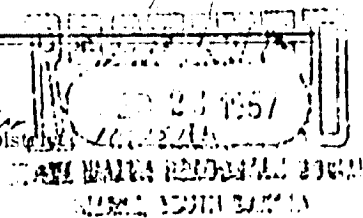


1. Considered May 15, 1957 #282-1
2. Name of Applicant Albert Turbiville
3. Post Office Address Camp Creek, E. Dak.
4. Amount of water claimed 3.00 cfs
5. Source of water supply Little Missouri River
6. Water to be used for irrigation
 Acres to be irrigated 210
7. Water to be diverted and used in Harding County about
17 miles west of Buffalo
8. Proof of Publication Received ✓
 Not Received
9. Application Approved ✓
 Subject to
 Not approved
 Action deferred

10. Remarks:
*Enlargement of existing W/R #238-1
 from 1.2 cfs to 3.0 cfs*

No. 292-1Water Division No. 1 Little Missouri River
(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 ALBERT TURBIVILLE
 Postoffice address CAMP CROOK, County HARDING, State SO. DAK.

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

II. ~~THIS APPLICATION IS AN ENLARGEMENT OF, AND IN~~
~~ADDITION TO, THE 1.2 XXXX CUBIC FEET PER SECOND GRANTED~~ X X X
~~UNDER PERMIT NO. 238-1~~ 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)

DIRECT LABOR AND EMPLOYMENT OF OTHERS

(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 TURBIVILLE IRRIGATION PROJECT3. Amount of water claimed Three (3) cubic feet per second4. Source of water supply LITTLE MISSOURI RIVER
From a point 103 Ft. east of the SW corner of Sec. 7, T.19 N., R.2 E.5. Location of point of diversion
to a point 356 ft. east of the NW corner Lot 9, Sec. 30 T.20 N., R.2 E
on 1 ft bank Harding County.6. Annual period or periods during which water is to be used April 15th to Nov. 1st.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 310 563 acres.

(b) Legal subdivisions to be irrigated

Irrigable area by subdivisions.

SE-SE-9 Ac., NE-SE-22 Ac., SE-NE-3 Ac., Sec. 12, T.19 N., R.1 E.
Lot 11-11 Ac., Lot 10-28 Ac., Lot 6-37 Ac., Lot 5-3 Ac., Lot 7-27 Ac.,
Lot 4-38 Ac., Lot 3-14 Ac., Sec. 7 T.19 N., R.2 E.
SE-SW-25 Ac., Lot 9-40 Ac., Lot 8-40 Ac., Lot 3-38 Ac., Lot 10-34 Ac.,
Sec. 8 T.19 N., R.2 E.
SW-SE-3 Ac., Lot 7-24 Ac., Lot 4-10 Ac., Lot 3-9 Ac., SE-SE-11 Ac.,
Lot 6-29 Ac., Lot 1-12 Ac., Sec. 36, T.20 N., R.1 E.
SE-SE-11-23 Ac., Sec. 25 T.20 N., R.1 E.
Lot 9-5 Ac., Lot 8-13 Ac., Lot 2-13 Ac., Sec. 31, T.20 N., R.2 E
Lot 9-38 Ac., Sec. 30, T.20 N., R.2 E.

Total 483 Acres
563

220-1
 Map No. 1

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$-----
 (e) Other structures -----
 (b) Pumping plant, \$1155.40
 (d) Canal-earth, \$150.00
 Rock, \$-----
 Total, \$4705.40
 Tractor 2000.00
 Total \$6705.40

9. Description of diversion works:

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

A B O JRM Berkeley pump, trailer mounted with power takeoff powered by
 Ingersoll Rand John Deere Diesel R tractor.

(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	ACRE-Feet CAPACITY

(c) Head gate: Width ----- feet; height ----- feet;
 Material -----
 (d) Canal. Total length ----- miles.

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

Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----

 The Time Herald, Buffalo, South Dakota
 STATE OF SOUTH DAKOTA
 County of ----- ss.

