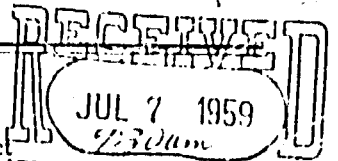


1. Considered August 10, 1959 Appl. No. 401-1
2. Name of Applicant Edith L. Sorenson
3. Post Office Address Midland, South Dakota
4. Amount of water claimed 2.7 cfs
5. Source of water supply Red Creek
6. Water to be used for irrigation
Acres to be irrigated 1921
7. Water to be diverted and used in Butte County about
4.5 miles northwest of Midland.
8. Proof of Publication Received ✓
Not Received ✓
9. Application Approved ✓
Subject to ✓
Not approved ✓
Action deferred ✓

10. Remarks:

*Below Oregon
River*



Water Division No. _____

(Blanks to be filled by the Engineer for the W. R. C.)

District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant THOMAS & Kenneth & Dorothy Aker
PETE L. SORENSEN
 Postoffice address NISLAND, County BUTTE, 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

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

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

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

2. Name of diversion work THE SORENSEN IRRIGATION PROJECT3. Amount of water claimed 2.7 cubic feet per second4. Source of water supply OWL CREEKBetween a point 200' W of the N $\frac{1}{4}$ Cor. 31, and a point 2550' E of the W

5. Location of point of diversion

 $\frac{1}{4}$ Cor. Sec. 32, T. 9 N., R. 5 E-BHM on both banks Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

I. Irrigation or domestic use. Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 193 acres.

NE-NW-34 Ac., NW-NE-33 Ac., NE-NE-20 Ac., SE-NE-37 Ac.

Sec. 31, T. 9 N., R. 5
Total 124 Ac.

NW-NW-3 Ac., NE-NW-3 Ac., SW-NW-34 Ac., SE-NW-28 Ac. Sec. 32

Total 68 Ac.

Grand Total 192 Ac.

(a) Nature of use irrigation
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

Map No. 348-1

3. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$1300.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Pipe REX, \$1060.00

(e) Other structures ----- \$-----

Total, \$2200.00

9. Description of diversion works:

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

Pumping plant and pipe-----

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----

feet; thickness at bottom-----feet; thickness at top-----

feet; slope at front water face-----; slope at back face-----

material used in construction-----

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

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

(c)* Head gate: Width-----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-----A-----years.

11. Time required for complete application of water to the proposed beneficial use-----4-----years.

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

The Belle Fourche Bee, Belle Fourche, So. Dak.

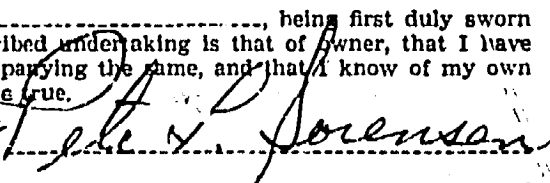
STATE OF SOUTH DAKOTA

County of-----Butte-----

ss.

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

Signed



Subscribed and sworn to before me this-----15th-----day of-----June-----19--59

Carl E. Cornell

Notary Public (or other qualified officer)

PLAT
OF
THE SORESEN IRRIGATION PROJECT
SECTIONS 31 and 32, T.9 N. & R. 5 E. - RRM
BUTTE COUNTY, SOUTH DAKOTA

SCALE 1 inch = 500 feet
8 inches = 1 mile.

