Irrigation ~~gravity or sprinkling or combination system~~ Gravity

(a) Number of acres to be irrigated 150 acres.

SE 1/4-SE 1/4-24 Ac., SW 1/4-SE 1/4-37 Ac., SE 1/4-SW 1/4-6 Ac., Sec. 30, NE 1/4-NE 1/4-39 Ac.,

(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)

NW 1/4-NE 1/4-39 Ac., NE 1/4-NW 1/4-5 Ac. Sec. 31, T.9 N., R.3 E-BHM

(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 NONE horse power.

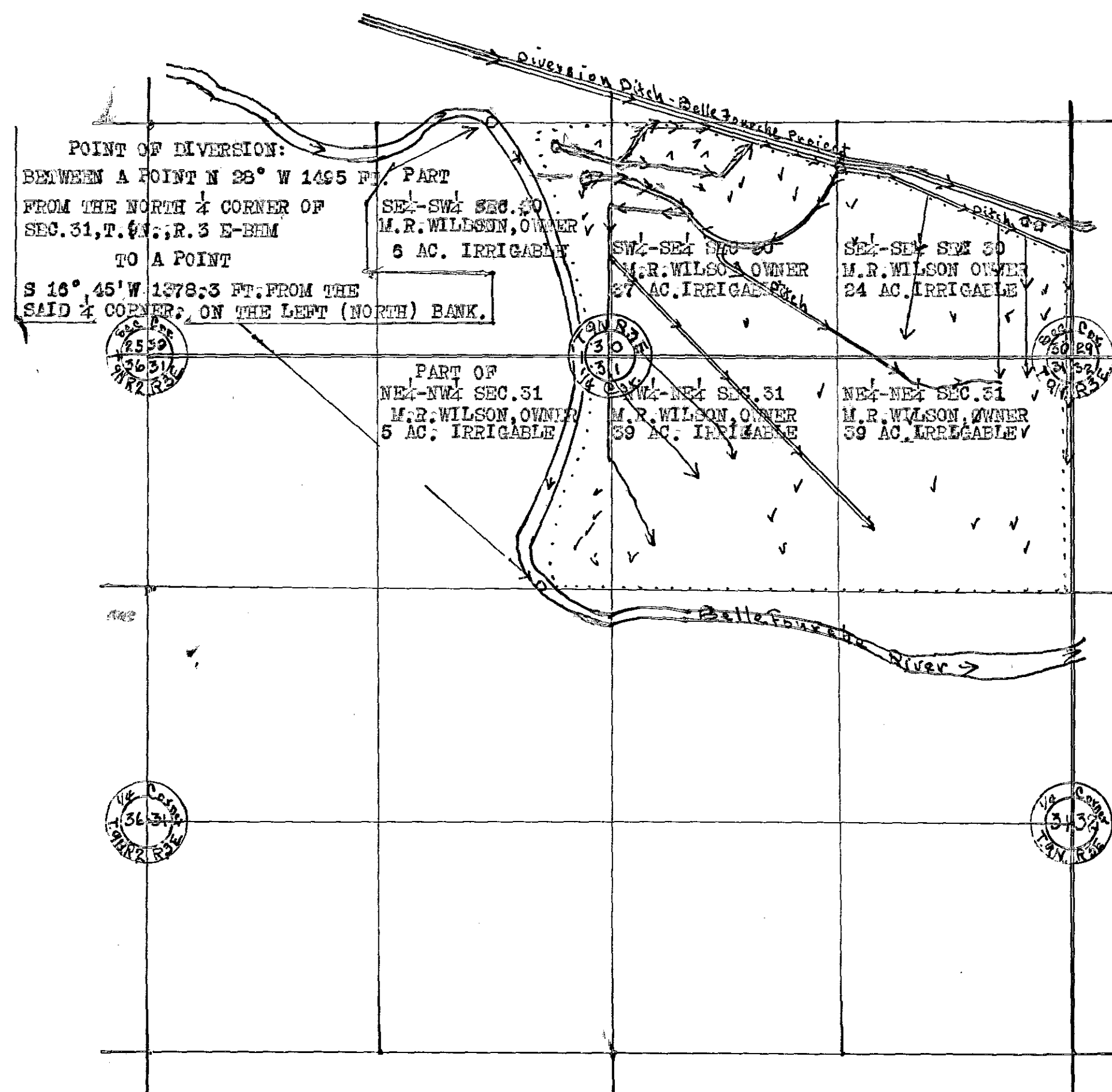
Amount claimed for engine cooling NONE

(c) Location of plant NONE.

(d) Method of developing power NONE.

(e) Point where water will be returned to THRU PERCOLATION

PLAT
OF THE
M.R. WILSON IRRIGATION PROJECT
S $\frac{1}{2}$ -SE $\frac{1}{4}$, PART OF THE SE $\frac{1}{4}$ -SW $\frac{1}{4}$ SEC. 30.
N $\frac{1}{2}$ -NE $\frac{1}{4}$, PART OF THE NE $\frac{1}{4}$ -NW $\frac{1}{4}$ SEC. 31 T. 9 N., R. 3 E.
BUTTE COUNTY, SOUTH DAKOTA



SCALE $\frac{1}{8}$ INCHES = 1 MILE
1 INCH = 660 FEET.

SURVEYOR'S CERTIFICATE.

I, CARL M. CORNELL, LICENSED SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF M.R. WILSON OF BELLE FOURCHE, SOUTH DAKOTA, I HAVE MADE A SURVEY OF THE TRACTS OF LAND SHOWN HEREON AS THE PROPERTY OF THE SAID M.R. WILSON AND HAVE PREPARED THIS PLAT OF THE SAME FOR THE PURPOSE OF SHOWING THE IRRIGABLE AREAS FOR WHICH HE IS REQUESTING A PERMIT TO APPROPRIATE 2.14 SECOND FEET OF WATER FROM THE BELLE FOURCHE RIVER FOR IRRIGATION PURPOSES.

I FURTHER CERTIFY THAT THE BEARINGS AND LENGTHS OF ALL LINES SHOWN AND THEIR LOCATION WITH REFERENCE TO THE GOVERNMENT CORNERS ARE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATED AND SIGNED AT BUFFALO, SOUTH DAKOTA THIS 27TH DAY OF NOVEMBER 1956.

SIGNED: *Carl M. Cornell*
CARL M. CORNELL, LICENSED SURVEYOR
144 (SEAL)

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTH DAKOTA THIS 27TH DAY OF NOVEMBER 1956.

Will Smith
NOTARY PUBLIC (SEAL)

Map No. 259-1
App No. 285-1

8. Estimated cost of work:

3 (a) Head Gates, \$200.00 Intnational U-133 Motor
Berkeley 6" (Q1 Pump) Pumping plant, \$237.50
(c) Fluming, \$1030.00 (d) Canal earth, \$390.00 Rock, \$-----
(e) Other structures ----- \$----- Total, \$416.50

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at 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	ACRE- FEET CAPACITY

(c) Head gate: Width 3.5 feet; height 1.5 feet;
Material plank and concrete
(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 2 years.

11. Time required for complete application of water to the proposed beneficial use 6 years.

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

Belle Fourche Daily Post

STATE OF SOUTH DAKOTA

County of Harding

I, R. Nilson, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this 27th day of November, 1956

Notary Public

Carl M. Cornell, Notary Public.
(SEAL)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

THIS PERMIT CANCELLED
REVISED

BY A 275-1 ISSUED UNDER

DATE OF JULY 10, 1962

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre South Dakota, December 7, 1956

This is to certify that the foregoing application was received by the Commission at 9:12 o'clock

9 m. upon the 6 day of December, 1956

State Water Resources Commission

By:

J. G. Brinner

Chief Engineer, Executive Officer

Number of permit 275-1

Date of first receipt of application December 6, 1956

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right December 6, 1956

Approved January 17, 1957, Recorded in Book 3, Section V, Page 579

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

January 17, 1958

2nd. The whole of said work is to be completed on or before January 17, 1959

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

January 17, 1960

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.14 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 17, 1960; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 19 day of March, 1957

State Water Resources Commission

By:

J. G. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued September 28, 1959

Water License Issued September 28, 1959

Remarks by State Water Resources Commission:

This permit is a revision of Permit 285-1 issued under date of March 19, 1957, and recognizes an earlier priority for a portion of the irrigated area under the "vested right" section of the South Dakota Water Laws.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 6, 1962

This is to certify that the foregoing application was received by the Commission at 2:15 o'clock a.m. upon the 6th day of December, 1956

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit: 285-1

Date of first receipt of application December 6, 1956

Date of return to applicant for correction, amendments or changes required as follows: 19

Date of receipt of corrected application June 21, 1962

Date from which applicant may claim right 1.42 cfs from April, 1951
72 cfs from December 6, 1956

Approved July 6, 1962, Recorded in Book 3, Section 2 Page 59A

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

2nd. The whole of said work is to be completed on or before

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is completed

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.14 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 July 29, 1959; said water to be used during the following described annual period:

April 1 through November 15

Witness my hand this 6th day of July, 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. CRIMES

Certificate of Construction issued September 28, 1959

Water License issued July 6, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 285-1.