I, ALBERT TUBS, 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 Albert Tubs

Subscribed and sworn to before me this 19th day of February 1957

Carl M. Cornell Notary Public for State of South Dakota

Remarks by State Water Resources Commission:

This permit grants an enlargement of existing Water Right No. 238-1 from 1.20 cubic feet per second to 4.2 cubic feet per second, the 1.20 cubic feet per second allowed under No. 238-1 retaining the original priority date of October 24, 1951.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, February 23, 1957

This is to certify that the foregoing application was received by the Commission at 10:25 o'clock PM upon the 23 day of February, 1957

State Water Resources Commission

By:

J. E. Quinn

Chief Engineer, Executive Officer

Number of permit 292-1

Date of first receipt of application February 23, 1957

Date of return to applicant for correction, amendments or changes required as follows February 25, 1957

Date of receipt of corrected application March 5, 1957

Date from which applicant may claim right February 23, 1957

Approved May 15, 1957, Recorded in Book 4 Page 95

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

November 15, 1958

2nd. The whole of said work is to be completed on or before May 15, 1960

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

May 15, 1962

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 3.00 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 May 15, 1962; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 14 day of June, 1957

State Water Resources Commission

By:

J. E. Quinn

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

STATE OF SOUTH DAKOTA

WATER LICENSE No.. 292-1

WHEREAS, On the 23rd day of February A. D. 1957Albert Turbiville

of Camp Crook County of Harding and State of South Dakota duly made application (No. 292-1) to us for a permit to use 3.0 cubic feet per second of the waters of the Little Missouri River County of Harding, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 19th day of June A. D. 1957

Permit No. 292-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 15th day of May A. D. 1960 and for the application to beneficial use of said water on or before the 15th day of May A. D. 1962 and,

WHEREAS, On the 25th day of November A. D. 1957

the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.0 cubic feet per second of said waters, as evidenced by our Certificate No. 292-1 dated April 22, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of priority of February 23, 1957 and,

WHEREAS, On the 25th day of November A. D. 1957

proof was duly made of the application to beneficial use of 3.0 cubic feet per second of said water; on 397 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 12, T 19 N, R 1 E; Lots 3, 4, 5, 6 & 7, Sec. 7, T 19 N, R 2 E; Lots 3, 8, 9, 10 and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6, T 19 N R 2 E; Lots 8 & 9, Sec. 31, T 20 N, R 1 E; Lots 4, 6, 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 36, T 20 N, R 1 E, more particularly described in the Certificate of Works No. 292-1

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 Albert Turberville
of Camp Crook, South Dakota the holder and owner of said permit No. 292-1
a water right, dating from February 23, 1917 to the use of 2.0
cubic feet per second of the waters of the Little Missouri River
in the County of Harding and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at between a point 103 feet east of
the SW Cor., Sec. 7, T 19 N, R 2 E, and a point 356 feet east of the SW Cor.,
Lot 9, Sec. 30, T 20 N, R 2 E
and conducted to and upon SE 1/4, Sec. 12, T 19 N, R 1 E; Lots 3, 4, 5, 6 & 7, Sec. 7
T 19 N, R 2 E; Lots 3, 8, 9, 10 & SE 1/4 SW 1/4, Sec. 6, T 19 N, R 2 E; Lots 8 & 9, Sec. 31
T 20 N, R 2 E; Lots 4, 6, 7, SE 1/4 SE 1/4 & SW 1/4 SE 1/4, Sec. 36, T 20 N, R 1 E, more particularly
described in Certificate of Completion of Works No. 292-1
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 latera' 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 22nd day of April A. D. Nineteen
Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