SURVEYOR'S CERTIFICATE

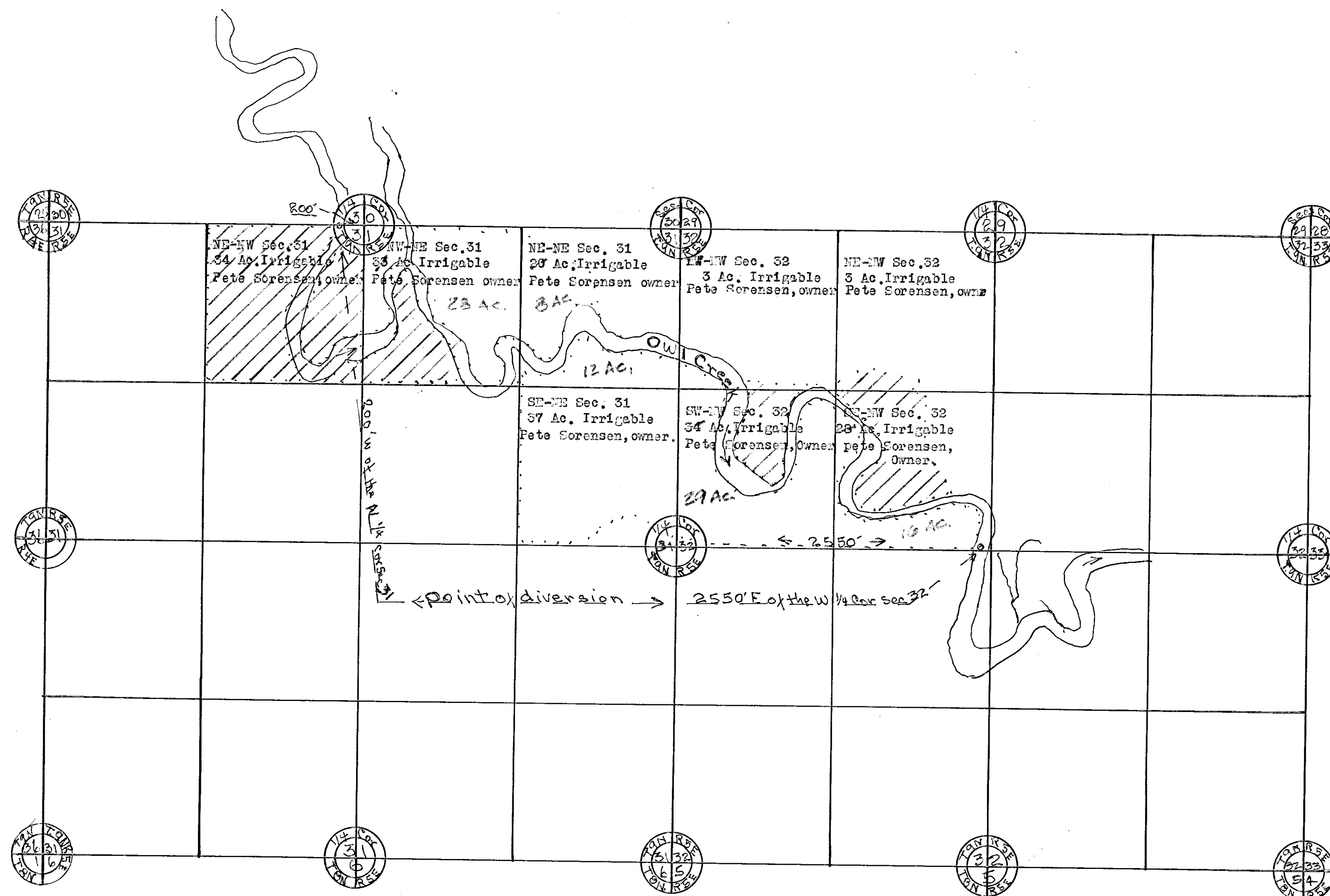
I, Carl M. Cornell, Licensed Surveyor in and for the State of South Dakota, do hereby certify that, at the request of Pete L. Sorensen, of Wisland, South Dakota, I have made a survey and prepared this plat of irrigable areas belonging to the said Pete L. Sorensen for the purpose of furnishing the required plat to complete his Application for a Permit to Appropriate Water for Irrigation Purposes.
I further certify that all lengths and bearings of lines shown hereon, and their location with reference to Government land corners show, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 30th day of June 1959.

Signed: Carl M. Cornell (SEAL)
Carl M. Cornell, Licensed Surveyor #144

Subscribed and sworn to before me at Buffalo, South Dakota this 30th day of June 1959.

M. R. Hann
Notary Public (SEAL)



NOTE: CROSS-HATCHED AREA
DELETED FROM WATER
RIGHT AT FINAL
INSPECTION

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 11, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
a.m. upon the 7 day of July, 1959

State Water Resources Commission

By:

Geo. Quinn

Chief Engineer, Executive Officer

Number of permit 401-1

Date of first receipt of application July 7, 1959

Date of return to applicant for correction, amendments or changes required as follows: July 10, 1959

Date of receipt of corrected application July 14, 1959

Date from which applicant may claim right July 7, 1959

Approved August 11, 1959, Recorded in Book 5 Page 204

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

August 11, 1961

2nd. The whole of said work is to be completed on or before August 11, 1963

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

August 11, 1963

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

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

6th. The amount of the appropriation herein granted shall not exceed 2.7 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 August 11, 1963; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 7 day of September, 1959

State Water Resources Commission

By:

Geo. Quinn

Chief Engineer, Executive Officer

Certificate of Construction Issued

APRIL 21, 1967

Water License Issued

APRIL 21, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 401-1

WHEREAS, On the 7th day of July A. D. 1959
Pete L. Sorensen

of Nisland County of Butte and State of
South Dakota duly made application (No. 401-1) to us for a permit to use 2.7
cubic feet per second of the waters of Owl Creek
County of Butte, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 9th day of September A. D. 1959
Permit No. 401-1 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 11th day of
August A. D. 1963 and for the application to beneficial use of said
water on or before the 11th day of August A. D. 1963
and, Whereas the permit was transferred to Willard T. Riley on the 29th day of March,
1967, and

WHEREAS, On the 4th day of April A. D. 1967
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.0
cubic feet per second of said waters, as evidenced by our Certificate No. 401-1
dated April 21, 1967 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 July 7, 1959 and,

WHEREAS, On the 4th day of April A. D. 1967
proof was duly made of the application to beneficial use of 1.88 cubic feet per second of said water;
for irrigation of 132 acres in portions of Sections 31 and 32, T9N, R5E

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 **Willard T. Riley**

of **Nisland** the holder and owner of said permit No. **401-1**

a water right, dating from **July 7, 1959** to the use of **1.88**

cubic feet per second of the waters of **Owl Creek**

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

necessray for the purposes hereinbelow mentioned, to be diverted ~~xx~~ **between a point 200'W of the N $\frac{1}{2}$**

corner Section 31, and a point 2550'E of the W $\frac{1}{2}$ corner, Section 32, T9N, R5E,

and conducted to and upon **portions of Sections 31 and 32, T9N, R5E, more specifically**

described in the Certificate of Completion of Works

for the purpose of **irrigation**

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this **21st** day of **April** A. D. Nineteen
Hundred and **Sixty-Seven**

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Permit No. 401-1Water Division No. 1 Belle Fourche River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Willard T. Riley

of Nisland, County of Butte, and State of South Dakota, the holder of Permit No. 401-1, issued upon Application No. 401-1, bearing date of priority of July 7, 1959, authorizing the diversion of 2.7 cu. ft. per second of the waters of Owl Creek County of Butte, State of South Dakota, between a point 200'W of the N $\frac{1}{2}$ Corner, Section 31, and a point 2550'E of the W $\frac{1}{2}$ corner, Section 32, T9N, R5E 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 2.0 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: All in T9N, R5E

Section 31	NW$\frac{1}{2}$ NE$\frac{1}{2}$ AB	28 acres
	NE$\frac{1}{2}$ NE$\frac{1}{2}$ AA	20 "
	SE$\frac{1}{2}$ NE$\frac{1}{2}$ AD	37 "
Section 32	NW$\frac{1}{2}$ NW$\frac{1}{2}$ EB	2 "
	SW$\frac{1}{2}$ NW$\frac{1}{2}$ EC	29 "
	SE$\frac{1}{2}$ NW$\frac{1}{2}$ ED	16 "
	Total -	132 "