WHEREAS, On the 6th day of December A. D. 1956
M. R. Wilson

of Felle Fourche County of Butte and State of
South Dakota duly made application (No. 285-1) to us for a permit to use 2.14
 cubic feet per second of the waters of the Felle Fourche River
 County of Butte, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 6th day of July A. D. 1962
 revised Permit No. 285-1 was issued to said applicant, acknowledging the
 completion of the works of diversion therein described ~~XXXXXX~~ XXXXXX day of XXXXXX
XXXXXX and for the application to beneficial use of said
 water ~~XXXXXX~~ XXXXXX and, XXXXXX

WHEREAS, On the 29th day of July A. D. 1959
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.14
cubic feet per second of said waters, as evidenced by our Certificate No. 285-1
 dated September 28, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.14 cubic feet per second of water, with date of
 priority of April 1951 and December 6, 1956 and,

WHEREAS, On the 21st day of June A. D. 1962
 proof was duly made of the application to beneficial use of 1.42 cubic feet per second of said water;
 beginning in April 1951, and the remaining 72 cfs bearing a priority of December 6,
 1956. Affidavits submitted in support of this application indicate irrigation
 development of 100 acres was completed in April 1951, and the remaining 50 acres
 upon approval of Permit 285-1.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to M. R. Wilson
of Belle Fourche the holder and owner of said permit No 285-1
a water right, dating from April, 1951 and December 6, 1956 to the use of 2.14
cubic feet per second of the waters of the Belle Fourche River
In the County of Butte and State of South Dakota, or so much thereof as may be
necessray for the purposes here/nbelow mentioned, to be diverted at between a point N28°W 1495', and
a point S16° 45' W, 1378.3' from the N¹ corner, Section 31, T9N, R3E
and conducted to and upon 150 acres in Sections 30 and 31, T9N, R3E, more specifically
described in the Certificate of Completion of works

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 6th day of July A. D. Nineteen
Hundred and sixty two

State Water Resources Commission

By:

J. W. Grimes

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 285-1.Water Division No. 1 Belle Fourche Water District
River**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Mr. M. R. WilsonBelle FourcheCounty of ButteSouth Dakota

and State of

the holder of Permit No. 285-1, Issued upon ApplicationNo. 285-1, bearing date of priority of December 6, 1956, authorizing the diversion of2.14cu. ft. per second of the waters of Belle Fourche RiverCounty of ButteState of South Dakota, between a point N 23° W1495' and a point S 16° 15' W 1378.3' from N 1/4 Corner Sec. 31, T 9N, R 3E on the leftbank of the Belle Fourche River, for irrigationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the work of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.14 cu. ft.

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

to-wit:

SE 1/4 E 1 - 24 ac; SW 1/4 SE 1 - 37 ac; SE 1/4 SW 1 - 6 ac, in Sec. 30, T 9N, R 3E, and
NE 1/4 NE 1 - 39 ac; NW 1/4 NE 1 - 39 ac; NE 1/4 NW 1 - 5 ac - in Sec. 31 T 9N, R 3E.Witness my hand this 28th day of SeptemberA. D. 1959.

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

10. Remarks:

PROOF OF PUBLICATIO

STATE OF SOUTH DAKOTA }
County Butte } ss.Laurence Wyler being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

The Daily Belle Fourche Post a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Belle Fourche County of Butte and State of South Dakota,

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

Dec 12, 1956Dec 19, 1956Dec 27, 1956Jan 3, 1957in each and every issue of the full number thereof, the first publication being made on the 12 day of Dec1956 and the last publication on the 3rd day ofJanuary 1957, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Laurence Wyler the printer and publisher of the said newspaper.No. 285-1
APPROPRIATION OF WATER
Office of State Water Resources

Commission, Pierre, S. Dak. December 7, 1956

Notice is hereby given that M. R. Wilson whose postoffice address is Belle Fourche, 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 2.14 cubic feet of water per second of time from the Belle Fourche River through the M. C. Wilson Irrigation Project, the point of diversion of which is to be located on the northeasterly bank of said stream between a point in the SE 1/4 SW 1/4 Sec. 30, and a point in the NE 1/4 NW 1/4, Sec. 31, all in Twp. 9N, Range 3E. Said water to be used for the purpose of providing irrigation on the following described land:

Parts of the S 1/4, Sec. 30 and N 1/4, Sec. 31, T9N, R 3E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of January, 1957, at 2:00 P. M. All interested persons may appear and be heard.

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

State Water Resources
CommissionBy: Les Wyborny,
Water Right EngineerFor: J. W. Grimes,
Chief Engineer,
Executive Officer

P D12-19-27 J-3

Subscribed and sworn to before me this 3rd day of January A. D. 1957RECEIVED
JAN 14 1957STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTANotary Public Butte County, S. D.Notary
My Co.

Permit No. 285-1

Water Division No. _____ Water District _____

NOTICE OF COMPLETION OF WORKS

(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. C.) BELLE FOURCHE, S. DAK.(Date) August 22 - 1952

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 2.14 cubic feet ~~maximum~~ of the waters of the state from Belle Fourche River through the M. R. Wilson 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 M. R. Wilson
2. The postoffice address of such person or the place of business of such corporation is Belle Fourche, County of Butte State of South Dakota
3. The number of such permit is 285-1 and the date set for the completion of such work is January 17, 1959
4. Said water to be used for irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.14 cubic feet per second.
6. The amount of land for which said water is available is 150 acres, particularly described as follows: Southeast Quarter of the Southeast Quarter, Southwest Quarter of the Southeast Quarter, Southeast Quarter of the Southwest Quarter of Section 30; Northeast Quarter of the Northeast Quarter, Northwest Quarter of the Northeast Quarter, and the Northeast Quarter of the Northwest Quarter of Section 31, Township 9 North, Range 3 East, E. H. M.

(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.

Engineer.

(Signature)

W. B. Wilson

RECEIVED
(SEP 17 1952)

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) ss.

A F F I D A V I T

WENDELYN RICHTER being first duly sworn on oath states: That he is well acquainted with the following described real estate, to-wit:

South Half of the Southeast Quarter of Section 30, except 9.56 acres deeded to U. S. A. for drainage canal, deed recorded Book 16, page 295; North Half of the Northeast Quarter of Section 31; all that portion of the Southeast Quarter of the Southwest Quarter of Section 30; and, the Northeast Quarter of the Northwest Quarter of Section 31, Township 9 North of Range 3 East, being and lying East of the Belle Fourche River, containing 170 acres more or less, Butte County, South Dakota,

and that he has been acquainted with this real estate since prior to February 2, 1951, when his mother, Marianna Richter, purchased the land from J. E. Durr on a contract, and later which contract was on the 13th day of February, 1954, assigned to your affiant. That at all times since the affiant's mother, Marianna Richter, purchased said land in 1951 until January 5, 1956, when the affiant sold said real estate to Marion R. Wilson that said land was irrigated by the pumping of water from the Belle Fourche River. That the point where the water was pumped is shown on a paper which has been shown to me and identified as "Marion Wilson Exhibit A" and that the water was pumped to said premises from the point on Exhibit "A" shown by a large "X", and that the water being pumped from said Belle Fourche River into a ditch at the point of "X" and on to the said land, and that approximately 100 acres were irrigated from the said River and that such irrigation was done each year from 1951 through the irrigation season of 1955.

Wendelyn Richter
Wendelyn Richter

Subscribed and sworn to before me this 8 day of August, 1961.

James M. McNamee
Notary Public

SEAL

RECEIVED
SEP 20 1961
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA)
COUNTY OF BUTTE) ss.

A F F I D A V I T

MARIANNA RICHTER being first duly sworn on oath states: That she is well acquainted with the following described real estate, to-wit:

South Half of the Southeast Quarter of Section 30, except 9.56 acres ceded to U. S. A. for drainage canal, deed recorded Book 16, page 295; North Half of the Northeast Quarter of Section 31; all that portion of the Southeast Quarter of the Southwest Quarter of Section 30; and, the Northeast Quarter of the Northwest Quarter of Section 31, Township 9 North of Range 3 East, being and lying East of the Belle Fourche River, containing 170 acres more or less, Butte County, South Dakota,

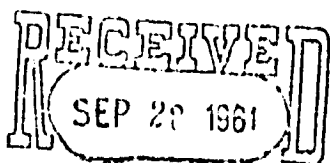
and that she has been acquainted with this real estate since prior to February 2, 1951, and for many years before that date, when she purchased the land from J. H. Durr, and that to her knowledge from 1951, and some years prior, until her son who purchased the real estate from her sold the land in 1956, said lands were irrigated from the Belle Fourche River as shown on the Marion Wilson Exhibit A shown to her by the pumping of water from the Belle Fourche River. That the point where the water was pumped is shown on a paper which has been shown to me and identified as "Marion Wilson Exhibit A", and that the water was pumped to said premises from the point on Exhibit A and that the water being pumped from said Belle Fourche River into a ditch at the point marked "X" on the Marion Wilson Exhibit A and on to the said land, irrigated approximately 100 acres from the said River and that such irrigation was done each year through the irrigation season of 1955.

Marianna Richter
Marianna Richter

Subscribed and sworn to before me this 5th day of August 1961.

James H. H. H.
Notary Public

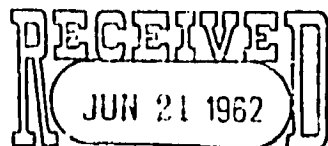
SEAL



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Location No. _____

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Marion R. Wilson, Belle Fourche, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Not applicable

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. December 7, 1956

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

Ans. Belle Fourche River

Ques. 5. Describe your works of diversion giving length and height of each dam 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, and date of completion of same.