to _____

Source of Supply _____

County _____

m't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

Book _____ of _____ Page _____

Permit No. 292-1Little Missouri RiverWater Division No. 1 Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Albert Turbivilleof Camp Crook, County of Harding, and State ofSouth Dakota, the holder of Permit No. 292-1, issued upon ApplicationNo. 292-1, bearing date of priority of February 23, 1957, authorizing the diversion of3.0 cu. ft. per second of the waters of the Little Missouri RiverCounty of Harding, State of South Dakota, at between a point103 feet east of the SW Cor., Sec. 7, T 19 N, R 2 E and a point 356feet east of the SW Cor., Lot 9, Sec. 30, T 20 N, R 2 E.
for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 3.0 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:	<u>Lot 3, Sec. 7, T 19 N, R 2 E</u>	<u>14 acres</u>
	<u>Lot 4, Sec. 7, T 19 N, R 2 E</u>	<u>38 "</u>
	<u>Lot 5, Sec. 7, T 19 N, R 2 E</u>	<u>3 "</u>
	<u>Lot 6, Sec. 7, T 19 N, R 2 E</u>	<u>37 "</u>
	<u>Lot 7, Sec. 7, T 19 N, R 2 E</u>	<u>27 "</u>
	<u>Lot 3, Sec. 6, T 19 N, R 2 E</u>	<u>38 "</u>
	<u>Lot 8, Sec. 6, T 19 N, R 2 E</u>	<u>40 "</u>
	<u>Lot 9, Sec. 6, T 19 N, R 2 E</u>	<u>40 "</u>
	<u>SE$\frac{1}{4}$SW$\frac{1}{4}$, Sec. 6, T 19 N, R 2 E</u>	<u>25 "</u>
	<u>Lot 10, Sec. 6, T 19 N, R 2 E</u>	<u>34 "</u>
	<u>Lot 8, Sec. 31, T 20 N, R 2 E</u>	<u>13 "</u>
	<u>Lot 9, Sec. 31, T 20 N, R 2 E</u>	<u>5 "</u>
	<u>Lot 4, Sec. 36, T 20 N, R 1 E</u>	<u>7 "</u>
	<u>Lot 6, Sec. 36, T 20 N, R 1 E</u>	<u>29 "</u>
	<u>Lot 7, Sec. 36, T 20 N, R 1 E</u>	<u>24 "</u>
	<u>SE$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 36, T 20 N, R 1 E</u>	<u>11 "</u>
	<u>SW$\frac{1}{4}$SE$\frac{1}{4}$, Sec. 36, T 20 N, R 1 E</u>	<u>3 "</u>
	<u>SE$\frac{1}{4}$NE$\frac{1}{4}$, Sec. 12, T 19 N, R 1 E</u>	<u>9 "</u>
	Total	<u>397 acres</u>

Witness my hand this 22nd day of April A. D. 19 58

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Permit No. 292-1Little MissouriWater Division No. 1River Water District**Certificate of Examination of Works****Report of Examining Engineer**

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

Dear Sirs: I hereby certify that in accordance with your ~~written~~ authorization ~~dated~~
on November 25, 1957~~Now~~, I have ~~thoroughly~~ made a thorough examination of the diversion works constructed by
Albert Turbiville of Camp CrookHarding County, South Dakota, holder of Permit No. 292-1, Issued
upon Application No. 292-1, bearing date of priority of February 23, 1957, authorizing the
diversion of 3.0 cu. ft. per second of the waters of the Little Missouri for irrigation
purposes. I have to report on the condition of the same as follows:The diversion works comprise: Pacific Pump Model #A3D-D226; LeRoy Engine Model
#D226P7; Dempster Pump Model U-5; John Deere-R Diesel Tractor; 400 feet
of 6 inch main line; 1400 feet of 5 inch lateral; 400 feet of 4 inch
Lateral; 60 Model 70 Rainbird 7/32 x 1/2 nozzles; pressure gauges on each
pump; and 12,000 feet of ditches.

and the system is in the following condition:

Very GoodThe point of diversion is located between a point 103 feet east of the SW Cor.,
Sec. 7, T19 N., R 2 E and a point 356 feet east of the SW Cor., Lot 9, Sec. 30
T 20 N., R 2 E.The works are capable of diverting and conveying to the place of use 3.0 cu. ft. per second of water,
which is to be used for irrigationThe legal sub-divisions to be irrigated are: Parts of the following: 3, 4, 5, 6 & 7, Sec. 7,
T 19 N., R 2 E; Lots 3, 8, 9, 10 & SE 1/4 SW 1/4, Sec. 6, T 19 N., R 2 E; Lots
8 & 9, Sec. 31, T 20 N., R 2 E; Lots 4, 6, 7, S 1/2 SE 1/4, Sec. 36, T 20 N.,
R 1 E; SE 1/4 NE 1/4, Sec. 12, T 19 N., R 1 E.comprising a total of 327 acres of land.

