

1. Considered June 28, 1957
2. Name of Applicant Arnold D. Smith
3. Post Office Address Elm Springs, S. Dak.
4. Amount of water claimed 44 cfs
5. Source of water supply Black Earth River
6. Water to be used for irrigation
Acres to be irrigated 374
7. Water to be diverted and used in 1957 County about
50 miles East of Sturgis.
8. Proof of Publication Received ✓
Not Received
9. Application Approved ✓
Subject to
Not approved
Action deferred
10. Remarks:

Below Orem Canal diversion

No. 302-1Water Division No. 1 District South Fourche
(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 ARNOLD A. MATT
Postoffice address ELM SPRINGS, County MEADE, 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
 (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

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Direct labor and the employment of others
 (b) Cash on hand, \$ X X (c) Treasury stock, \$ X X
 (d) Bonds to be issued, \$ X X (e) Other resources, \$ X X

2. Name of diversion work THE MATT IRRIGATION PROJECT
 3. Amount of water claimed XXX 4.4 cubic feet per second
 4. Source of water supply THE BELIE FOURCHE RIVER
Between a point which lies N 60° 30' E from the S $\frac{1}{4}$ Cor. Sec. 22 1530 ft
 5. Location of point of diversion and a point N 90° W 513 ft. from the NE Cor. Sec. 26
R5E, T. 13 N on left Meade County.

6. Annual period or periods during which water is to be used April 1st thru Nov. 15th
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination.(a) Number of acres to be irrigated 374 acres.

(b) Legal subdivisions to be irrigated

Lot 1-33 Ac., NW $\frac{1}{4}$ -SE $\frac{1}{4}$ -21 Ac., NE $\frac{1}{4}$ -SE $\frac{1}{4}$ -30 Ac., Sec. 22, T. 5 N., R. 13 E.-BHM.
 SW $\frac{1}{4}$ -RW $\frac{1}{4}$ -39 Ac., SE $\frac{1}{4}$ -SW $\frac{1}{4}$ -37 Ac., SW $\frac{1}{4}$ -SE $\frac{1}{4}$ -28 Ac., SE $\frac{1}{4}$ -SE $\frac{1}{4}$ -10 Ac., Sec. 23,
 NE $\frac{1}{4}$ -NW $\frac{1}{4}$ -4 Ac., NE $\frac{1}{4}$ -NW $\frac{1}{4}$ -40 Ac., Lot 1-39 Ac., Lot 3-10 Ac., Lot 4-31 Ac.,
 Lot 5-36 Ac., Sec. 26,
 Lot 1-26 Ac. Sec. 27, T. 5 N., R. 13 E. Total 374 Ac. irrigable.

(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 stream Thru percolation

1-Int. U-169 ~~INT~~ motor on Berkeley 4" GQH pump (trailer mounted) 1855.00
 33 Jts 6" X 30' LC-HI aluminum main line pipe 1870.50
 40 Jts. 4" X 40' mid-drain lateral line 1540.00
 40 Rainbird sprinkler heads W/risers & reducers 240.00
 Suction and discharge fittings 662.15
 500 GPM - Sprinkler system \$5567.65
 " " " " " " "
 - Flood System -
 1500 GPM -
 1 6 YQL Berkeley Pump (trailer mounted W/automatic safety controls 1864.00
 Suction & discharge fittings 511.00
 27 Jts. 10" X 30' LC-HI main line aluminum pipe (800') 1933.20
 1500 GPM Flood system - - - \$4309.20

 Grand total - - - - \$9875.85

(c) * Head gate: Width 4 ft. feet; height 2 ft. feet;
 Material wood and concrete
 (d) Canal: Total length 2 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 5 years.
 11. Time required for complete application of water to the proposed beneficial use 5 years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
Sturgis Tribune, Sturgis, South Dakota

STATE OF SOUTH DAKOTA
 County of Hurd ~~xxxxxxx~~ Meade ss.