Ans. Pump and system of ditches. Water is pumped out of Belle Fourche River and then into pipes of system of ditches.

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

Ans. Irrigation of crops - 100 acres. Southeast Quarter of the Southeast Quarter, Southwest Quarter of the Southeast Quarter and Southeast Quarter of Section 30; Northeast Quarter of the Northeast Quarter, Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 31, Township 9 North, Range 3 East, B. H. M., Butte County, South Dakota.

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

Ans. Not applicable

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

Ans. 1 3/7ths cubic feet per second

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. Not applicable

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

Ans. This land was first irrigated to the best of affiant's knowledge, information and belief on April 15, 1951; that the irrigation system was being prepared starting February 2, 1951 but actual water taken from the river in April of 1951. That Wendelyn Richter purchased the property February 2, 1951 and immediately started preparing the same for irrigation.

(Sign) Maxim R. Shlain

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 Belle Fourche, County of Butte

State of South Dakota, on this 18th day of June A. D. 19 52

Maxim R. Shlain } Witnesses.
Wendelyn Richter

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water _____ c. f. s.	
Source _____	
County _____	
Purpose _____	
Place of Use _____	
Date of recording _____	
Received and filed _____	

Permit No. 285-1Water Division No. 1 Belle Fourche Water District
River**Certificate of Examination of Works****Report of Examining Engineer**

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

~~Dear Sirs: I hereby certify that in accordance with your letter of authorization dated XXXXXXXXXXXXXXXX~~
 1956, I have this day made a thorough examination of the diversion works constructed by Mr. M.R. Wilson
Mr. M.R. Wilson of Belle Fourche
Belle County, South Dakota, holder of Permit No. 285-1, issued
 upon Application No. 285-1, bearing date of priority of December 6, 1956, authorizing the
 diversion of 2.14 cu. ft. per second 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: Parkeley 6" VCL pump with International Motor Model
122 rated at 31 horse power with 1.66 miles of ditches of sufficient capacity
to carry water claimed in Permit.

and the system is in the following condition:

The point of diversion is located between a point N 28°W 1495' from the N¹ Corner Sec. 31
and a point S 16° 15'W 1378.3' from N¹ Corner, Sec. 31, T 2N, R. 3E on the left bank of the
Belle Fourche River.

The works are capable of diverting and conveying to the place of use 2.14 cu. ft. per second of water,
 which is to be used for irrigation

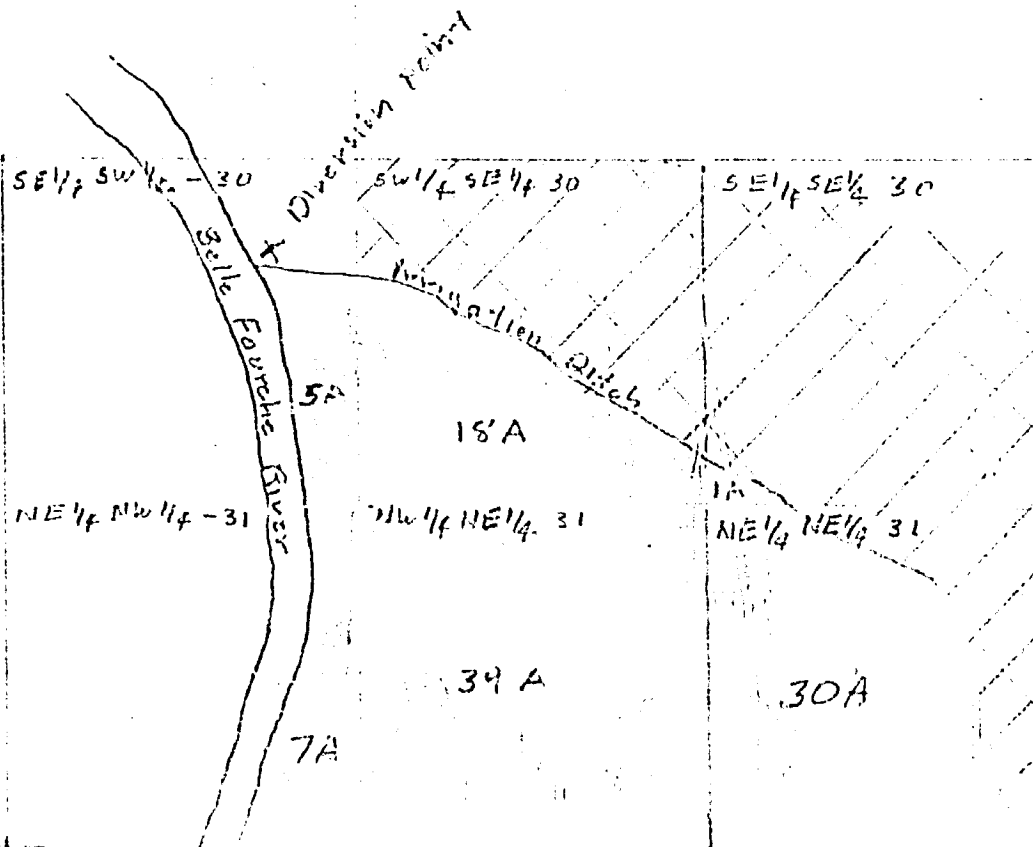
The legal sub-divisions to be irrigated are:

comprising a total of 150 acres of land.The domestic use intended comprises NoneThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 29th day of July, A. D. 1957.

—SEAL—

Les Wyborny
 Les Wyborny, Examining Engineer.
 By R.F.J. R.F.J.

T9N R3E



COPY



NO. _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Sept 24 80

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

Butte 31 9N 3E 34 Acres

Butte 30 9N 3E 81.74 Acres

formerly owned by Joe & Deryce Reed

has been transferred to Edgar Colin Smart

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 285-1 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 the Board of Water Management 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 Arizona)
SOUTH DAKOTA) ss.

County of Glenn

I, EDGAR COLIN SMART 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 25 Day of September, 1980

My Commission Expires 8-9-82

[Signature]
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7713

PIERRE, September 20, 1980

RECEIVED OF E. Colin Smart, 1910-11th Ave., Belle Fourche, SD 57717
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		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for transfer of WR# 285-1 (any other work as provided by law)		2.50
TOTAL		2.50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *EV*



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division (605) 771-5622

June 10, 1981

Edgar Collin Smart
1910 11th Street
Belle Fourche, SD 57717

Mr. Smart:

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>Acres</u>	<u>Fee</u>
285-1	2.14 cfs	150.00	\$67.50
TOTAL			\$67.50

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
JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gjy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

No 4 8351

State of South Dakota

PIERRE, June 29, 1981

RECEIVED OF E. Colin Smart, 1910 11th Ave, Bella Fourche SD 57717

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 Water master services on WR# 285-1	67	50
(any other work as provided by law)		
TOTAL	67	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH *(Signature)*

285-1

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	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmeyer	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
417-1P	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.	2.15	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	43.25	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	4.83	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 Halbraier	2.50	175.00	73.75	65.28
1165-1	Tom Bower	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 Schumler	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
1977-1	Charles M Arneson	1.44	131.00	52.75	46.69
155-1	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	Rayona McFarland	0.97	68.00	27.00	23.90
370-1	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 Isray(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	73.75	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	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 J Rathbun	2.20	154.00	66.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

May 3, 1982

John Widdoss
Inter Mountain Ranch Exchange, Inc.
Belle Fourche SD 57717

Dear Mr. Widdoss:

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.

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

July 7, 82

E. COLIN SMART, M.D.
208 S CRESCENT DR.
CHANDLER, ARIZONA 85224
(602) 899-6355

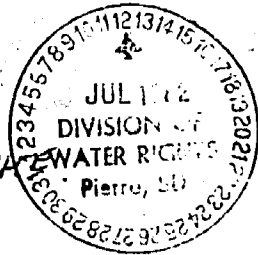
I have sold my Belle
Fonche S.D. property
under contract & the
new owner is

Matt. PERCARE
RR 1.

Belle Fonche S.D.

Please send this
information & any other
to him.

E. Colin Smart, M.D. —



Water Rights Division - DWR
Conversation or File Documentation

File No. 285-1

NAME OF PERSON ~~OR FILE~~: Matt Persche

ADDRESS: RR #1, Belle Fourche COUNTY Butte

DATE: 10/25/83 TELEPHONE 892-3091

RE: letter dated 7/7/82 from Mr. Smart concerning sale of land

COMMENTS:

Mrs. Persche stated they only had a lease on
property - lease has reverted back to Edgar Colvin
Smart. Questionnaire should still be sent
to Mr. Smart.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Sennly

285-1

WATER RIGHTS DIVISION
(605) 773-3352

August 11, 1986

Mike McIlahon, Attorney
618 State Street
Belle Fourche, South Dakota 57717

Dear Mr. McIlahon:

This letter is in response to our telephone conversation on August 11, 1986.

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

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

BENNETT & MAIN
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

DONN BENNETT
MAX MAIN
NEIL CARERUD

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

August 26, 1986

Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

ATTN: Ron Duvall

RE: Notice of Transfer of Water Permit;
Our File #C1961.002.