The domestic use intended comprises

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

Witness my hand, this 8th day of February, A. D. 1958.

—SEAL—

Les Wyborny

Examining Engineer.

General Data: Albert Turbiville (292-1)

The irrigation works are capable of irrigating 577 acres which is the corrected total of the lands included in the permit. Area within blue boundary line. 5.6 acres

Possibly has irrigated an estimated 397 acres. It was difficult to actually estimate the acreage and the irrigable boundary due to cut over or grazed corn; alfalfa, clover or native forage. Some of this area was located in lows which might have received moisture from natural runoff. This is the area with the green boundary line.

An estimated 283 acres, I would say, on the basis of a very conservative estimate, was irrigated. This is the area within the red boundary line.

Equipment:

A Pacific pump w/ an attached LeRoy motor w/ an estimated capacity of 300 - 600 gpm. /.

A Dempster pump w/ an estimated capacity of 1000 - 21600 gpm.

1200 feet of pipe.

nozzles w/ a total capacity varying from 1020gpm @ 30# to about 1476 gpm @ 60#. These capacities could be reduced by decreasing the pressure or taking off some of the nozzles or increased by increasing the pressure.

11,500 to 12,000 feet of ditching of adequate capacity.

Sufficient facilities for measuring flow.

Several tractors for power, the largest being a John Deere-R Diesel.

I question the engineer's (Carl Cornell) totaling of 463 acres which I think should be 563 acres. He left out 14 acres in Lot 10 of Sec 30 which should make the total an estimated 577 acres.

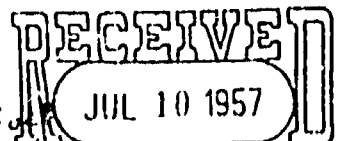
The descriptions and acreage, compared with Map #220-1 except as noted above.

January 9, 1958

Les Wycorny

Permit No. 292-1Water Division No. 1Little Missouri

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.)

Camp Crook, S. Dak.

(Date)

8 July 1957

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE.

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

(3) Three cu. ft. per second of the waters of the state from Little Missouri
through the Turberville Irrigation Project
for irrigation purposes.

in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

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

Albert Turberville

2. The postoffice address of such person or the place of business of such corporation is

County of Harding State of South Dakota

3. The number of such permit is 292-1 and the date set for the completion of such work is

May 15, 1960

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 3 cubic feet per second.

6. The amount of land for which said water is available is 463 acres,

particularly described as follows: SE-SE 9Ac., NE-SE 22Ac., SE-NE 9Ac., SEC 12, T.19N, R.1E.

Lot 11-11Ac., Lot 10-28Ac., Lot 6-37Ac., Lot 5-3Ac., Lot 7-27Ac., Lot 4-38Ac.,

Lot 3-14Ac., SEC 7, T.19N, R.2E., SE-SW 25Ac., Lot 9-40Ac., Lot 8-40Ac.,

Lot 3-38Ac., Lot 10-34Ac., SEC 6, T.19N., R.2E.

SW-SE 3Ac., Lot 7-24Ac., Lot 4-10Ac., Lot 3-9Ac.

SE-SE 11Ac., Lot 6-29Ac., Lot 1-12Ac., SEC 36, T.20N

R.1E., SE-SE 23Ac., SEC 25, T.20N., R.1E.

Lot 9-5Ac., Lot 8-13Ac., Lot 2-13Ac., SEC 31,

T.20N R.2E., Lot 9-36Ac., SEC 30, T.20N

R.2E.

Turberville

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Harding, ss.

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

NOTICE OF INTENTION TO APPROPRIATE WATER 292-1

a printed copy of which is hereto attached, was printed and published in the regular and entire issue of said newspaper and not in any supplement, once each week for Four successive weeks, the first publication being made on the 11th day of April 1957 and the last publication being made on the 2nd day of May 1957. The first publication being made on the 11th day of April 1957. The second publication being made on the 18th day of April 1957. The third publication being made on the 25th day of April 1957. The fourth publication being made on the 2nd day of May 1957. The fifth publication being made on the _____ day of _____ 19____. The sixth publication being made on the _____ day of _____ 19____. The seventh publication being made on the _____ day of _____ 19____. The eighth publication being made on the _____ day of _____ 19____.