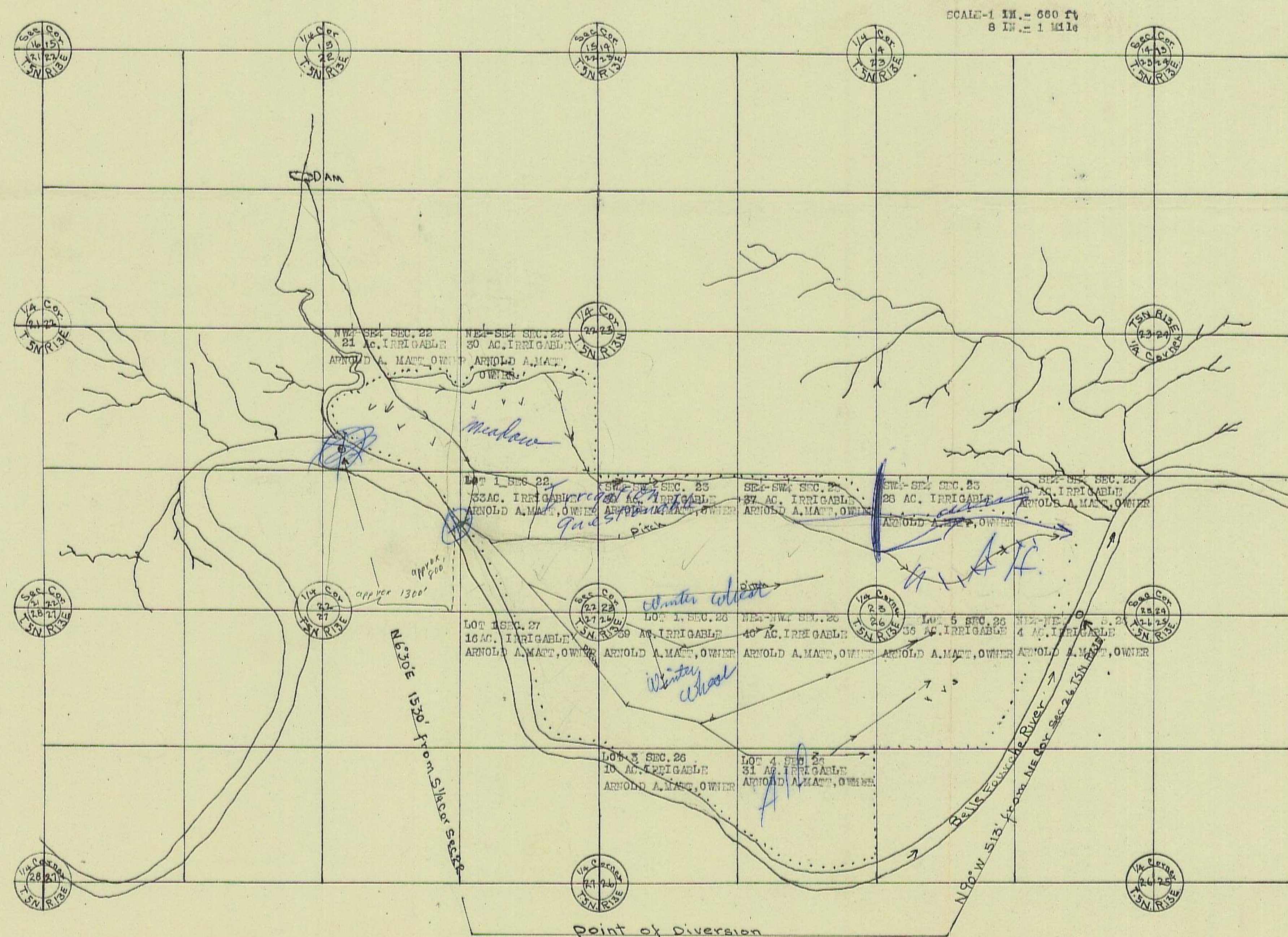
I, Arnold A. Matt, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Arnold A. Matt

Subscribed and sworn to before me this 28nd day of April 1957

Carl M. Cornell
 Notary Public (or other qualified officer.)
 Carl M. Cornell, Buffalo, So. Dak.

PLAT
OF THE
MATT IRRIGATION PROJECT
SECTIONS 22, 23, 26 & 27, T.5 N., R. 13 E., BHM
MEADE COUNTY, S. D.



"CERTIFICATE."

I, CARL M. CORNELL, LICENSED SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF ARNOLD A. MATT OF ELM SPRINGS, MEADE COUNTY, SOUTH DAKOTA, I HAVE MADE A SURVEY AND PREPARED THIS PLAT OF CERTAIN IRRIGABLE AREAS OF THE SEVERAL LEGAL SUBDIVISIONS SHOWN HEREON AS THE PROPERTY OF THE SAID ARNOLD A. MATT AS A PART OF HIS APPLICATION FOR A PERMIT TO APPROPRIATE 4.4 SECOND FEET OF WATER FROM THE BELLE FOURCHE RIVER FOR IRRIGATION PURPOSES.

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

SUBSCRIBED AND SWORN TO AT BUFFALO, SOUTH DAKOTA THIS 1ST DAY OF MAY, 1957.

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

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTH DAKOTA THIS 1ST DAY OF MAY 1957.

M. R. Hann
NOTARY PUBLIC (SEAL)

Map No. 275-1
Appl. No. 302-1

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 23, 1957

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 6 day of May, 1957

State Water Resources Commission

By:

J. D. Brinner
Chief Engineer, Executive Officer

Number of permit 302-1

Date of first receipt of application May 6, 1957

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 May 6, 1957

Approved June 28, 1957, Recorded in Book 4 Page 128

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 _____

December 28, 1957

2nd. The whole of said work is to be completed on or before June 28, 1962

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

June 28, 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 4.40 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 June 28, 1962; said water to be used during the following described annual period.

April to November inclusive

Witness my hand this 27 day of July, 1957

State Water Resources Commission

By:

J. D. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued December 30, 1958

Water License Issued December 30, 1958

STATE OF SOUTH DAKOTA

WATER LICENSE No. 302-1

WHEREAS, On the 6th day of May A. D. 1957

Arnold A. Matt

of Elm Springs County of Meade and State of South Dakota duly made application (No. 302-1) to us for a permit to use 4.4 cubic feet per second of the waters of The Belle Fourche River County of Meade, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 27th day of July A. D. 1957 Permit No. 302-1 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 28th day of June A. D. 1962 and for the application to beneficial use of said water on or before the 28th day of June A. D. 1962 and,

WHEREAS, On the 26th day of August A. D. 1953 the holder of said permit duly made proof of the completion of adequate works for the diversion of 4.11 cubic feet per second of said waters, as evidenced by our Certificate No. 302-1 dated December 30, 1958 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.11 cubic feet per second of water, with date of priority of May 6, 1957 and,

WHEREAS, On the 26th day of August A. D. 1958 proof was duly made of the application to beneficial use of 4.02 cubic feet per second of said water; on 282 acres located in Lot 1, Sec. 22; S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; NE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and Lots 1, 3, 4 & 5 Sec. 26; and Lot 1, Sec. 27; all in T 5 N, R 13 E more particularly described in Certificate of Completion of Works No. 302-1.

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 Arnold A. Matt

of Elm Springs, South Dakota the holder and owner of said permit No. 302-1
a water right, dating from May 6, 1957 to the use of 4.02

cubic feet per second of the waters of The Bella Fourche River

In the County of Meade and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, to be diverted at approximately 1300 feet east
and 800 feet north of the S $\frac{1}{2}$ Cor., of Sec. 22, T 5 N, R 13 E

and conducted to and upon Lot 1, Sec. 22; S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; NE $\frac{1}{4}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$
and Lots 1, 3, 4 & 5, Sec. 26, Lot 1, Sec. 27; all in T 5 N, R 13 E

more particularly described in Certificate of Completion of Works No. 302-1

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 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 30th day of December 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 _____	
Am't _____ c.f.s.	
Point of Diversion _____	

Place of Use _____	

Purpose _____	

Date of Priority _____	
Recorded _____	
In Book _____ of _____ Page _____	

Permit No. 302-1
Belle Fourche
 Water Division No. 1 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Arnold A. Matt.

of Elm Springs, County of Meade, and State of
South Dakota, the holder of Permit No. 302-1, issued upon Application
 No. 302-1 bearing date of priority of May 6, 1957, authorizing the diversion of

4.4 cu. ft. per second of the waters of The Belle Fourche River

County of Meade, State of South Dakota, at between a point
N 60° 30' E, 1530 feet from the S½ Cor., Sec. 22 and a point west, 513 feet
from the NE Cor., Sec. 22 both in T 5 N, R 13 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 4.11 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 1, Sec 22</u>)	17 acres
<u>SW¼SW¼, Sec. 23</u>)	26 acres
<u>SE¼SW¼, Sec. 23</u>)	25 acres
<u>SW¼SE¼, Sec. 23</u>)	28 acres
<u>SE¼SE¼, Sec. 23</u>)	10 acres
<u>NE¼NE¼, Sec. 26</u>)	4 acres
<u>Lot 5, Sec. 26</u>)	36 acres
<u>NE¼NW¼, Sec. 26</u>)	40 acres
<u>Lot 1, Sec. 26</u>)	39 acres
<u>Lot 3, Sec. 26</u>)	10 acres
<u>Lot 4, Sec. 26</u>)	31 acres
<u>Lot 1, Sec. 27</u>)	16 acres
Total	282 acres

Remarks: The location of the point of diversion is changed to read
"approximately 1300 feet east and 800 feet north of the S½ Cor.,
Sec. 22, T 5 N, R 13 E as the present construction fell into the
category of a permanent point of diversion.

Witness my hand this 30th day of December A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Permit No. 302-1

Belle Fourche
Water Division No. 1 River 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 order of authorization ~~XXXX~~
on August 26, 1958~~XXXX~~, I have ~~XXXXXX~~ made a thorough examination of the diversion works constructed by

Arnold Matt

of Elm Springs

Meade

County, South Dakota, holder of Permit No. 302-1, Issued

upon Application No. 302-1, bearing date of priority of May 6, 1957, authorizing the
diversion of 4.4 cu. ft. per second of the waters of the Belle Fourche River for irrigation

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

The diversion works comprise: Berkley Model #8GRM pump, impellar diameter 12 1/8";
Oliver Power Unit Model #188HC; 6" pully on the motor belted to a 10" pully
on the pump; 40 feet of 10" steel pipe; 50 feet of 8" aluminum pipe; about
3 1/2 miles plus, of adequate ditching; and an earth surge basin.

and the system is in the following condition: Pump, power unit and pipe are very good
ditching and other earthwork is fair

The point of diversion, located approximately 1300 feet east and 800 feet north
of the S 1/2 Cor., Sec. 22, T 5 N, R 13 E.

The works are capable of diverting and conveying to the place of use 4.11 cu. ft. per second of water,
which is to be used for irrigation

The legal sub-divisions to be irrigated are: Lot 1, Sec. 22; S 1/2 SW 1/4, S 1/2 SE 1/4, Sec. 23;
NE 1/4, NE 1/4 NW 1/4 and Lots 1, 3, 4 & 5, Sec. 26; Lot 1, Sec. 27; all in
T 5 N, R 13 E.

comprising a total of 282 acres of land.

The domestic use intended comprises

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

Remarks: The description of the original proposed point of diversion read
between a point N 60° 30' E, 1530 feet from the S 1/2 Cor., Sec. 22 and a point
west, 513 feet from the NE Cor., Sec. 26 both in T 5 N, R 13 E. Present
construction fell into the category of a permanent diversion point account-
ing for the change. Acreage noted as 282 acres instead of the proposed
374 acres as there is no apparent development above the present ditch.
The operator did not wish to take advantage of the balance of his time for
additional construction.

Witness my hand, this 30th day of December, A. D. 19 58

--SEAL--

L. S. Wyborny,

Examining Engineer.

(First Publication before May 31, 1957)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., May 23, 1957

Notice is hereby given that Arnold A. Matt whose postoffice address is Elm Springs S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.4 cubic feet of water per second of time from the Belle Fourche River through the northerly and waterly **Matt Irrigation Project** the point of diversion of which is to be located on the between a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22 and a point bank of said stream in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2, 3 all in Twp. 5 N Range 13 E. Said water to be used for the purpose of providing irrigation on the following described land:

a portion of the SE $\frac{1}{4}$, Sec 22; S $\frac{1}{4}$, Sec 23; N $\frac{1}{4}$ Sec 26; and Lot 1, Sec 27, all in T 5 N, R 13 E.

~~XXXXX~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28th day of June, 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:

~~XXXXXXXXXXXXXXXXXXXX~~
Les Wyborny, Water Rights Engineer

cc Mr. E. J. Hunn, Publisher
The Sturgis Tribune
Sturgis, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Meade } ss.

Frank J. Hunn being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

Sturgis Tribune a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the -----
 city of Sturgis County of -----

Meade and State of South Dakota; that the said notice was published in said newspaper on the following dates:

May 30, 1957

June 6, 1957

June 13, 1957

June 20, 1957

in each and every issue of the full number thereof, the first publication being made on the 30th day of May

1957 and the last publication on the 20th day of

June 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 the printer and publisher of the said newspaper.

Frank J. Hunn

Subscribed and sworn to before me this 20th day of June A. D. 1957

Notary Public Meade County, S. D.

Form 8—Notice of Intention to Appropriate Water No. 302-1 (First Publication before May 31, 1957)

APPROPRIATION OF WATER
 Office of State Water Resources Commission,
 Pierre, S. Dak., May 23, 1957

Notice is hereby given that Arnold A. Matt whose postoffice address is Elm Springs, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.4 cubic feet of water per second of time from the Belle Fourche River through the Matt Irrigation Project, the point of diversion of which is to be located on the northerly and westerly bank of said stream between a point in the NW 1/4 Sec. 22 and a point in the SE 1/4 of the SE 1/4 of Section 2, 3 all in Twp. 5 N Range 13 E. Said water to be used for the purpose of providing irrigation on the following described land:

a portion of the SE 1/4, Sec. 22; SW 1/4, Sec. 23; NW 1/4, Sec. 26; and Lot 1, Sec. 27, all in T. 5 N, R. 13 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28th day of June, 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
 Roy Les Wyborny, Water Rights Engineer
 (May 30-June 6, 1957)

RECEIVED
 JUN 22 1957
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

August 14, 1961

Arnold A. Matt
Elm Springs, South Dakota

Dear Mr. Matt:

The South Dakota water laws (Chapter 430, Session laws of 1955, as amended) provide "that the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights."

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the Belle Fourche River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that your withdrawal of water from the Belle Fourche River for irrigation purposes shall cease effective August 20, 1961, and until further notice.

This order is necessary in order to maintain domestic use, including stockwater.

Please govern your use of irrigation water under your water right in accordance with this order. Between now and August 31, 1961 inspections will be made of the supplies of water in the Belle Fourche River. New orders based on these inspections will be issued from this office on August 31, 1961.

Sincerely,

J.W. GRIMES
Chief Engineer and
Executive Officer

cc: to each Water Resources Commission

August 31, 1961

Mr. Arnold A. Matt
Elm Springs, South Dakota

Dear Mr. Matt:

Reference is made to my letter to you dated August 14, 1961 concerning the low flows of the Belle Fourche River. Aerial inspections since that date show that the supply of water is still inadequate to satisfy all authorized uses of this stream.

The Water Resources Commission hereby orders that you continue to cease any withdrawal of water from the Belle Fourche River for irrigation purposes.

This order is necessary in order to maintain domestic uses including stockwater.

This order is to remain in effect for the remainder of this irrigation season, unless there is a substantial increase in the flow of the Belle Fourche River, in which case you will be notified that this order is no longer in effect.

Sincerely,

J. W. CRIMES
Resources Officer &
Chief Engineer

JWC:LL

cc to each Water Resources Commissioner

SOUTH DAKOTA
State Water Resources Commission

STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

September 20, 1961

Arnold A. Matt
Elm Springs, South Dakota

Dear Mr. Matt:

Reference is made to my letter to you dated August 31, 1961 restricting irrigation pumping from the Belle Fourche River.

Inspection now indicates that there is more than ample flow in the Belle Fourche River, between the Irrigation Diversion Dam near Belle Fourche city and the mouth of the Belle Fourche River, to supply domestic, including stockwater, requirements.

Therefore the restrictions as to irrigation pumping contained in the August 31, 1961 letter is hereby rescinded.

Please bear in mind that this does not permit you in anyway to divert all of the flow of the river and any irrigation withdrawals you might make, must allow sufficient water to by-pass your diversion point to supply downstream domestic, including stockwater, and prior water right use.

Sincerely,

J.W. ORKINS
Executive Officer and
Chief Engineer

JW:DD:bw

WATER RIGHTS DIVISION
(605) 773-3352

February 3, 1987

Arnold A. Matt
Box 3A
Elm Springs, South Dakota 57736

Dear Mr. Matt:

An inspection of your water use system as exists under Water Right No. 302-1 and Location Notice No. 669-1 was completed December 16, 1986. The Water License for Water Right No. 302-1 will be reissued to incorporate the applicable portions of Location Notice No. 669-1 for what is actually being irrigated.

Enclosed is a partially completed "Notice of Transfer" for transferring Location Notice No. 669-1 to your name. This needs to be filed before the water license can be issued. Please complete the enclosed form by signing and dating it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

Also enclosed is a copy of Location Notice No. 669-1 and a copy of the map showing the area which will be licensed. These are yours to keep for your records.

If you have any questions, please contact our office.

Sincerely,

Genny McElath
Natural Resources Analyst

GJ:ms
Enc.

LOCATION NOTICE

237

P-267

KNOW ALL MEN BY THESE PRESENTS:

THAT Vernon Riech whose post office is #669-1
Bonita Springs, South Dakota, a citizen of the United States, above the age of
 21 years, being in possession of the following described land, to-wit: Section 22, Township 5 N., Range 13 E., B. H. M.
in Meade County, South Dakota. Said lands comprising Desert Entry No. _____

Land District, availing himself of the right granted under the provisions
 of Section 31 of Chapter 180 of the Session Laws of South Dakota of 1907, has located and claims the right to
 construct a certain dam across a dry draw situated in the N.E. 1-4 of the N. 5th 1-4 section 22
 township 5 N. range 13 E. B. H. M. and has located and claims the right to construct
 ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above
 described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 4 cubic feet of water per second during the follow-
 ing described annual periods January 1st to December 31st inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the N.E. 1-4 of sec. 22, T. 5 N., R. 13 E., B. H. M. and 1.158 ft.
point of diversion on said Creek.

The ditch to be will run in a South and Easterly direction to and on said
 land for a distance of 4770 feet. to be in line with the 450 acre right of way.

Said location was made on the 1st day of November 1918

Witness my hand and seal this 5th day of November 1918

Locator.

State of South Dakota,

County of Meade

On the 5th day of November 1918, before me

C. E. Delaney, a notary public in and for the County and State aforesaid, personally
 appeared Vernon Riech to me personally known to be the person who executed
 the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth

Witness my hand and official seal, the day and date above written.

C. E. Delaney
 Notary Public.

Pierre, South Dakota, November 13 1918

This is to certify that the foregoing location notice was received at this office at 11:00 o'clock A. M.,
 on the 13th day of November 1918, and after examination it was

John H. Hays
 State Engineer.

Location Notice No. 669-1

NOTICE OF TRANSFER OF ~~WATER~~ PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 2-26-87

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

Portion of SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22; NE $\frac{1}{4}$ S $\frac{1}{2}$ Section 23; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, T5N-R13E.

formerly owned by Vernon Keith

has been transferred to Arnold A. Matt, Box 3A, Elm Springs, South Dakota 57736

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Location Notice
~~Water Right Permit~~ No. 669-1 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 Meade) ss.

I, Arnold A. Matt 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.

Arnold A. Matt
(Signed)

Subscribed and sworn to before me this 26 Day of February, 1987.

Viola Barry
(Notary Public)

Comm. Expires 2-14-87

Relicense Inspection to
Form 12 Incorporate Location
Notice # 669-1

Permit No. 302-1

Belle Fourche River Water District 10120202

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

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Arnold A. Matt
Box 3 A, Elm Springs, SD 57736 holder of
0.40 cfs December 13, 1928
Permit No. 302-1 bearing the priority of 3.3 cfs May 6 1957 authorizing
the diversion of 3.70 cu. ft. per second of the waters of Belle Fourche River and Dry Draw
for Irrigation purposes, in Meade County.

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

A. Works used to divert the water:

Pump = Berkeley Model B8GPBM, Ser # 814587, Imp Dia. 6 x 10 5/8
Motor = GE Model, 5K 326 JLB270A. 50 HP, 1770 RPM. Pumps 2500 gpm
Small diversion dam on dry draw

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

Pump from river thru pipes to ditches and water spreading areas
500' ft + of 10" x 12" dia. Aluminum pipe.
Ditch from Diversion dam to irrigated field

C. Works used to apply water to beneficial use:

Dikes and ditches to spread water

The system is in the following condition Good

The point of diversion is located From River: 1300' E and 800' N of S 1/4 Cor of Sec. 22.
Dry draw: 600' S and 400' W of N 1/4 Cor of Sec. 22 T5N R13E

The works are capable of diverting and conveying to the place of use 5.56 by pump; 2.0+ by Run-off
cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

(see attached sheet)

comprising a total of 2.63 acres or land and the license should be issued for 3.70 cfs 4 cfs - 12-13-28
3.3 cfs - 5-6-57

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are Date December 16, 1986

LeRoy J. McNamee
SPECIAL AGENT

302-1

Arnold A. Matt

Areas to be irrigated.

All in T5N R13E

Priority Date December 13, 1928

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22 = 20 AcSW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 23 = 12 Ac. Total 32 Ac.

Priority Date May 6, 1957

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 22 = 12 Ac.SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 23 = 27 Ac.SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 23 = 28 AcSW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23 = 17 AcSE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23 = 5 AcNW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26 = 34 Ac.NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 = 40 AcSW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 = 4 AcSE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 26 = 26 AcNW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 26 = 32 AcNE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 26 = 2 AcNE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 27 = 4 Ac

Total 231 Ac.

Total 231 + 32 = 263 Acres

State of South Dakota

REISSUED Water License No. 302-1

(1) Arnold A. Matt
of Box 3A, Elm Springs, South Dakota 57736 was issued Water License
made Application No. 302-1 December 30, 1958 for a water right permit to appropriate
4.02 cubic feet per second of water from the Belle Fourche River and a dry draw
Meade County, South Dakota for irrigation purposes.

Water License
Permit No. 302-1 with a priority date of May 6, 1957
was approved and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before and for the application to beneficial use of said
water on or before completed

Water License No. 302-1 dated December 30, 1958 was issued for diversion of 4.02
cubic feet of water per second to irrigate 282 acres.

Location Notice No. 669-1 covers some of the same lands as authorized under Water
Right No. 302-1. Location Notice No. 669-1 was located and filed by Vernon Keith.
On March 2, 1987, Location Notice No. 669-1 was transferred to Arnold A. Matt.

Based on a December 16, 1986, inspection of the water use system, Water License
No. 302-1 is being reissued to reflect what is actually being irrigated. The
applicable portions of Location Notice No. 669-1 are being incorporated into the
reissued License. The priority dates as they pertain to lands irrigated under Water
Right No. 302-1 and Location Notice No. 669-1 are described in #3 of this license.

and

(2) It is certified that the application 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 3.70 cubic feet per second of water
for beneficial use. The location of the diversion point(s) are from the River: 1300'E and 800'N
of S $\frac{1}{4}$ Corner Section 22; dry draw: 600'S and 400'W of NE $\frac{1}{4}$ Corner Section 22, all
in T5N, R13E.

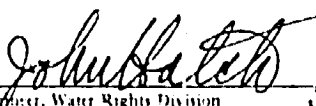
and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T5N, R13E

Priority - December 13, 1928		Priority - May 6, 1957 continued	
Section 22	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20 Acres	Section 26	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 34 Acres
Section 23	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 12 Acres		NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 Acres
			SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4 Acres
Priority - May 6, 1957			SE $\frac{1}{4}$ NE $\frac{1}{4}$ 26 Acres
Section 22	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 12 Acres		NW $\frac{1}{4}$ NE $\frac{1}{4}$ 32 Acres
Section 23	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27 Acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 28 Acres	Section 27	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 17 Acres		
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5 Acres	TOTAL ACRES	7.63

(4) Pursuant to §46-5-30.1 Arnold A. Matt
of Box 3A, Elm Springs, South Dakota 57736
Right
the holder(s) and/or owner(s) of Water Permit No. 302-1 is issued a license to appropriate water, the right to use
3.70 cubic feet per second of water from the Belle Fourche River & a dry draw with priority dates
0.4 cfs from December 13, 1928 and
of 3.3 cfs from May 6, 1957 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 Permit No. 302-1 Right
to South Dakota State Law. and subject


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
NOV 2 1987

RECEIPT

Division of Water Rights

410753

South Dakota Department of Water and Natural Resources

Pierre, March 2, 1987, 19__

RECEIVED OF Arnold A. Hatt, Box 3A, Elm Springs, SD 57736

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. LR 609-1

2 50

Fee for Filing Transfer Form _____

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



No. 302-1



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 2 1987

Arnold A. Matt
Box 3A
Elm Springs, South Dakota 57736

Dear Mr. Matt:

Enclosed herewith is, Water License No. 302-1. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: MS

Enclosures

Applicable portions of Location Notice No. 669-1 are being incorporated into the reissued Water License No. 302-1.

WNR-817 3/83

Transmittal of Water License.

 **Department of
Water & Natural Resources**

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

November 10, 1987

Arnold A Matt
Box 3A
Elm Springs, SD 57736

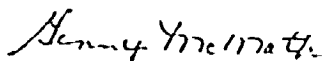
Dear Mr. Matt:

Enclosed is your Check No. 633 in the amount of \$2.50 and Receipt No. 410753 in the amount of \$2.50. The receipt, dated March 2, 1987, was a receipt for fees already paid and not a billing for additional fees.

The \$2.50 you paid in March, 1987, was for transfer of Location Notice No. 669-1 to your name. Location Notice No. 669-1 was then incorporated into Water License No. 302-1. Water License No. 302-1 was issued November 2, 1987, and mailed to you along with the receipt for the money you paid.

Additional fees will not be required. If you have any questions, please contact our office.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



302-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 1995

ARNOLD A MATT
HC 86 BOX 3A
ELM SPRINGS SD 57736

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 302-1. 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 hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 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. Following the hearing, the Water Management Board can:

1. Amend Permit No 302-1 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 is received in this office on or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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



302-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1995

302-1

Arnold Matt
HC 86 Box 3A
Elm Springs, SD 57736-9502

Dear Mr. Matt:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.

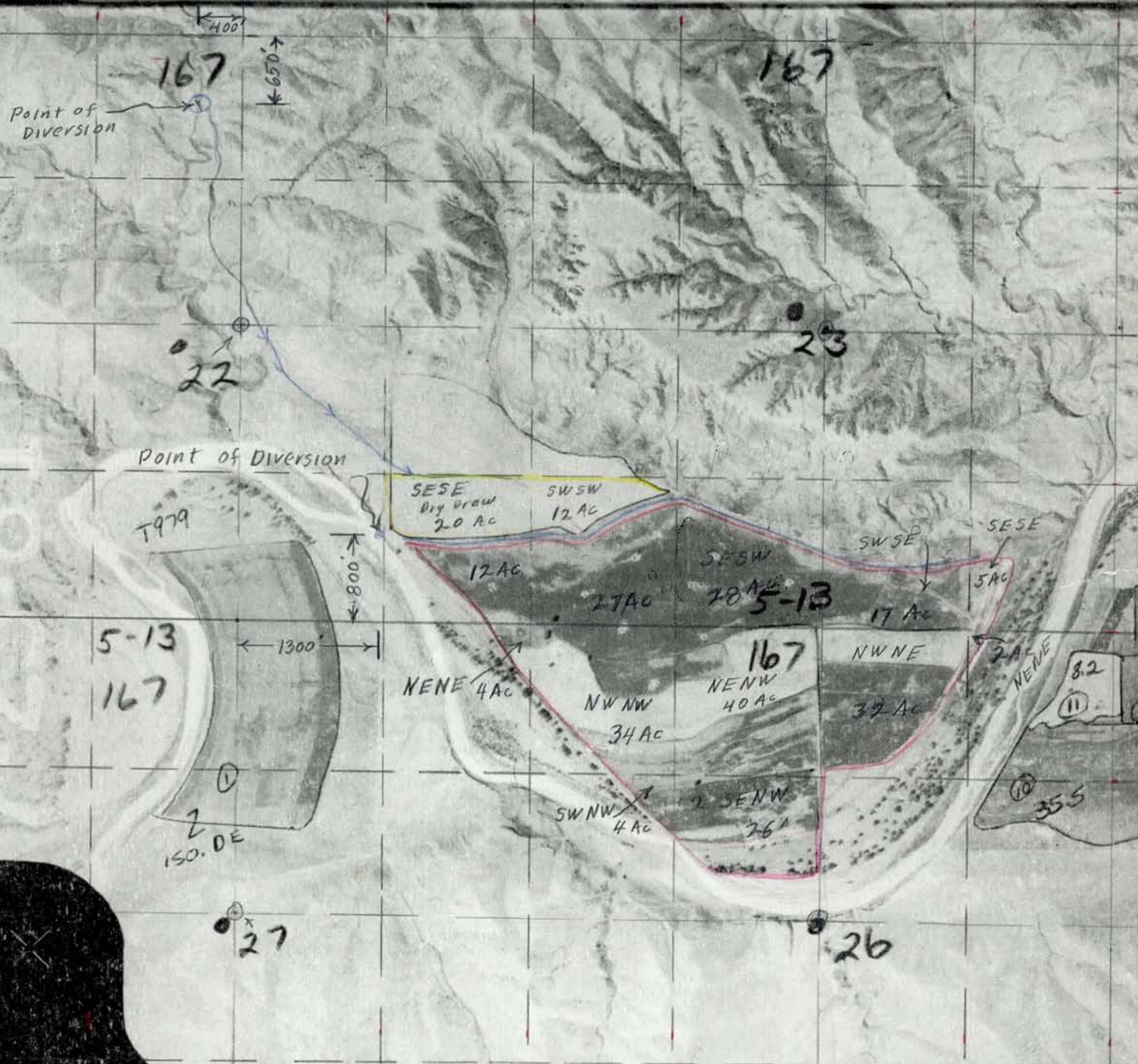
The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE



Note: used USGS Maps To
Locate Centers of Sections

Map by L.J. Marnough
Natural Resources Engineer
Jan 29, 1987

Yellow = Dry Draw Priority date
November 28, 1928

Red = River Priority date
May 6, 1957

Arnold Matt

Permit # 302-1

(over)

302-1

Arnold Matt

12-16-86 Incop. LN 669-1

Berkeley Pump. # 8145870 Ser# Not. Readable. Pumps. 2500 gpm

Model B 8GPBM. Ft. Head 9.71 =
Imp. dia $6 \times 10 \frac{5}{8}$

Motor GF Model 5K326 JL 270 A.

50 Hp. 1770 RPM

10" & 12" Aluminum pipes to ditches. 500 ft.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

302-1

Arnold A Matt
PO Box 194
New Underwood SD 57761-0194

Dear Mr. Matt:

Enclosed is a "Notice" dated October 28, 2005 concerning the 2005 irrigation questionnaire. The notice was originally mailed to 17675 3M Rd, Elm Springs SD 57791. 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
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

302-1

Dear Sir;

The ranch formerly
owned by Arnold &
Elsie Matt with the
Pa. Boy 194, New Underwood
have sold the ranch
to Kenneth & Stanley Matt,
our sons.

Would you please
send any Questionnaires
to "Matt Brothers,
at 17614 3M Rd
Elon Springs, SD. 57791

Thank you,

Elsie & Arnold Matt

RECEIVED

JAN 05 2009

SURFACE WATER PROGRAM



**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 5, 2009

302-1

Kenneth & Stanley Matt
17614 3M Rd
Elm Springs SD 57791

Dear Sirs:

I am contacting you in regard to ownership of land described in Water Right No. 302-1. Elsie Matt has notified us that they sold the ranch to you and that future correspondence should be directed to you.

I have enclosed a copy of the water right in the event you do not have one. Also enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosures

RECEIVED

JAN - 9 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 302-1

Date: 1-6-09

I/We request that Water Right No. 302-1

formerly owned by: Arnold A Matt

be transferred to: (name & address) Stanley & Kenny Matt
17614 3rd RD Elm Springs SD. 57791
Telephone No. 605-985-5284

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

SE ¼ SE ¼ Section 22; S ½ SW ¼ and S ½ SE ¼ Section 23; NW ¼ and N ½ NE ¼ Section 26;

NE ¼ NE ¼ Section 27, all in T5N, R13E

I/We understand that the validity of Water Right No. 302-1 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 Stanley & Kenny Matt the new owner, certify that the above information is true and correct.

Stanley Matt
(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 1/9, 20 09

RECEIVED OF Matt Brothers 17614 3 M Rd Elm Springs Sd 57736

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

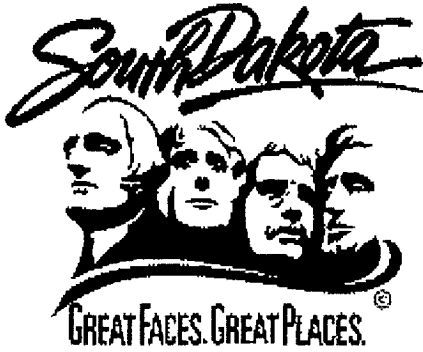
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use.		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>302-1</u>	2	50
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.

03021

By

Garland 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

January 12, 2009

302-1

Stanley & Kenny Matt
17614 3M Rd
Elm Springs SD 57791

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for Water Right No. 302-1. The transfer has been completed. The water right, formerly held by Arnold A Matt is now listed in your names.

Enclosed is your Receipt No. 03921 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

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