Dear Ron:

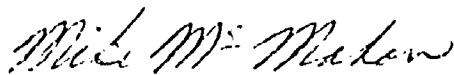
Please find enclosed the original Notice of Transfer of Water Permit we spoke about several days ago. As you can see, the Smarts have transferred the water permit back to the Reeds.

You are hereby requested to file this permit in the appropriate file at the Division of Water Rights. Also enclosed is a check in the amount of \$2.50 to serve as the filing fee for this task.

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

Sincerely,

BENNETT & MAIN, P.C.



Mike McMahon,
Legal Assistant

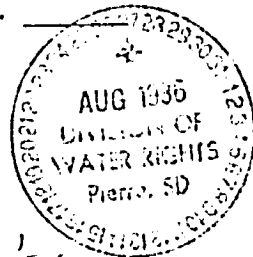
MMc/ra

Encs.

cc: Mrs. Deryce Reed

Mr. Wesley W. Buckmaster

NO.



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Aug 19 '86

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

SEE ATTACHMENT

formerly owned by E. Colin Smart and Celia Smart 1703 8th Ave.
has been transferred to Joe S. Reed and Deryce M. Reed, Belle Fourche, SD 57717
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 285-1 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 Div. 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.

ARIZONA
STATE OF ~~ARIZONA~~)
County of Maricopa) ss.

I, SMART E. C. & Celia 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.

x E. Colin Smart
E. Colin Smart

x Celia Smart
Celia Smart (Signed)

Subscribed and sworn to before me this 19 Day of August, 1986.

Dorinda C. Littlejohn
(Notary Public)

TOWNSHIP 9 NORTH, RANGE 3 EAST, D.H.M.:

- Sec. 30: South Half of the Southeast Quarter, except 9.56 acres deeded to the USA for drainage canal as shown by Deed recorded in Book 16, Page 295, Office of the Register of Deeds of Butte County; and all that portion of the Southeast Quarter of the Southwest Quarter being and lying East of the Belle Fourche River.
- Sec. 31: North Half of the Northeast Quarter; and all that portion of the Northeast Quarter of the Northwest Quarter lying East of the Belle Fourche River.

RECEIPT

Division of Water Rights

410535

South Dakota Department of Water and Natural Resources

Pierre, August 27, 1986

19

RECEIVED OF Bennett & Main, Attorney at Law for Joe & Darcye Seed, 1705 8th Ave, Belle Fourche
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Permit No. 283-1	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (1)

No. 285-1

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

September 3, 1986

Bennett & Main
Attorney at Law
1703 8th Avenue
Belle Fourche, South Dakota 57717

RE: Transfer of Water Permit for Joe S. and Deryce H. Reed

Dear Sir:

Enclosed is receipt No. 410535 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 285-1.

Our records now show Joe S. & Deryce H. Reed
~~you~~ as the owners of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right

NO. 285-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 4, 1987

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

SEE ATTACHMENT

JOE S. REED & DERYCE M. REED, 1703 8th Avenue, Belle Fourche, SD 57717
formerly owned by _____
WILMER P. HUMANN & GEORGIA A. HUMANN, husband and wife, as jt wros,
has been transferred to 619 Custer, Belle Fourche, SD 57717 & not as tenants
(please include complete mailing address) in common
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 285-1 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 Div. 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 BUTTE) ss.

I, DERYCE M. REED 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.

Deryce M. Reed
DERYCE M. REED (Signed)

Subscribed and sworn to before me this 17th Day of MARCH, 19 87.

[Signature]
(Notary Public)

MY COMMISSION EXPIRES: 6-1-90

(NOTARY SEAL)

WNR-820-9/83
Notice of Transfer of Water Permit

245-1

TOWNSHIP 9 NORTH, RANGE 3 EAST, B.H.M.:

- Sec. 30: South Half of the Southeast Quarter, except 9.56 acres deeded to the USA for drainage canal as shown by Deed recorded in Book 16, Page 295, Office of the Register of Deeds of Butte County; and all that portion of the Southeast Quarter of the Southwest Quarter being and lying East of the Belle Fourche River.
- Sec. 31: North Half of the Northeast Quarter; and all that portion of the Northeast Quarter of the Northwest Quarter lying East of the Belle Fourche River.

REGISTERED

DATE RECORDED

CAMERA OPERATOR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 20, 1977

RECEIVED OF Joe S. or Maryce Reed, 1702 5th Ave., Belle Fourche, SD 57717 for
the following amount in fees for services rendered as provided for by law: Wilmer or Georgia Humann, 112 S. 2nd St., Belle Fourche SD 57717

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>235-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (CS)

No. 285-1



**Department of
Water & Natural Resources**

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

March 23, 1987

Joe S. or Deryce Reed
1703 8th Avenue
Belle Fourche, South Dakota 57717

Dear Mr. Reed:

Enclosed is receipt No. 410790 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 285-1.

Our records now show ~~as~~ ^{Wilmer P. and Georgia A. Humann} as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



Department of Water & Natural Resources

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

February 8, 1989

WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE, SD 57717

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 285-1. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD.

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

1. Amend Permit No(s). 285-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,

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



PS Form 3811, Dec. 1980

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
☒ Show to whom and date delivered —#
☐ Show to whom, date, and address of delivery.. —C
2. ☐ **RESTRICTED DELIVERY** —C
(The restricted delivery fee is charged in addition to
the return receipt fee.)

UNITED STATES POSTAL SERVICE
FIRST CLASS PERMIT NO. 1000 NEW YORK, NY 10001
BELL TOWER, SD 10001

RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

4. TYPE OF SERVICE: ☒ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL		ARTICLE NUMBER P 321 925 761
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent 		
5. DATE OF DELIVERY JAN 15 1981		POSTMARK
6. ADDRESSEE'S ADDRESS (Only if requested) 		
7. UNABLE TO DELIVER BECAUSE: 		7a. EMPLOYEE'S INITIALS

 **Department of
Water & Natural Resources**

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

February 15, 1989

285-1

Wilmer & Georgia Humann
RR #1 Box 247
Belle Fourche, SD 57717

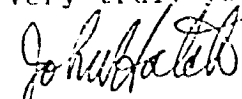
Dear Mr. & Mrs. Humann:

I am writing in regard to your 1938 Irrigation Questionnaire for Water Right No. 285-1, and the February 8, 1989 Notice of failure to submit the 1988 Questionnaire. At your request, Genny McMath completed the Questionnaire following the February 14, 1989 telephone conversation with you. Your name has been deleted from the March Water Management Board meeting agenda.

During the telephone conversation, you asked about moving your pump site along the Belle Fourche River. You may move the pump site provided you stay within the boundaries specified on your water right. Enclosed is a copy of Water Right No. 285-1 for your review.

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

Very truly yours,



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



 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

285-1

July 12, 1990

NOTICE OF SHUT OFF ORDER

TO: Wilmer Humann
Rt 1, Box 247
Belle Fourche SD 57717

FROM: Delvin D. Brosz, P.E. *Delvin D. Brosz*
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Shut Off Order, Effective Immediately.

Due to the lack of natural flows in Belle Fourche River, you are ordered to cease any diversion from the Belle Fourche River until the natural flow in the river improves.

Present flows in the river are water being bypassed by the Belle Fourche Irrigation District for downstream domestic users and water purchased by the Belle River Pumpers Association.

If flow conditions do improve, notices will be issued, based on senior priority dates, to allow pumping from the river.

If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605)773-3352.

cc: Belle Fourche Irrigation District
Belle River Pumpers Association, c/o Thornton Vallery

CERTIFICATION

I hereby certify that on July 12, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order for Water Right No. 285-1 addressed as stated on the notice with a copy sent to:

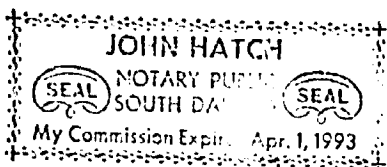
Belle Fourche Irrigation District
PO Box 225
Newell SD 57780

Belle River Pumpers Association
c/o Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of July, 1990.



John Hatch
Notary Public

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

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

August 2, 1990

285-1

RESCISSION OF SHUTOFF ORDER

TO: Wilmer Humann
Rt 1, Box 247
Belle Fourche SD 57717

FROM: Delvin D. Brosz, P.E. *Delvin D. Brosz*
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

SUBJECT: Rescission of July 12, 1990 Shutoff Order to Belle
Fourche River Water Right Holders

Since the flows in Belle Fourche River have improved and the Belle River Pumpers Association is not ordering water from Keyhole Reservoir. I am rescinding the July 12, 1990 shutoff order, effective immediately.

Diversion of water from Belle Fourche River must be based on priority date. Flows must still be bypassed for downstream domestic use.

If you have any questions, please contact Rassool Ahadi, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, Phone (605) 773-3352.

cc: Belle Fourche Irrigation District
Belle Fourche Pumpers Association, c/o Thornton Vallery

CERTIFICATION

I hereby certify that on August 2, 1990 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Recission of Shutoff Order for Water Right No. 285-1 addressed as stated on the notice with a copy sent to:

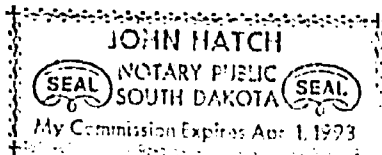
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Belle River Pumpers Association
c/o Thornton Vallery
HCR 76, Box 188
Nisland SD 57762

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) S.