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Harding for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in English in an office maintained in Buffalo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$14.40 and inures solely to the benefit of said publishers; that no agreement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this

Donald L. Cammack
11th day of May 1957
Donald L. Cammack
Notary Public

NOTICE OF INTENTION TO APPROPRIATE WATER 292-1

Office of State Water Resources Commission
 Pierre, South Dakota,
 March 18, 1957

Notice is hereby given that Albert Turberville, whose postoffice address is Camp Creek, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to increase the amount of water appropriated for beneficial use under Permit No. 238-1 from 1.2 cubic feet of water to 2.0 cubic feet of water per second of time from the Little Missouri River through the Turberville Irrigation Project, the point of diversion of which is to be located on the westerly bank of said stream between a point in Lot 21, Sec. 7, T 19 N, R 2 E and a point in Lot 9 of Section 36, Twp. 20 N., Range 2 E. Said water to be used for the purpose of providing irrigation on the following described land:

Parts of Sec. 12, T 19 N, R 1 E; Secs. 6 and 7, T 19 N, R 2 E; Secs. 25 and 26, T 20 N, R 1 E; Secs. 20 and 31, T 20 N, R 2 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of April 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 COMMISSION

By J. E. Grimes, Chief Engineer, Executive Officer
 (Pub. Apr. 17-18-23-May 2)

RECEIVED
 MAY 9 - 1957
 STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

Publication Fees - - - \$

Received Payment,

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

October 18, 1982

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

Dear Mr. Turblville:

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

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

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosures

No. 292-1

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

November 3, 1982

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

Dear Mr. Turbiville:

Enclosed is receipt No. 4 9011 In the amount of \$ 2.50 which you
paid for transfer of Water Right No. 292-1.

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

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.



NO. 292-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: OCT. 27. 1982.

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

397 acres in portions of Section 6 & 7, T19N, R2E; Section 12, T19N, R1E;

Section 31, T20N, R2E and Section 36, T20N, R1E

formerly owned by Albert Turbiville

has been transferred to Eugene Turbiville, St Rt 46146, Box 3, Camp Crook SD 57724

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 292-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

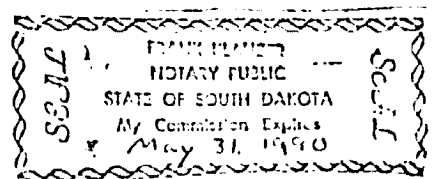
STATE OF SOUTH DAKOTA)
County of Harding) ss.

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

Eugene W Turbiville
(Signed)

Subscribed and sworn to before me this 27th day of October, 1982

Frank Klauzer
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9011

PIERRE, October 29, 1932

RECEIVED OF Eugene Turbiville, St Rt 40146, Box 3, Camp Crook SD 57724

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and Issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of Permit No. 292-1	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	0

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

JOHN HATCH (ks)

Observations during the Field Inspection on November 25, 1957 of the Albert Turbiville Project relative to Application and Permit #222-1.

Albert and Jean Turbiville were very cooperative in assisting me so that I could complete my work.

This project located in Lots 9 and 10, Sec 30, T 20N, R 2E; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 25, T 20N, R 1E; Lots 2, 8 and 9, Sec 31, T 20N, R 2E; S $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 1, 3, 4, 6, and 7, Sec 36, T 20N, R 1E; SE $\frac{1}{4}$ SW $\frac{1}{4}$, Lots 3, 8, 9 and 10, Sec 6, T 19N, R 2E; Lots 3, 4, 5, 6, 7, 10, and 11 Sec 7, T 19N, R 2E; E $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12, T 19N, R 1E consisted of an estimated 577 acres $\pm$, all of which he has and/or is capable of irrigating. Of this area he may have irrigated an estimated 397 acres $\pm$ located in Lots 4, 7, and 6 and S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 36, T 20N, R 1E; Lots 8 and 9, Sec 31, T 20N, R 2E; Lots 3, 8, 9, and 10 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 6, T 19N, R 2E; and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 12, T 19N, R 1E. It was difficult to determine the actual irrigated boundary at this time as barley and corn stubble and cut over alfalfa crowns remained in places and other areas had been grazed over. There was ample evidence though, that an estimated 283 acres $\pm$ had been irrigated, located in Lots 6 and 7, and the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec 36, T 20N, R 1E; Lots 8 and 9 Sec 31, T 20N, R 2E; Lots 8 and 9 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 6, T 19N, R 2E; Lots 3, 4, 6 and 7, Sec 7, T 19N, R 2E. The project was divided into 40 - 110 acre fields of pasture, alfalfa, barley, corn, native hay, and clover.