Witness my hand this 21st day of April A. D. 1967

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

Permit No. 401-1Water Division No. 1Belle Fourche 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 letter of authorization dated~~ 10, I have ~~this day~~ made a thorough examination of the diversion works constructed by Wilford T. Riley, of Nisland, Butte County, South Dakota, holder of Permit No. 401-1, issued upon Application No. 401-1, bearing date of priority of July 7, 1959, authorizing the diversion of 2.7 cu. ft. per second of the waters of Owl Creek for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Berkeley Pump, 8" 16", Coalscott Diesel Tractor, 80 H.P., 360 feet of 6" pipe, 20' 8" pipe, several sets of ditches.

and the system is in the following condition: excellent

The point of diversion is located As shown on water right map 348-1

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are:

In Section 31, T9N, R5E	In Section 32, T9N, R5E
NW 1/4 NE 1/4 20 Acres	NW 1/4 NE 1/4 2 Acres
NE 1/4 NE 1/4 20 "	SW 1/4 NE 1/4 29 Acres
SE 1/4 NE 1/4 37 "	

comprising a total of 132 acres of land.

The domestic use intended comprises incidental stock watering

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

Witness my hand, this 10th day of April, A. D. 1967.

—SEAL—

Donald Dussell

Examining Engineer.

Deputy Chief Engineer
Water Resources Commission

Location No. 401-1Water Division No. 1Water District 1

APR 6 1967

STATE WATER RESOURCES CENTER
BISMARCK, NORTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Willard T. Riley - rancher
Nisland, Box 94 - S. Dak

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

Ans. _____

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

Ans. July 7, 1959

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

Ans. Quil Creek - any place along Quil Creek on
property as shown by water right map No. 348-1

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. pump - Diesel tractor, to be changed to electric
motor, approx. 3 cfs can be pumped and system
was completed in 1965

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

Ans. About 175 acres, generally as shown
on water right map No. 348-1

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

Ans. _____

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

Ans. 2 cfs

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

I hereby certify that the above information is true and correct.

I hereby certify that the above information is true and correct.

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

Ans. water has been used for irrigation
on state every year since 1960

(Sign) Willard T. Riley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Bellevue, County of Butte

State of South Dakota, on this 3 day of April, A.D. 1967

X } Witnesses. Harry R. Stephens
Notary Public

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

Walter M. Odle
Butte County, South Dakota

Harry R. Stephens
Notary Public
Butte County, South Dakota
Commission Expires March 5, 1968

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.

County Butte

Marion Lucca being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Belle Fourche Bee 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 Belle Fourche County of

Butte and State of South Dakota;

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

July 16, 1959

July 23, 1959

July 30, 1959

August 6, 1959

in each and every issue of the full number thereof, the first publication being made on the 16 day of July

1959 and the last publication on the 6th day of

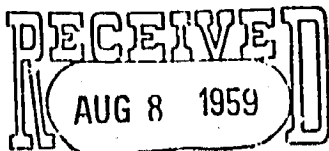
August 1959, upon which days or times

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

was Editor the printer and publisher of the said newspaper.

Marion Lucca

Subscribed and sworn to before me this 6th day of August A. D. 1959



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 401-1
APPROPRIATION OF WATER

Office of State Water
Resources Commission
Pierre, S. Dak.

July 11, 1959

Notice is hereby given that Pete L. Sorensen whose post-office address is Nisland, 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 27 cubic feet of water per second of time from Owl Creek through the Sorensen Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the NE 1/4 NW 1/4 Sec. 31 and a point in the SE 1/4 of the NW 1/4 of Section 32 Twp. 9N Range 5E. Said water to be used for the purpose of providing irrigation on the following described land:

NE 1/4 NW 1/4, N 1/2 NE 1/4, and SE 1/4 NE 1/4, Sec. 31; NW 1/4, Sec. 32 all in T 9N, R 5E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10 day of August, 1959, 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 for the consideration of any or all information presented.

State Water Resources
Commission

By: Les Wyborny
Water Rights Engineer
Bdt 7/16-23-30 8/6

Notary Public Butte County, S. D.

Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 29, 1965

(First Publication before July 17, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 11, 1959

Notice is hereby given that Fate L. Sorensen whose postoffice address is Nisland S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.7 cubic feet of water per second of time from xx Owl Creek through the Sorensen Irrigation Project, the point of diversion of which is to be located on xx both between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 31 and a point bank of said stream in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 32 Twp. 9N Range 5E. Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 31; NW $\frac{1}{4}$ Sec 32 all in T 9N, R 5E~~XXXXXX~~~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10 day of August, 1959, at 2:00P. 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 WYBORN

Water Rights Engineer

cc: Laurence Hayler, Publisher
The Belle Fourche Bee
Belle Fourche, South Dakota

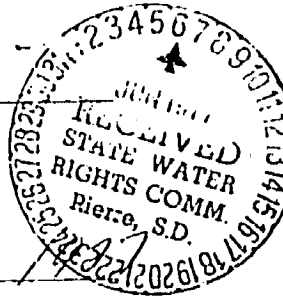
Form 20.

No. _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: May 31, 1977



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

as set forth in the attached schedule "A"

formerly owned by Willard T. Riley and Rosa Lee Riley
has been transferred to Kenneth D. Aker and Dorothy A. Aker
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 401-1 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Butte) SS.

I, Willard T. Riley and Rosa Lee Riley being first duly sworn on my oath dispose
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.

Rosa Lee Riley Willard T. Riley
(Signed)

Subscribed and sworn to before me this 2nd day of June

19 77

Robert L. Tschetter
(Notary Public)

ROBERT L. TSCHETTER
Notary Public, South Dakota
My Commission Expires January 12, 1984

Township 9 North, Range 5 East, Black Hills Meridian, Butte Co., SD:

- Section 29: Southwest Quarter of the Northeast Quarter; and,
West Half of the Southeast Quarter; and,
West Half of the Southwest Quarter.
- Section 30: Southeast Quarter; and,
Southeast Quarter of the Southwest Quarter.
- Section 31: Northeast Quarter of the Northwest Quarter; and,
North Half of the Northeast Quarter; and,
Southeast Quarter of the Northeast Quarter; and,
Part of the Southwest Quarter of the Northeast
Quarter lying North of the Irrigation Canal.
- Section 32: West Half of the Northwest Quarter; and,
Southeast Quarter of the Northwest Quarter; and,
Northeast Quarter.
- Section 33: Northwest Quarter.

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

June 10, 1981

Kenneth & Dorothy Aker
Nisland, SD 57762

Dear Mr. & Mrs. Aker:

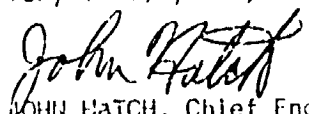
The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the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

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

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
401-1	1.83 cfs	132.00	\$53.00
TOTAL			\$53.00

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

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8340

PIERRE, June 26, 1981

RECEIVED OF Kenneth or Dorothy Aker, Star Rt. E-3, Hisland, SD 57762

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)

Fee for inspecting Construction, and Issuing Cert. of Construction No.

Fee for inspecting Beneficial Use, and Issuing Water License No.

Fee for issuing Location Certificate-Dry Draw, No.

Fee for filing

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for water master services on WR# 401-1

(any other work as provided by law)

53.00

TOTAL 53.00

WATER RIGHTS COMMISSION

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

Water Rights Division
605 773-3352

August 10, 1981

Kenneth Aker
Nisland,
South Dakota 57762

Dear Mr. Aker:

This is a follow up of our conversation on August 6, 1981. Enclosed is a copy of Water Right Permit No. 401-1 which you asked for. Enclosed also, is a copy of the Water Right map for the permit. The area you are allowed to irrigate from Owl Creek is shown outlined in red on the map. You may pump from any point on Owl Creek between the points indicated on the map.

If you desire to pump from Owl Creek to any land other than that under Permit No. 401-1 you will need to file for an application to do this.

In regard to Marvin Aker's permit which you said was applied for in Section 36, T2N, R10E south west of New Underwood, I can find no record of receiving an application from him. Nor could I locate any correspondence relating to the application. This is about all I can tell you regarding Marvin Aker's application, which you indicated had been submitted.

If you have any questions regarding the above matter please feel free to contact this office.

Sincerely,

LEROY J MERNAUGH
Water Resources Engineer

LJM:kw

enclosure

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

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

Detailed Report of Receipts

No.	Name	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Receipts (total fee)</u>	<u>Amount Returned</u>
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	38.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	35.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
111-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	156.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.30	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
511-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE
11-1-81	11-1-81

PAYEE . Kenneth E Dorothy Aker
Hisland SD 57762

DEPT. . DWR, Water Rights Division
Joe Foss Bldg.
Pierre SD 57501

AGENCY .

ADDRESS .

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		46.91	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22 46.91	

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			401-1 Kenneth E Dorothy Aker		46.91	
TOTAL					46.91	

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

[Signature]
Claimant Signature

11-5-81
Date

AGENCY VERIFICATION

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

[Signature]
DIVISION APPROVAL
11-5-81
DATE

APPROVAL SIGNATURE

DATE

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE



Department of Water & Natural Resources

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

April 15, 1985

Kenneth & Dorothy Aker
Nisland SD 57762

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 401-1. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 401-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Kenneth & Dorothy Akor
Nisland, SD 57762

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352 *John Hatch*

SUBJECT: Amendment to Water Permit No(s). 401-1.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 401-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 401-1

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 401-1 to add the following qualification:

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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 401-1

September 18, 1986

Farmers Home Administration
S Hwy 85
Belle Fourche, South Dakota 57717

Dear Sir:

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

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

L

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: September 30, 1986

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

132 Acres-N $\frac{1}{2}$ -NE $\frac{1}{4}$, SE $\frac{1}{4}$ -NE $\frac{1}{4}$ Section 31; W $\frac{1}{2}$ -NW $\frac{1}{4}$, SE $\frac{1}{4}$ -NW $\frac{1}{4}$ Section 32; all in T9N-R5E

formerly owned by Kenneth & Dorothy Aker

has been transferred to Farmers Home Administration, PO Box 70, Belle Fourche, SD 57717
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

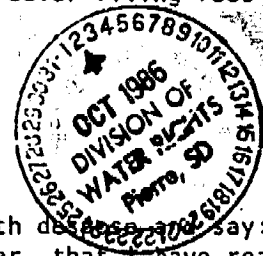
Water Right Permit No. 401-1 as provided for in SDCL 46-5-32 and 46-5-33.

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)
) ss.
County of Butte)

Farmers Home Administration, USDA
I, Ray N. Telkamp, County Supervisor being first duly sworn on my oath do hereby 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.



Ray N. Telkamp
(Signed)

Subscribed and sworn to before me this 30th Day of September, 1986.

Barry Reis
(Notary Public)

My Com. expires 4-24-90

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410583

Pierre, October 2, 1986

RECEIVED OF Farmers Homes Administration, PO Box 70, Belle Fourche, SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 401-1 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

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

October 2, 1986

Farmers Home Administration
PO Box 70
Belle Fourche, South Dakota 57717

Dear Sir:

Enclosed is receipt No. 410583 in the amount of \$2.50 which you
paid for transfer of Water Right No. 401-1.

Our records now show ~~you~~ **Farmers Home Administration** as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

401-1

WATER RIGHTS DIVISION
(605) 773-3352

November 7, 1988

Farmer's Home Administration
Box 70
Belle Fourche, South Dakota 57717

Dear Sirs:

Enclosed, as you requested are copies of Water Rights Nos. 401-1, 576-1 and 1208-1. If you have any questions, please advise.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

 **Department of
Water & Natural Resources**

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

October 24, 1989

401-1

Allen Lamb
HCR 76 Box 18
Nisland, SD 57762

Dear Mr. Lamb:

Our office has been notified by the Farmers Home Administration that you now own the land authorized for irrigation under Water Right No. 401-1. The legal description of the land is as follows:

N 1/2 NE 1/4, SE 1/4 NE 1/4 Section 31, T9N, R5E
W 1/2 NW 1/4, SE 1/4 NW 1/4 Section 32, T9N, R5E.

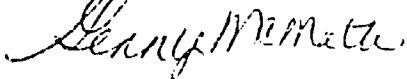
Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 401-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Also enclosed is the 1989 irrigation questionnaire pertaining to Water Right No. 401-1. The questionnaire needs to be completed and returned to our office before December 15, 1989.

If you have any questions, please contact me.

Sincerely,

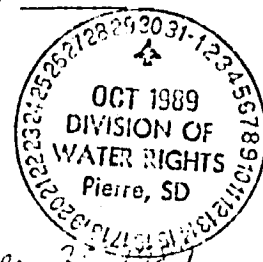


GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 3, 1989

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

132 acres - N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 31, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 32, T9N, R5E

formerly owned by Farmers Home Administration

has been transferred to Allen R. Lamb, HCR 76, Box 18, Nisland, SD 57762
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 401-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Allen R. Lamb 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.

Allen R. Lamb
(Signed)

Subscribed and sworn to before me this 26 Day of October, 1989.

Franklin A. Baker
(Notary Public)

My commission expires 10/12/91

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411951

Pierre, October 30, 1989

RECEIVED OF Allen R. Lamb, HCR 30, Box 194, Belle Fourche, SD 57717

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 401-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch/mra
Chief Engineer John Hatch/mra



Department of Water & Natural Resources

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

November 8, 1989

401-1

Allen R. Lamb
HCR 76, Box 18
Nisland SD 57762

Dear Mr. Lamb:

Enclosed is a receipt in the amount of \$2.50 which you paid for transfer of Water Right No. 401-1.

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

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



401-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 2003

TO: Owl Creek Water Right Holders

Dear Water Right Holder:

I am writing to water right holders who divert from Owl Creek to remind you of the condition requiring the bypass of adequate flows for downstream domestic use.

South Dakota law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, with the dry conditions, Owl Creek is currently not flowing. Your water right requires that sufficient flows be bypassed to provide for domestic needs when the creek is flowing. Under no conditions are you allowed to divert if doing so interferes with domestic use.

We anticipate that when the Belle Fourche Irrigation District begins operations that Owl Creek will receive sufficient return flows to sustain flow in Owl Creek. However, I ask that you be mindful of your neighbor's domestic needs for livestock.

Thank you for your cooperation, if you have any questions, please contact Mark Rath or Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Peter C Stark
HC 76 Box 133
Nisland SD 57762

Mike & Melora Torp
PO Box 37
Forestville WI 54213

Lester E Reid
HCR 76 Box 96
Nisland SD 57762

Donald Meyers
HCR 76 Box 98
Nisland SD 57762

Allen R Lamb
HCR 76 Box 18
Nisland SD 57762

James A Mickelson
HCR 76 Box 146
Nisland SD 57762

Raymond Garness
Rt 1 Box 141
Newell SD 57760

Judy/Amber/Jeff Dell
HC 76 Box 23
Nisland SD 57762



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: ALLEN R LAMB, 18617 RILEY RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 401-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 401-1 qualification:

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

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

1. Suspend or cancel Permit No(s) 401-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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

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

401-1

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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3172
Status: **Delivered**

Your item was delivered at 1:18 PM on January 22, 2008 in NISLAND, SD 57762. The item was signed for by A LAMB.

Track & Confirm

Enter Label/Receipt Number.

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

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

Postal Inspection
ServiceUnited States
Postal Service

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3172	
ALLEN R LAMB 18617 RILEY RD NISLAND SD 57762	
Waiver of Signature	☐ YES ☐ NO
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2008

401-1

Allen R Lamb
18617 Riley Rd
Nisland SD 57762

Dear Mr. Lamb:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 401-1.

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

If you have any questions, please contact me.

Sincerely,

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