Sworn to, before me, this 2nd day of August, 1990.



John Hatch
Notary Public



285-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE SD 57717

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 285-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-25. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 285-1 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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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

SENDER:

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee

3. Article Addressed to:

WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE, SD 57717

4a. Article Number

PAID 557 701

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

Georgia Humann

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

PS Form 3811, November 1990

*U.S. GPO: 1991-287-000

DOMESTIC RETURN RECEIPT



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

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
FELLE FOURCHE, SD 57717

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *[Signature]*

SUBJECT: Amendment to Water Permit No(s). 285-1

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board has amended Water Permit No(s). 285-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.



235-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE SD 57717

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 285-1

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 285-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 285-1 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 285-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Wilmer P/Klorgia A. Humann
RR1 Box 247
Belle Fourche SD 57717

2851

4a. Article Number

P 906 500 181

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ CDD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

FEB 1 1993

5. Signature (Addressee)

Klorgia A. Humann

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

285-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 1993

285-1

Wilmer & Georgia Humann
RR #1 Box 247
Belle Fourche, SD 57717

Dear Mr. & Mrs. Humann:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 285-1. You may disregard the January 29, 1993 Notice of Violation of Water Right No. 285-1.

The questionnaire was received prior to the Water Management Board Meeting and your name has been deleted from the agenda. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

Permit No. 285-1

Water District: Belle Fourche

Report Of Examination Of Works And/Or Application of Water To Beneficial Use:

I have this day made a thorough examination of the water use system operated by Wilmer P./Georgia A. Human of RR1, Box 247, Belle Fourche, SD 57717

holder of Permit No. 285-1, bearing the priority of April 1951 and December 6, 1956 authorizing the diversion of 2.14 cu.ft. per second the waters of Belle Fourche River for irrigation purposes, in Butte County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Pump: Rainmaster, 650 gallons per minute capacity.

Motor: IH tractor, 45 horse power.

B. Works used to transport water to place of use:

1.5 miles of earthen irrigation ditches

200 feet of 6 inch Aluminum pipes.

C. Works used to apply water to beneficial use:

Water is applied to the land using gravity system of irrigation.

The system is in the following conditions: Good The point of diversion is located #1: approximately 860 feet north, 200 feet east from the Southwest corner of Section 30 (SE1/4 SW1/4); #2: Approximately 1320 feet south, 2150 feet east from the Northwest corner of Section 31 (NE1/4 NW1/4), all in T9N-R3E. and points between.

The works are capable of diverting and conveying to the place of use 1.4 cu.ft. per second of surface water which is to be used for irrigation.

Water has been put to beneficial use to the maximum extent as follows: All in T9N-R3E

Section 30:

Section 31:

SE1/4 SW1/4 4.5 acres

NE1/4 NW1/4 1.8 acres

SW1/4 SE1/4 24.1 acres

NW1/4 NE1/4 37.0 acres

SE1/4 SE1/4 18.5 acres

NE1/4 NE1/4 36.6 acres

comprising a total of 124.5* acres of land and the license should be issued for 1.45 cfs.

Application permit qualifications have been complied with X Yes No

Exceptions to compliance are: None

Date: 5/18/92

M. Rassool Ahadi

M. RASSOOL AHADI

Natural Resources Engineer III

DENR, Water Rights Division

* the following acreage has the April 1951 priority date:

Section 30:

Section 31:

SE1/4 SW1/4 4.5 acres

NE1/4 NW1/4 1.8 acres

SW1/4 SE1/4 16.0 acres

NW1/4 NE1/4 37.0 acres

SE1/4 SE1/4 1.0 acres

NE1/4 NE1/4 27.2 acres

comprising a total of 87.5 acres for a diversion rate of 1.02 cfs.

The following acreage has the December 6, 1956 priority date:

Section 30:

Section 31:

SW1/4 SE1/4 10.1 acres

NE1/4 NE1/4 9.4 acres

SE1/4 SE1/4 17.5 acres

comprising a total of 37.0 acres for a diversion rate of 0.43 cfs.

REPORT ON INSPECTION OF PERMIT NUMBER 285-1

DATE 5/18/92

Other permit(s) associated with the project None

DIVERSION POINT LEGAL LOCATION: Points between SE1/4 SW1/4 Section 30 and NE1/4 NW1/4 Section 31, T9N-R3E.

e) Motor:

1) make IH

2) model No. NA

3) horsepower rating 45 HP

c) Pump

1) make Rainmaster

2) model PO-6H-120

3) size 6 inches

4) capacity 650 GPM

5) turbine pump - No. of stages

6) operating pressure PSI

DISTRIBUTION LINES OR CANALS:

a) type Aluminum

b) size 6 inches

c) length 200 feet

Also approximately 1.5 miles of earthen ditches, 3.5 feet deep, 3.5 feet wide, are used to distribute water to the land.

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y (Y/N)

**STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 285-1**

(1) M.R. Wilson, of Belle Fourche, SD 57717 was issued Water License No. 285-1, July 6, 1962, for a water right to appropriate 2.14 cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Permit No. 285-1, with priority dates of April 1951 and December 6, 1956 was issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On March 20, 1987, Water Right No. 285-1 was transferred to Wilmer P and Georgia A Humann.

On May 5, 1992, a field inspection was conducted of the water use system and the extent of irrigation done under Water Right No. 285-1. The water license is being reissued to reflect the acreage actually irrigated.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.45 cubic feet of water per second for beneficial use. The location of the diversion points are between points - #1 - approximately 860'N and 200'E of the SW corner of Section 30 (SE $\frac{1}{4}$ SW $\frac{1}{4}$); #2 - approximately 1320'S and 2150'E of the NW corner of Section 31 (NE $\frac{1}{4}$ NW $\frac{1}{4}$), all in T9N, R3E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

LEGAL DESCRIPTION	PRIORITY DATE
SECTION 30	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.5 acres	April, 1951
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 26.1 acres	16.0 acres - April, 1951; 10.1 acres - December 6, 1956
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 18.5 acres	1.0 acre - April, 1951; 17.5 acres - December 6, 1956
SECTION 31	
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1.8 acres	April, 1951
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 37.0 acres	April, 1951
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36.6 acres	27.2 acres - April, 1951; 9.4 acres - December 6, 1956
TOTAL 124.5 ACRES	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wilmer P and Georgia A Humann of RR #1 Box 247, Belle Fourche, SD 57717 the holders and/or owners of Water Right No. 285-1 is issued a license to appropriate water, the right to use 1.45 cubic feet of water per second from the Belle Fourche River with priority dates of April 1951 (1.02 cfs) and December 6, 1956 (0.43 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 285-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 16 1991
date

285-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 15 1994

285-1

Wilmer P. and Georgia A. Humann
RR 1, Box 247
Belle Fourche, SD 57717

Dear Mr. and Ms. Humann:

Enclosed is Reissued Water License No. 285-1. The water license was reissued to reflect the acreage actually irrigated.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures



285-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE SD 57717

NOTICE

RE: Violation of Water Permit No 285-1.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 285-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 285-1 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 285-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN?

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

285-1

WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE, SD 57717

4a. Article Number

P 757 566 376

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

FEB 22 1995

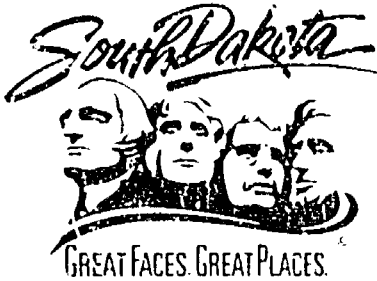
5. Signature (Addressee)

Georgia Humann

6. Signature (Agent)

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

Thank you for using Return Receipt



285-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 14, 1995

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Wilmer P & Georgia A Humann, RR #1 Box 247, Belle Fourche, SD 57717

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352 

SUBJECT: One Year Suspension of Water Right No. 285-1

Pursuant to the provisions of the notice dated February 7, 1995, and following the hearing of March 8, 1995, the Water Management Board has ordered:

That Water Right No. 285-1 be suspended until December 31, 1995. Suspension of the water right does not excuse the water right holder from the requirement to submit the 1994 Irrigation Questionnaire.

Suspension of a water right or permit means water may not be pumped during the 1995 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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



February 4, 1997

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: WILMER P/GEORGIA A HUMANN, RR 1 BOX 247, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 285-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 285-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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

ADDRESS CORRECTION REQUESTED

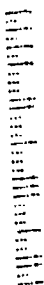
CERTIFIED

P 378 081 364

MAIL

WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE SD 57717

RECEIVED
DEPT. OF ENVIRONMENT & NATURAL RESOURCES
PIERRE, S.D. 57501-3181
JAN 21 1997



2-5-97
2-2-10
2-2-0

See reverse side for instructions on how to use this form.

See reverse side for instructions on how to use this form.

SENDER:

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

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

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

WILMER P/GEORGIA A HUMANN
RR 1 BOX 247
BELLE FOURCHE SD 57717

4a. Article Number

P 378 081 364

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

Is your RETURN

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



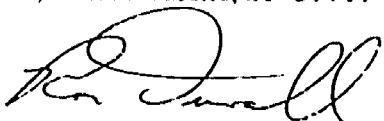
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1997

NOTICE

TO: Wilmer P & Georgia Humann, RR 1 Box 247, Belle Fourche, SD 57717

FROM: Ron Duvall, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division 

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 285-1

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you February 5 and February 10, 1997 to pick up and sign for the certified mail.