It is possible to pump water at nearly any point between Lot 11, Sec 7, T 19N, R 2E and Lot 9, Sec 30, T 20N, R 2E.

Locations of the lands and diversion points compared reasonably close to those shown on Map #220-1 except for some unknown reason the 14 acres located in Lot 10, Sec 30 T 20N, were not noted on the application.

There was definite evidence that pumps had been used at a point in either Lot 4 or 7 in Sec 36. The project is located on the Little Missouri River.

Equipment consisted of a Pacific Pump, Model #A37-D226 and Serial #12539302. This was a centrifugal pump with an estimated capacity of 300 - 600 gpm depending on the throttle setting. This was a self contained unit mounted on a trailer with power being furnished by a LeRoy Motor or engine, Model # D226P7 and Serial #235928. They also had a Dempster Pump Model #U5 and Serial #Ac57. This was a centrifugal pump with an estimated capacity of 1000 - 1600 gpm depending on what power source was used. I noticed a number of tractors on the place the largest being a John Deere-R 410-1. Other equipment consisted of 400 feet of 6 inch main line pipe, 1400 feet of 5 inch lateral and 400 feet of 4 inch lateral. There were also 60 Model 70 Rainbird 7/32 x 1/4 nozzle with an estimated total capacity of 1020 gpm @ 30#, 1266 gpm @ 45# or 1476 gpm @ 60#. This capacity may be increased by increasing the pressure or decreased by decreasing the pressure or number of nozzles.

Lots 3, 4, 5, 6 & 7, Sec 7, T 19N, R 2E;

used. There was a pressure guage on both pumps. In addition there were about 11,500 - 12,000 feet of ditches of adequate capacity for their intended use. There were ample facilities for estimating flow at this time.

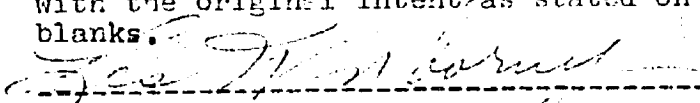
This was a combination gravity and sprinkler system and although the system was not in operation at the time of the inspection, there was ample evidence that part of the project had been irrigated as explained in paragraph #2 of this report.

All of the equipment and works were in very good condition.

The acreage and the capacity of the works to divert and convey water to the place of use were ample, in fact they exceeded, the conditions as set forth in the Application and Permit if the ability to irrigate is used as a basis along with the actual use. If not, the controlling factor would be an estimated 397 acres $\pm$ possibly irrigated or we would be safe in saying that an estimated 283 acres $\pm$ was definitely irrigated as closely as could be determined.

This last paragraph may not apply pending the out come of Mr. Grime's clarification of the Application and Permit. He seems to have some doubt as to whether the Application was processed and approved and the Permit granted in compliance with the original intent as stated on the completed Application blanks.

January 9, 1958



Les Wyborny

General Data: Albert Turbiville (292-1)

The irrigation works are capable of irrigating 577 acres which is the corrected total of the lands included in the permit. Area within blue boundary line.

Possibly has irrigated an estimated 397 acres. It was difficult to actually estimate the acreage and the irrigable boundary due to cut over or grazed corn; alfalfa, clover or native forage. Some of this area was located in lows which might have received moisture from natural runoff. This is the area with the green boundary line.

An estimated 283 acres, I would say, on the basis of a very conservative estimate, was irrigated. This is the area within the red boundary line.

Equipment:

A Pacific pump w/ an attached LeRoy motor w/ an estimated capacity of 300 - 600 gpm.

A Dempster pump w/ an estimated capacity of 1000 - 1600 gpm.

1800 feet of pipe.

nozzles w/ a total capacity varying from 1020 gpm @ 30# to about 1476 gpm @ 60#. These capacities could be reduced by decreasing the pressure or taking off some of the nozzles or increased by increasing the pressure.

11,500 to 12,000 feet of ditching of adequate capacity.

Sufficient facilities for measuring flow.

Several tractors for power, the largest being a John Deere-R Diesel.

I question the engineer's (Carl Cornell) totaling of 453 acres which I think should be 563 acres. He left out 14 acres in Lot 10 of Sec 30 which should make the total an estimated 577 acres.

The descriptions and acreage, compared with Map #22C-1 except as noted above.

January 9, 1958

Les Mytorry



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

238-1
292-1

EUGENE TURBIVILLE
Camp Crook, SD

Dear Mr. TURBIVILLE:

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

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

Very truly yours,

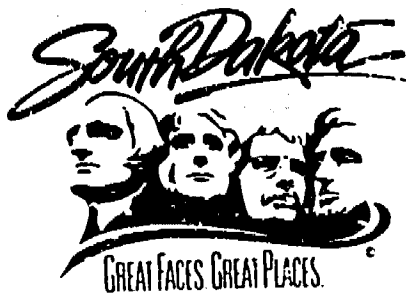
JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

292-1

SOUTH DAKOTA WATER RIGHTS/PERHITS ON THE LITTLE MISSOURI RIVER

PERMITNUM	FIRSTNAME	LASTNAME	CORPNAME	PRIORITY	DIVRATE
945-1			CATRON LAND CO	5/12/1971	3.33
270-1A			DAHL RANCH INC	2/06/1956	0.80
251-1B			HOSELEY BROS	4/01/1905	2.20
251-1				3/09/1953	2.25
1302-1			PAINTER INC	6/25/1903	3.86
178-1				4/25/1946	1.40
1072-1	REX L	BURGHDUFF		8/14/1975	2.30
268-1	JOHN B	CATRON		12/20/1955	6.63
1327-1	RICHARD/BERNICE	CUNDY		4/27/1903	0.47
233-1	THOMAS	DAVIS		8/01/1951	1.97
255-1	LYLE/SHARON	GUNDERSON		7/26/1955	2.00
247-1	JOSEPH	HEGGEN		5/24/1941	2.10
1303-1	FRANK	LATHAM		9/06/1952	1.71
236-1	DEAN R	TARTER		9/10/1951	1.10
238-1	EUGENE	TURBIVILLE		10/24/1951	1.20
292-1	EUGENE			2/23/1957	3.00



June 5, 2000

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

Dear Mr. Turbiville:

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

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

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

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

Sincerely,

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

enclosures

292-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

No. 292-1

Date: 11-1-66

Telephone No. 605 - 797 - 4431

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416672

Pierre, November 7, 2000

Ronald Turbiville, HC 59 Box 3, Camp Creek SD 57724

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

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

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

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

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

Fee for Filing Transfer Form Water Right No. 292-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

Stanford Erbelle

KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 2000

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

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

Mr. & Mrs. Turbiville:

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

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

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

Sincerely,

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

enclosures

Eugene Turbiville

Camp Crook, SD 57724

NOVEMBER 1978

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

Please mark (X) on appropriate answers:

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

Month	Estimate No. of Days Pumped	Average No. of Hours Per Day	Average Pumping Rate (GPM)	Acres of Crop Irrigated and Proportion of Water Used		
				Crop	Acres	Estimated Water Use
April	3.6	15	1000	Alfalfa	40	3" 10.00
May	1.8			Alfalfa	20	3" 5.00
June	1.8			Alfalfa	20	3" 5.00
July						
August						
September						
October						
Other Months						

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

PLEASE RETURN THIS COMPLETED DATA SHEET TO:

WATER RIGHTS COMMISSION
 Joe Foss Building
 Pierre, South Dakota 57501

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

APR 18 2008

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

No. 292-1 WATER RIGHTS
PROGRAM

Date: 4-16-08

I/We request that Water Right No. 292-1

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

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

Telephone No. 605 797-4614

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

397 acres – Lots 3-7 Section 7; Lot 3, Lots 8-10, SE ¼ SW ¼ Section 6, T19N, R2E

Lots 8 & 9 Section 31, T20N, R2E; Lots 4, 6, 7 and S ½ SE ¼ Section 36, T20N, R1E

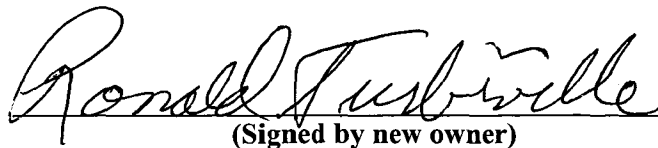
SE ¼ NE ¼ Section 12, T19N, R1E

I/We understand that the validity of Water Right No. 292-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/21, 20 08

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>292-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03652

By

Donald E. White
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 2008

Ronald Turbiville
HC 59 Box 2
Camp Crook SD 57724

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

Dear Mr. Turbiville:

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

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

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

Sincerely,

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

enclosures

292-1

McMath, Genny

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 15, 2010

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

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

Dear Mr. Zacher:

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

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

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

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

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

NOV - 2 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 292-1
Date: _____

I/We request that Water Right No. 292-1

formerly owned by: Ronald Turbiville

be transferred to: (name & address) Robert Garone

5-3-44-203 Minami Azabu

Minato-Ku Tokyo Telephone No. 106-0047

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

397 acres in Lots 3-7 Section 7; Lot 3, Lots 8-10, SE ¼ SW ¼ Section 6, T19N, R2E
Lots 8-9 Section 31, T20N, R2E; Lots 4, 6, 7 & S ½ SE ¼ Section 36, T20N, R1E
SE ¼ NE ¼ Section 12, T19N, R1E

I/We understand that the validity of Water Right No. 292-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Robert F. Garone
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/2, 2010

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>292-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04663

By Harland Erbe 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2010

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

Dear Mr. Garone:

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

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

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

Sincerely,

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

c: Stewart Title of the Black Hills w/Receipts

McMath, Genny

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

Hello Genny,

Thank you for your letter of 2 November, 2010.

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

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

Best regards,
Robert Garone



292-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

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

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 238-1 & 292-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 238-1 & 292-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: ROBERT GARONE, MINATO-KU, 5-3-44-202 MINAMI AZUBU, TOKYO JAPAN 106 0047

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

292-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2012

238-1
292-2

Ronald Turbiville
12100 N Camp Crook Rd
Camp Crook SD 57724

Dear Mr. Turbiville:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 238-1 and 292-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Robert Garone

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 292-1Date: 2-9-15I/We request that Water Right/Permit No. 292-1 formerly owned by:Robert Garone

be transferred to:

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

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

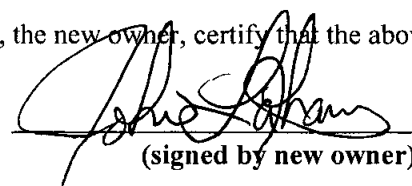
Transfer by warranty deed on 1-30-15.

☒ I understand that the validity of Water Right/Permit No. 292-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

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


(signed by new owner)

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

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

RECEIVED

FEB 23 2015

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/24, 20 15

RECEIVED OF John Latham 12296 Latham Rd Camp Crook SD 57724

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>292-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 07296

By *Jeanne Latham*
Chief Engineer

292-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 2015

John Latham
Box 18
Camp Crook SD 57724

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

Dear Mr. Latham:

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

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

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

Thank you in advance for your help.

Sincerely,

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

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

enclosures

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

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

DATE: March 24, 2015

TELEPHONE: 605 430-8157

RE: transfer of water rights

COMMENTS:

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

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

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

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



Genny McMath
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2015

John Latham
Box 18
Camp Crook SD 57724

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

Dear Mr. Latham:

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

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

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

Sincerely,

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

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

enclosures



292-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

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

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 238-1 & 292-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 238-1 & 292-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



292-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

238-1

292-1

John Latham
Box 18
Camp Crook SD 57724 0018

Dear Mr. Latham:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 238-1 & 292-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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