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

enclosure

CERTIFICATION

I hereby certify that on February 21, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 21, 1997, regarding Unclaimed Certified Mail Concerning Violation of Water Permit No. 136-1 (Mauvee Moore, Cinch Buckle Ranch), and Water Permit No. 285-1 (Wilmer P. & Georgia Humann), addressed as stated below:

W.P. #136-1: Mauvee Moore, Cinch Buckle Ranch, RR 2, Box 2660, Belle Fourche, SD 57717.

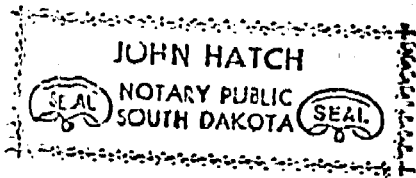
W.P. #285-1: Wilmer P. & Georgia Humann, RR 1, Box 247, Belle Fourche, SD 57717.

Karen Schlaak

Karen Schlaak
Environmental Scientist

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of February, 1997



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 28, 1997

285-1

Wilmer & Georgia Humann
RR 1 Box 247
Belle Fourche, SD 57717

Dear Mr. & Mrs. Humann:

I am contacting you regarding your responsibility as holders of Water Right No. 285-1. Each year, irrigation questionnaires are mailed out from our office to irrigators throughout the State to report water use. Irrigators are required to accurately complete and return the annual questionnaire or be subject to suspension or possible cancellation of their water right.

The 1996 irrigation questionnaire was mailed out to you in October, 1996. The form was not received and a notice was mailed to you dated February 4, 1997, scheduling the violation for hearing before the Water Management Board. The February 4th notice was returned by the post office marked "unclaimed". The matter would have been rescheduled for hearing, however I realized after reviewing the notice that it did not accurately reflect the action the Board would be taking at the hearing. The Water Management Board could have suspended your water right for a period of up to three years.

In 1992, an investigation of your water use system was conducted. At that time, you pumped water from the Belle Fourche River into aluminum pipe and then into ditches using a gravity type irrigation system. If you have changed your irrigation system or no longer irrigate, please get in touch with me.

The 1997 irrigation questionnaires will be mailed out to irrigators across South Dakota in October. Please take the time to complete the form and return it to our office. If you have questions or concerns when completing the form, please call or write to me.

Sincerely,

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



January 9, 1998

285-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: WILMER P/GEORGIA A HUMANN, RR 1 BOX 247, BELLE FOURCHE, SD 57717

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 285-1. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s), be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 285-1 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation, of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 285-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

285-1

SENDER: ■ Complete item 1 and/or 2 for additional services. ■ Complete item 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: WILMER P/GEORGIA A HUMANN RR 1 BOX 247 BELLE FOURCHE SD 57717		4a. Article Number 119 141 233	
5. Received By: (Print Name) Georgia Humann		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
6. Signature (Addressee or Agent) Georgia Humann		7. Date of Delivery JAN 12 1998	
		8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1994

102595-97-B (11-79) Domestic Return Receipt

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 1998

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: WILMER P/GEORGIA A HUMANN, RR 1 BOX 247, BELLE FOURCHE,
SD 57717

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Three Year Suspension of Water Right No. 285-1

Pursuant to the provisions of the notice dated January 9, 1998, and following the hearing of February 25, 1998, the Water Management Board has ordered:

That Water Right No. 285-1 be suspended until December 31, 2000, for failure to submit the 1997 irrigation questionnaire.

Suspension means water may not be pumped during the 1998, 1999 or 2000 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1997 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6, 1998, in Pierre, SD. The letter should include your reasons for not completing the 1997 irrigation questionnaire.

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

CERTIFICATION

I hereby certify that on March 2, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 2, 1998, regarding Three Year Suspensions of the following Water Rights/Permits until December 31, 2000, for failure to submit the 1997 irrigation questionnaire, addressed as stated below:

W.R. #285-1: Wilmer P./Georgia A. Humann, RR 1, Box 247, Belle Fourche, SD 57717.

W.R. #321-1: Clarence & Lawrence Foos, HCR 76, Box 120, Nisland, SD 57761.

W.R. #'s 529-1, 530-1: Rod Anders, HC 86, Box 33, Elm Springs, SD 57736-9510.

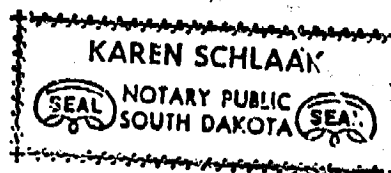
W.P. #978-2: Robert Christensen, HCR 81, Box 47, Kennebec, SD 57544.


Cheryl F. Frost
Secretary

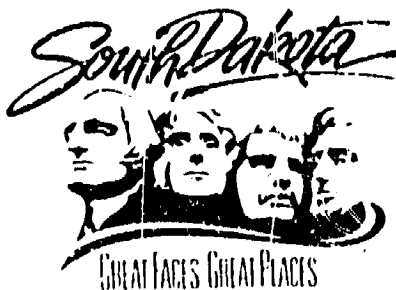
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 1998


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 19, 2002

285-1

Humann Family Trust
821 Lawrence
Belle Fourche SD 57717

Dear Sir:

I am contacting you in regard to ownership of land described in Water Right No. 285-1. The water right is currently listed in the names of Wilmer & Georgia Humann. Enclosed is a copy for your review.

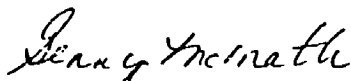
Our last correspondence to Wilmer and Georgia was mailed to RR 1 Box 247 in Belle Fourche. The register of deeds office in Butte County shows the land to be in a "family trust". Our question is should the water right be transferred to reflect different ownership or should it still be listed in the current names.

In the event an ownership change is needed, I have enclosed a partially completed Notice of Transfer of Ownership form. Please review the form and complete the areas that are blank. A \$2.50 filing fee is required and should be submitted with the transfer form. The check or money order for the fee should be made payable to the "Water Rights Program".

We are still in need of the 2001 irrigation questionnaire. The form was not returned last year most likely because we could not find a correct address to mail it to. Enclosed is the questionnaire that should be filled out and returned to our office. The 2002 irrigation questionnaires will be mailed out to you in October.

If I can answer any questions for you, please give me a call. Also, if I should be directing my correspondence to another address, let me know.

Sincerely,


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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Delbert Goodwin, 11782 Snoma Rd, Fruitdale SD 57717

DATE: July 19, 2004

TELEPHONE: 605 892-3047

RE: Irrigation of land described in No. 285-1

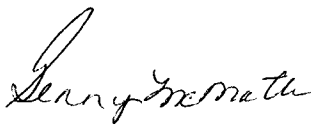
COMMENTS:

Efforts to contact the owners of the property have been unsuccessful. Don Stroup visited the area and found that Delbert Goodwin farms the land for Wilmer & Georgia Humann.

I contacted Mr. Goodwin who confirmed that the land is still irrigated and he has farmed the land for Humann's for a long time. He says typically he irrigates the land in the fall to prepare for next spring.

Mr. Goodwin said we could mail any correspondence to him and he would take care of it.

The past few year's records for No. 285-1 do not accurately reflect what went on as far as irrigation since Wilmer and Georgia Humann did not return questionnaires and had refused most correspondence we tried to send. Until this summer, we were not aware the land was being leased by someone else so did not mail questionnaires to the person responsible for the irrigation.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 2004

285-1

Delbert Goodwin
11782 Snoma Rd
Fruitdale SD 57717

Dear Mr. Goodwin:

Thank you for taking the time to visit with me today about the water right held by Wilmer and Georgia Humann. I have enclosed a copy for your review.

Each year, we mail our irrigation questionnaires to all irrigators in the state with the exception of those who use water spreading systems. The information supplied by the irrigators is one of the tools we use to help manage the water resources of the state. The data supplies us information on how much water is used from a particular water source and develops a history of water use in South Dakota.

Unfortunately, the Humann's have been less than diligent about returning the questionnaires. Submission of the annual form is a qualification on their water right. Failure to return the questionnaire caused the water right to be suspended for the 1995 season for failure to return the 1994 questionnaire. Failure to return the 1997 questionnaire was the second violation of the water right and caused a three year suspension (1998, 1999 and 2000). Suspension of the water right meant no irrigation was to have taken place during those crop years. Failure to return future questionnaires would be the third violation of the water right and could result in cancellation of the water right.

I am enclosing the copy of the 2003 questionnaire for No. 285-1. This will give you an idea of what type of information to keep track of during the crop season (you do not have to return this one). Next October, we will mail out the 2004 questionnaire to complete. The forms can be returned by regular mail, faxed to us, the information can be called in and I will fill out a form for you or if you have internet access, they can be downloaded for use or completed online and submitted electronically.

Thanks again for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

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

285-1

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 285-1, Wilmer Humann

ADDRESS: 826 9th Ave., Belle Fourche SD 57717 COUNTY: Butte
DATE: August 18, 2004 TELEPHONE:

RE: Call from Mr. Humann

COMMENTS:

Mr. Humann called regarding Water Right No. 285-1 which authorizes irrigation from the Belle Fourche River. He said his brother heard that a state person was in the area and said the water right was likely subject to cancellation.

After discussion the issue for quite awhile I learned that this land is and has been irrigated (with the exception of the past two years) with water from the Belle Fourche Irrigation District. Mr. Wilmer has a pump in place and the river and could irrigate from the river if they didn't get a sufficient allotment from the District. In the past years, they have gotten sufficient water from the District so there has been no reason to utilize the Belle Fourche River.

I sent Mr. Humann a copy of his water right and applicable statutes/rules dealing with forfeiture and legal excuse including the rule on standby purposes.

NAME: *Eric Humann*

7678



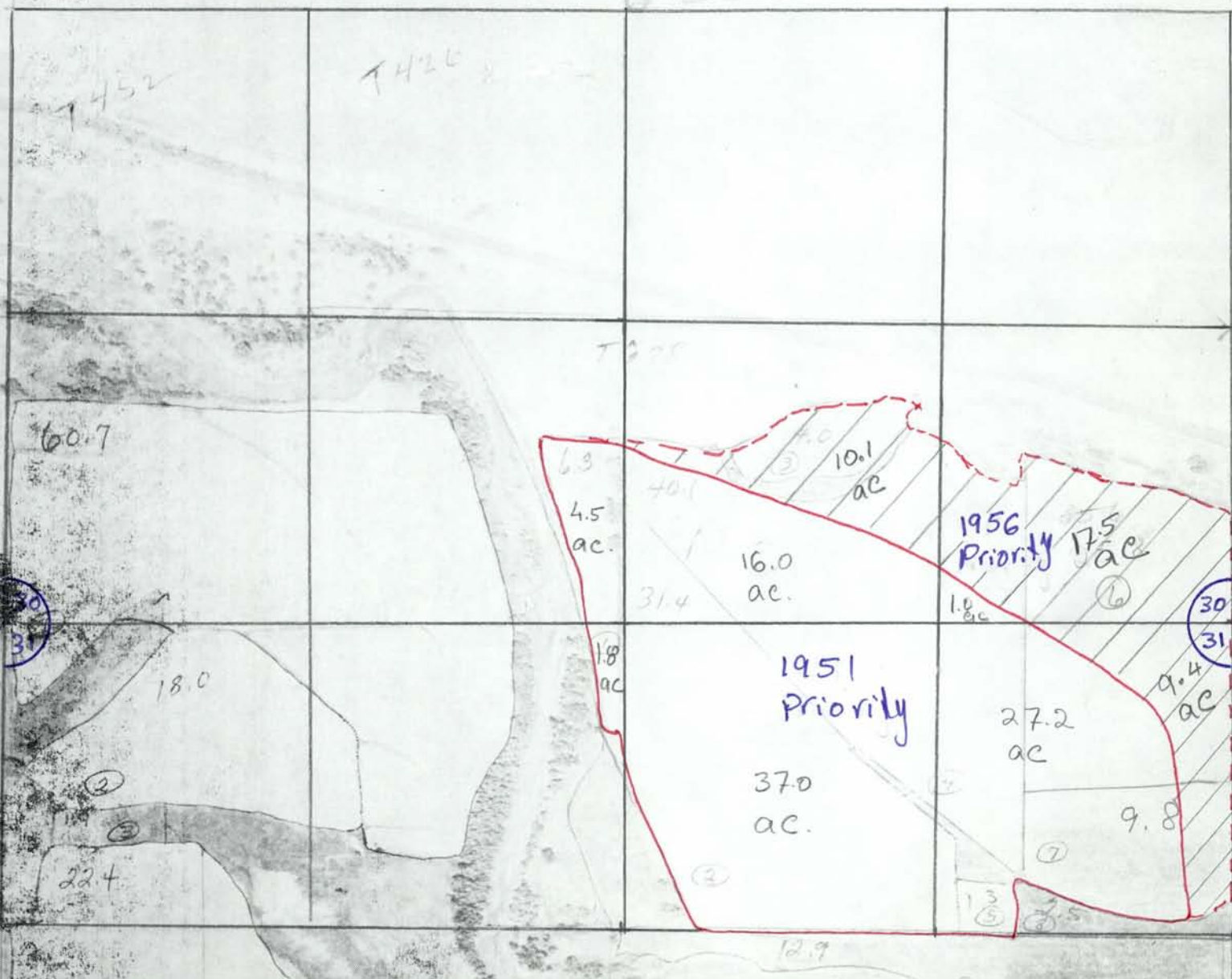
HEL

① NHF

(12) NHEL

NOT TO SCALE

NRShad:
Natural Resources
Engineers
5-29-92





285-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

TO: WILMER & GEORGIA HUMANN, 826 9TH AVE, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No. 285-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No. 285-1 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No. 285-1 in accordance with applicable provisions of SDCL 46-1-12; **Based on the number of past violations, the Water Rights Staff recommendation to the Board will be that Water Right No. 285-1 be cancelled.**
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 is received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed is an additional questionnaire for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.



285-1

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 5906
Status: **Delivered**

Your item was delivered at 11:25 AM on January 27, 2007 in BELLE FOURCHE, SD 57717. The item was signed for by W HUMANN.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5906

WILMER & GEORGIA HUMANN
826 9TH AVE
BELLE FOURCHE SD 57717

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL SERVICE)

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

PS Form 153, May 2002

(See Reverse)

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Wilmer & Georgia Humann, 826th 9th Ave, Belle Fourche SD 57717

DATE: January 30, 2007

TELEPHONE:

RE: Water Right No. 285-1

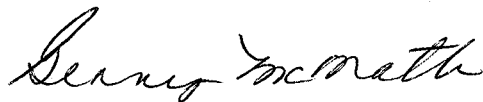
COMMENTS:

Georgia Humann called in response to the notice they received concerning the 2006 irrigation questionnaire. She said they did not irrigate, do not want anymore forms and do not want the water right. We talked about canceling the water right and she said that was fine.

January 30th, I contacted Clint Pitts with the Belle Fourche Irrigation District. He said he felt Mrs. Humann was referring to the district when she said she no longer wanted any part of it. She does not like having to pay the district for water and would be more than willing to have the district go away.

The Humann's have a flood system that they pump up into and would have water available when needed. He said the Humann's rent the land out and the renters would want to maintain the water right. They may not use it very often due to receiving water from the district.

I told Clint that we would hold off on scheduling the water right for cancellation until staff could stop by and talk with them to ensure they understood the difference between the district and the state as it pertained to their water rights. Clint said that he knew Willy (Wilmer Humann) very well and would be willing to visit with him about this if we wanted him to.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2007

285-1

Wilmer & Georgia Humann
826 9th Ave
Belle Fourche SD 57717

Dear Mr. & Mrs. Humann:

I am writing in follow-up to our telephone conversation concerning Water Right No. 285-1. It is my understanding from our conversation that you do not irrigate. I completed a 2006 irrigation questionnaire for you based on that information. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 285-1.

During our conversation you indicated there was no longer a need for the water right and requested it be cancelled. Before getting into the cancellation process, I wanted to let you know that if you use water from the Belle Fourche Irrigation Project, your Water Right No. 285-1 would be considered a back-up source and does not need to be relinquished. However, if you do not use water from the Project and do not irrigate at all, there would be no need to maintain a water right with the State.

I would like to give you an opportunity to discuss the issue of the water right with your leaser, the district or our staff before doing anything with the water right.

If you have any questions, please contact me.

Sincerely,

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Wilmer Humann, 826th 9th Ave, Belle Fourche SD 57717

DATE: February 15, 2007

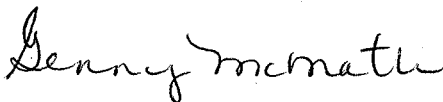
TELEPHONE:

RE: Water Right No. 285-1

COMMENTS:

Wilmer Humann called to find out if we had cancelled his water right yet. I told him no, we were going to have someone from our regional office stop in and see him to ensure they truly wanted to get rid of the water right.

He said not to cancel it because he would be using it if he couldn't get water from the District. He said he barely had enough water last year in the canal to use and what was there smelled bad. He was going to trade his electric pump in for a gas powered one because the cost to maintain electricity at the site cost him an arm and a leg. He says they intend to use the Belle Fourche River as authorized by their water right if they couldn't get enough water from the district and he felt that time was coming soon.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: WILMER & GEORGIA HUMANN, 826 9TH AVE, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 285-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 285-1 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 285-1 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights Staff recommendation to the Board will be to cancel Water Right No. 285-1.**
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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.

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WILMER & GEORGIA HUMANN
826 9TH AVE
BELLE FOURCHE SD 57717

Waiver of Signature ☐ YES ☐ NOPostmark
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and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

January 28, 2008

285-1

Wilmer & Georgia Humann
826 9th Ave
Belle Fourche SD 57717

Dear Mr. & Mrs. Humann:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 285-1.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: WILMER & GEORGIA HUMANN, 826 9TH AVE, BELLE FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 285-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 285-1 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 285-1 in accordance with applicable provisions of SDCL 46-1-12. **Due to past violations the Water Rights Program will be recommending that the water right be cancelled.**
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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

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.


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- Delivered, January 23, 2010, 9:04 am, BELLE FOURCHE, SD 57717
- Out for Delivery or Available at PO Box, January 23, 2010, 8:35 am, BELLE FOURCHE, SD 57717
- Sorting Complete, January 23, 2010, 8:05 am, BELLE FOURCHE, SD 57717
- Arrival at Post Office, January 23, 2010, 6:37 am, BELLE FOURCHE, SD 57717

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WILMER & GEORGIA HUMANN
826 9TH AVE
BELLE FOURCHE SD 57717

ling.

 Waiver of Signature ☐ YES ☐ NO

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 24, 2010

285-1

Wilmer & Georgia Humann
826 9th Ave
Belle Fourche SD 57717

Dear Mr. & Mrs. Humann:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 285-1.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 18, 2011

285-1

Wilmer Humann
826 9th Ave
Belle Fourche SD 57717

Dear Mr. Humann:

Thank you for calling about your 2010 irrigation questionnaire. I filled one out for you based on our phone conversation.

Enclosed as we discussed is a partially completed "Notice of Transfer of Ownership" form. Please complete and return the form to our office with a required filing fee of \$50.00. The check or money order can be made payable to the Water Rights Program.

I included a copy of your water right in the event you do not have one. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosure



285-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: WILMER & GEORGIA HUMANN, 826 9TH AVE, BELLE FOURCHE, SD 57717

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(s) has not been submitted for Permit No(s) 285-1. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 285-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 285-1 in accordance with applicable provisions of SDCL 46-1-12;
Due to past violations, the Water Rights Program will be recommending cancellation of this water right.
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>

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.



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February 9, 2012

285-1

Clint Pitts
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760 0225

Dear Mr. Pitts:

Thank you for visiting with me regarding irrigation of land described in Water Right No. 285-1 for Wilmer and Georgia Humann. Enclosed is a copy of the water right.

Based on our conversation I have completed the 2011 irrigation questionnaire for the Humann's. The form reflects that the land was irrigated with purchased water from the District and no diversion was made from the Belle Fourche River as authorized by No. 285-1.

Submission of the annual irrigation questionnaire is a requirement for maintaining the water right. I have edited the database to allow future irrigation questionnaires to be mailed directly to you as "manager". Wilmer and Georgia Humann still retain ownership of the water right.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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February 22, 2012

285-1

Donna Walz
7116 Mt Vernon St
Lemon Grove CA 91945 3439

Dear Ms. Walz:

Thank you for calling in reference to Water Right No. 285-1 listed under Wilmer and Georgia Humann. I have made a notation in the database that you now have power of attorney for Wilmer and that any correspondence should be directed to your attention.

To download a copy of his water right, you can go to the following link: <http://denr.sd.gov/des/wr/wr.aspx>. Once you get to the site, on the left side of the page you will see a section titled "databases". Choose the one marked "Water Rights". This will bring up another page that allows you to type in the water right number for viewing or search by last name and/or legal description. Once you get to the record, you should be able to print or view the entire file.

If you would like to actually transfer ownership to your name, you can do that as well. The form for transferring ownership can also be found on our website under the tab "available forms". It is called "**Notice of Transfer of Ownership of a Water Use Permit/Right**". A \$50.00 fee is required for filing an ownership change. The check or money order for the fee can be made payable to the "Water Rights Program". If you would prefer to leave the water right as it is and just have correspondence sent to you that is fine too.

Enclosed is a copy of the irrigation questionnaire Wilmer sent in recently. I had already received the 2011 questionnaire information from Clint Pitts with the Belle Fourche Irrigation District but I had not told your dad that. If you would like to visit with Clint regarding use of water from the Belle Fourche Irrigation District, his contact information is: Clint Pitts, Belle Fourche Irrigation District, PO Box 225, Newell SD 57760-0225 or phone him at (605) 456-2541.

If after reading the file and visiting with Clint, you have any questions that I can answer or changes you wish to have made, please let me know.

Sincerely,

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

enclosures

2011 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 2, 2011**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 285-1

WILMER & GEORGIA HUMANN
826 9TH AVE
BELLE FOURCHE SD 57717

Any address/ownership corrections?

Email

Phone 1-619-462-9810

1. Did you irrigate in 2011? *yes ☐ **no ☒
*If yes, _____ acres were irrigated out of
the 125 acres covered by Permit No. 285-1

**If no, check reason(s) for not irrigating:

sufficient moisture ☒ no water available ☐
system not constructed ☐ use abandoned ☐
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

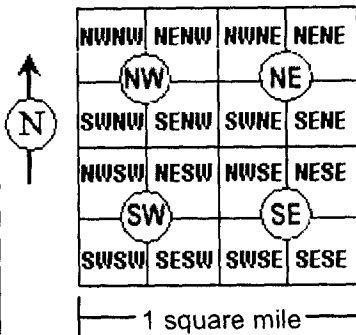
3. Did you apply chemicals or fertilizer through the
system in 2011? yes ☐ no ☐

4. If more than one water source is listed below, circle
each source used. A. BELLE FOURCHE RIVER

5. Provide your water use on the back of this form.

Comment Box

So far we have had enough
water through the B.F.I.D
and hope it continues to be
However if the cost continues
to rise and the water decreases
we will use the river



Office use only

RECEIVED

FEB 21 2012

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 285-1

(see above section map for help reading legal descriptions)

sec 30-T009N-R03E, SE1/4SE1/4 - 18.50 acres
sec 30-T009N-R03E, SW1/4SE1/4 - 26.10 acres
sec 30-T009N-R03E, SE1/4SW1/4 - 4.50 acres
sec 31-T009N-R03E, NE1/4NE1/4 - 36.60 acres
sec 31-T009N-R03E, NW1/4NE1/4 - 37.00 acres
sec 31-T009N-R03E, NE1/4NW1/4 - 1.80 acres

My daughter Donna Walz has taken over running the farm
I'm now just an advisor you might say. The reason
being I have difficulty remembering and getting things
done as you can see from past dealing (no memory)
I will have her contact you in the near future
thanks for your patients with me as you have done in the past

Respectfully yours
Wilmer Humann Sr.

Please provide your 2011 water use to irrigate the above acreage on the REVERSE side of this form.

Type of system used: center pivot ☐ towline ☐ big gun ☐ flood ☐ sprinklers ☐ other _____
 (check all that apply)

If more room is needed, copies of this page may be made or complete blank pages and attach to this form.

MONTH IRRIGATED	CROP TYPE	*NUMBER OF ACRES IRRIGATED	PUMP RATE IN GALLONS PER MINUTE	DAYS PER MONTH WATER WAS APPLIED	AVERAGE HOURS PER DAY
MARCH					
APRIL					
MAY					
JUNE					
JULY					
AUGUST					
SEPTEMBER					
OCTOBER					

*Total number of acres irrigated should be the same as your answer in question No. 1 on reverse side of this form.

285-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 6, 2018

285-1

Donna Walz
1632 Bakersfield St
Lemon Grove CA 91945-4012

Dear Ms. Walz:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to 7116 Mt Vernon St, Lemon Grove CA. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

285-1

Hello ms. McMath.

RECEIVED

NOV 20 2018

WATER RIGHTS
PROGRAM

Tuesday
11/13/18

I do apologize.

I thought I had contacted everyone regarding my move that would be in connection to my dad.

Our old address was:

7116 Mt. Vernon St

Lemon Grove Ca. 91945-3439

Our New Address:

1632 Bakersfield St

Lemon Grove Ca. 91945-4012

Phone #'s are still the same.

Thank you & Happy Holidays!

Donna Lewis

RE. Wilmer Hummer Sr.

Hummer Family Trust



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 26, 2022

285-1

Tim & Teresa Barnaud
11440 Olson Rd
Belle Fourche SD 57717

Dear Mr. & Mrs. Barnaud:

I am contacting you in regard to ownership of land described in Water right No. 285-1. Donna Walz notified us this week that you had purchased the land.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. Ms. Walz indicated that only project water was used in 2022 so I completed a form for you for this year. The forms are required every year however if your use of water is from BFID, you only need to mention that on the form when you send it in. If you use water as authorized under the water right, you will need to fill out the remaining part of the form.

If you have any questions concerning completion of the transfer form, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

285-1

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate January 6, 2023RECEIVED OF Timothy/Teresa Barnaud 11440 Olson Rd., Belle Fourche SD 57717

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 <u>285-1</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer me

PAID

JAN 6 2022

Ck# 1890

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN 06 2023

OFFICE OF
WATER

No. 285-1

Date:

I/We request that Water Right No. 285-1

formerly owned by: Wilmer & Georgia Humann (estate)

be transferred to: (name & address)

Telephone No.

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

124.5 acres - SE 1/4 SW 1/4, S 1/2 SE 1/4 Section 30; NE 1/4 NW 1/4 and N 1/2 NE 1/4 Section 31, T19N, R3E

I/We understand that the validity of Water Right No. 285-1 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 Timothy J. Barnard, Teresa M. Barnard, the new owner, certify that the above information is true and correct.


Teresa Barnard
(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.

11440 Olson Rd, Belle Fourche SD 57717



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 10, 2023

285-1

Tim & Teresa Barnaud
11440 Olson Rd
Belle Fourche SD 57717

Dear Mr. & Mrs. Barnaud:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 285-1.

The ownership change has been completed. The water right formerly held by Wilmer and Georgia Humann is now listed in your names.

Enclosed for your records is a receipt for the filing fee you paid.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures