

1. Considered August 2, 1910 Appl. No. 403-1
2. Name of Applicant Frank H. Hutchins
3. Post Office Address 1100 N. 1st St. Lincoln, Neb.
4. Amount of water claimed 2.0 cfs
5. Source of water supply Lincoln Reservoir
6. Water to be used for irrigation
Acres to be irrigated 100
7. Water to be diverted and used in Lincoln & Meade County, about
3.0 miles 1.0 of 1.0
8. Proof of Publication Received 1st publ. Recd
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

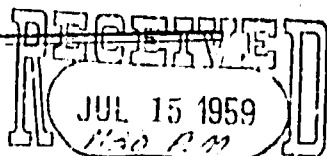
Beland

403-1

No. 404-1Belle FourcheWater Division No. 1

(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 MRS. ERNEST W. GUTSCHEPostoffice address VALE, County BUTTE, State S.D.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 X2. Name of diversion work THE GUTSCHE IRRIGATION PROJECT3. Amount of water claimed 2.0 cubic feet per second4. Source of water supply NINE MILE CREEK5. Location of point of diversion Between a point 660 ft. S. of the N 1/4 Cor Sec 3, T.7 N., R.7 E-BHM and a point 30' S of the NE Cor. Sec. 3, T.7 N., R.7 E-BHM6. 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 140 acres.
NW-SE 38 Ac., NE-SE 11 Ac., SW-SE 33 Ac., SE-SE 36 Ac. Sec. 34, T.8, R.7-105 Ac.(b) Legal subdivisions to be irrigated
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)NW-NE 23 Ac., NE-NE 15 Ac. Sec. 3 T.7 N., R.7 E-BHM 38 Ac.(c) Statement as to domestic use (giving location, etc.) Total 143 Ac.Irrigation and stockwater

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None Name any of the above uses claimed(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None

(e) Point where water will be returned to stream

8. Estimated cost of work:

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

(b) Pumping plant, \$--1300.00

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

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

Rock, \$-----

(e) Other structures -----

\$-----

Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works:

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

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

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

material used in construction -----

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

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

(c)* Head gate: Width-----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 -----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 -----

~~Belle Fourche Bee, Belle Fourche, So. Dak.~~

STATE OF SOUTH DAKOTA

County of Butte

es.

I, Ernest W. Gutsche, 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 Ernest W. GutscheSubscribed and sworn to before me this 2nd day of July, 1959.

Carl M. Cornell,

Notary Public (or other authorized officer)

*Each diversion must have a headgate or measuring device.

Scale; 1 inch 660 feet.
8 inches = 1 mile.

I, Carl M. Corrhell, Licensed Surveyor, in and for the State of South Dakota do hereby certify that, at the request of Ernest Gutsche, of Velle, South Dakota, I have made a survey and drawn this plat of the irrigable land which embraced in the Gutsche Irrigation Project for the purpose of furnishing the plat required in connection with his "Application for a Permit to appropriate Water for Irrigation Purposes."

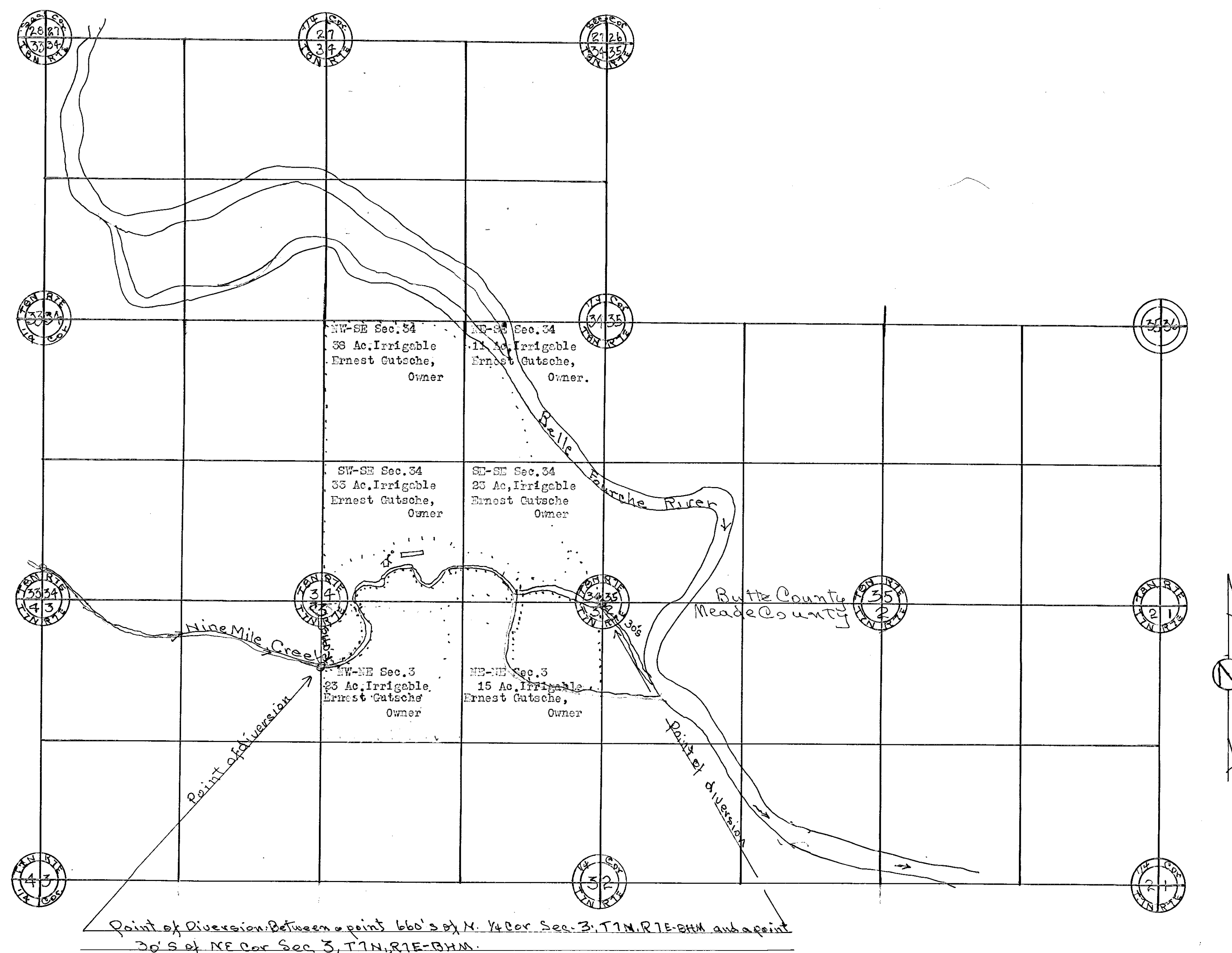
I further certify that the bearings and lengths of all lines shown hereon and their location with reference to Government Land Corners shown, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 8th day of July 1950.

SIGNED: Carl H. Cornell
Carl H. Cornell,
Licensed Surveyor # 144 SEA

Subscribed and sworn to before me at Buffalo, South Dakota this 8th day of July 1959.

M. R. Hann
Notary Public. (SEAL)



Map. No. 357-1 (Appl. No. 404-1)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota.

This is to certify that the foregoing application was received by the Commission at 1:30 o'clock

7 m. upon the 15 day of July, 1959

State Water Resources Commission

By:

G. W. Quinn
Chief Engineer, Executive Officer

Number of permit 404-1

Date of first receipt of application July 15, 1959

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

Date of receipt of corrected application 0.37 cfs. from 1954, 1959

Date from which applicant may claim right 1.48 cfs. from July 15, 1959

Approved August 10, 1959, Recorded in Book 5 Page 208

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 February 10, 1962

2nd. The whole of said work is to be completed on or before August 10, 1964

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is August 10, 1964

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 2.0 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 10, 1964, said water to be used during the following described annual period:

April to November inclusive

Witness my hand this 10 day of September, 1959

State Water Resources Commission

By:

G. W. Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 25, 1970

Water License Issued

MAY 25, 1970

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 404-1

(1) WHEREAS, On the 15th day of July A. D. 19 59

Ernest W. Cutright

made Water Right Application No. 404-1 for a permit to use 2.2 cubic feet per second of the waters of Blue Hill Creek

County of Butte and Meade, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 10th day of September A. D. 19 59

Permit No. 404-1, with a date of priority of 1954 and July 15, 1959

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 10th day of August A. D. 19 64 and for the application to beneficial use of said water on or before the 10th day of August A. D. 19 64

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.34 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following described land:

		<u>Acres</u>
<u>Section 34, T8N, R7E</u>	<u>SW 1/4 SE 1/4</u>	<u>33</u>
	<u>SE 1/4 SE 1/4</u>	<u>25</u>
<u>Section 3, T7N, R7E</u>	<u>NE 1/4 NE 1/4</u>	<u>23</u>
	<u>SW 1/4 NE 1/4</u>	<u>15</u>
<u>Total</u>		<u>96 Acres</u>

(5) 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 Ernest W. Gutsch

of Val, South Dakota
the holder _____ and owner _____ of said permit No. 464-1 a water right, dating from 1954 and July 15, 1959
to use of 1.36 cubic feet per second of the waters
of Nine Mile Creek

in the County of Butte and Meade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at between points 660 ft. South of the NE Corner and
30 ft. South of the NE Corner, Section 3, T7N, R7E

and conduct to and upon portions of the S½ SE¼, Section 34, T8N, R7E, and N½ NE¼, Section 3,
T7N, R7E, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 464-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 25th day of May A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 404-1

Water Diversion No. 1 BELLE FOURCHE RIVER Water District:

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ernest W. Gutsche

the holder of
Permit No. 404-1, issued upon Application No. 404-1, bearing date of priority of 1954 and
July 15, 1959 authorizing the diversion of 2.0 cu. ft. per second or the waters of
Nine-Mile Creek County of Butte & Meade, State of South Dakota at
between points 660 ft. South of the N $\frac{1}{2}$ Corner, and 50 ft. South of the NE
Corner, Section 5, T7N, R7E
for irrigation

purposes, has^R 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 7.0 cu. ft. per second of water.

Date May 25, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No. 404-1
 Water Division 1 BELLE FOURCHE RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by ERNEST GUTSCHE of VALE holder of Permit No. 404-1, bearing date of priority of 1954 AND JULY 15, 1959 authorizing the diversion of 2.0 cu. ft. per second of the waters of NINE MILE CREEK for IRRIGATION purposes, in BUTTE & MEADE County.

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

The Water Use System consists of,

A. Works used to divert the water:

2 BERKELEY 80P 8" PUMPS
ONE POWERED BY D-2 CATERPILLAR - DIESEL
ONE POWERED BY WD4 INT. DIESEL TRACTOR.

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

10" PIPE 680' TO GET WATER TO DITCHES.

C. Works used to apply water to beneficial use.

APPROX 1 1/2 MILES OF DITCHES TO LEVELLED LAND
HAS SOME BORDER DICES W/ 12" CMP GATED
TUBES

The system is in the following condition: VERY GOOD

The point of diversion is located BETWEEN POINTS 640'S OF THE N 1/4 CORNER,
AND 30'S OF THE NE CORNER, SECTION 3, T7N, R7E

The works are capable of diverting and conveying to the place of use 1.0 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:

SECTION 34 T8N, R7E

SECTION 3, T7N, R7E

<u>SW 1/4 SE 1/4</u>	<u>33 AC</u>	<u>NW 1/4 NE 1/4</u>	<u>23 AC</u>
<u>SE 1/4 SE 1/4</u>	<u>28 AC</u>	<u>NE 1/4 NE 1/4</u>	<u>15 AC</u>

comprising a total of 94 acres of land.

* DIVERSION RATE INCLUDES SYSTEM FOR PERMIT 722-1. NE SE 1/4, SECTION 34, T8N, R7E, ORIGINALLY INCLUDED IN THIS PERMIT IS NOW INCLUDED IN 722-1.

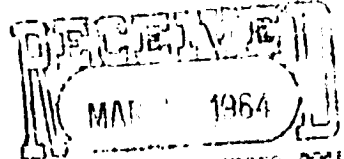
Date MAY 13, 1979

[Signature]
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

Permit No. 404-1

Water Division No. _____

Water District _____



Certificate of Examination of Works

STATE WATER RESOURCES COM.
PIERRE, S.D. 57501

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 March 10, 1964
19____, I have this day made a thorough examination of the diversion works constructed by _____

Ernest Gutsche of Vale, Butte County, So. Dak.

Butte County, South Dakota, holder of Permit No. 404-1, issued
upon Application No. 404-1, bearing date of priority of July 10, 1964, authorizing the
diversion of 1.34 cu. ft. per second of the waters of Nine Mile Creek for Stockwater Irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 1 Rainmaster 8" X 10" pump w/PTO
640 ft 10" aluminum pipe.

and the system is in the following condition: Very good.

The point of diversion is located From a point 660 ft. S. of N. 1/4 Cor. Sec. 3, T. 7 N., R. 7 E-BHM to a point 30 ft. S. of the NE Cor. Sec. 3, T. 7 N., R. 7 E-BHM

The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water,
which is to be used for Stockwater and irrigation

The legal sub-divisions to be irrigated are:
SW-SE-33 ac., SE-SE-23 ac. Sec. 34, T. 8 N., R. 7 E-BHM 56
NW-NE-23 ac., NE-NE-33 ac. Sec. 3, T. 7 N., R. 7 E-BHM 38 ac
Total 194 ac.

Operator advises me that he has discussed with the Commission his plan
to eliminate the SW-SE-33 ac. for lack of water in Nine Mile Creek and
make the enclosed application to irrigate 94 acres of land
same from the Belle Fourche River.

The domestic use intended comprises Stockwater and irrigation

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

None

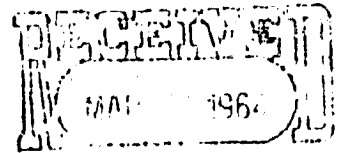
Witness my hand, this 10th day of March, A. D. 1964.

—SEAL—

Carl H. Cornell
Buffalo, So. Dak.

Examining Engineer.

Permit No. 404-1



Water Division No. _____

Water District _____
STATE WATER RESOURCES COM. PIERRE SOUTH DAK. 575

NOTICE OF COMPLETION OF WORKS

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

(P. O.) Vale, Butte County, So. Dak.

(Date) March 18, 1964

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

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

1.34 cu. ft. per second of the waters of the state from Nine Mile
Creek through the The Gutsche Irrigation Project (Pump, pipe and ditches)
for Stockwater and irrigation purposes

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

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

2. The postoffice address of such person or the place of business of such corporation is Vale
County of Butte State of South Dakota

3. The number of such permit is 404-1 and the date set for the completion of such work is
March 18, 1964

4. Said water to be used for Stockwater and irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.34 cubic feet per second.

6. The amount of land for which said water is available is 94 acres,

particularly described as follows:

NW-SE-33 ac., NE-SE-23 ac., Sec. 34, T. 8 N., R. 7 E-BHM 56 ac.

NW-NE-23 ac., NE-NE-15 ac., Sec. 3, T. 7 N., R. 7 E-BHM 38 ac.

94 ac.

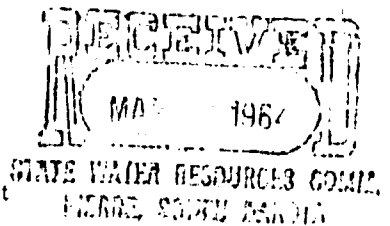
I hereby certify that the facts set forth in the above notice are true.
Kindly appoint Carl M. Cornell to
make the final inspection of this
project.

Ernest Gutsche
Ernest Gutsche

(Signature of Owners)

Permit No. 404-1

Water Division No. _____ Water District _____



Notice of Application of Water to Beneficial Use

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

(P. O.) Vale, Butte Co., So. Dak.(Date) March 18, 1964.

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

DEAR SIR: Notice is hereby given that on the 18th day of March
1964 at Vale County of Butte State of South Dakota,
before Carl M. Cornell proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)
of 1.34 cubic feet per second of the waters of Nine Mile Creek
in accordance with the terms and conditions of Permit No. 404-1
heretofore issued by the Water Resources Commission of South Dakota.

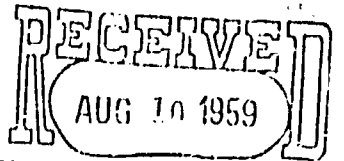
- The name and postoffice address of the person or corporation holding said permit are Ernest Gutsche
Vale, South Dakota
- The use to which said water has been applied is Stockwater and irrigation
- The amount applied to beneficial use is 1.34
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
SW-SE-33 ac., NE-SE-23 ac, Sec. 34, T. 7 N., R. 7 E-BHM 56 ac
NW-NE-23 ac., NE-NE-15 ac. Sec. 3, T. 7 N., R. 7 E -BHM 39 ac
94 ac.
- The name of the canal or ditch or other works by which water is conducted to such place of use is
Gutsche Irrigation Project (Pump pe and ditches)
- The right to take the water from such works is based upon permit No. 404-1
- The source of supply from which such water is diverted is Nine Mile Creek
- The date of priority which said user is prepared to establish is July 15, 1959

(Sign)

Ernest Gutsche
Ernest Gutsche.

Location No. _____

Water Division No. _____

Water District _____
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. *Ernest Rutische*

Wheeler, So. Dak.

Butte County

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. *None, my own behalf*

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

Ans. _____

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

Ans. *Three mile creek NW 1/4 NW 1/4 Sec. 3 Twp. 7 Range 7*
Irrigation water NE 1/4 NE 1/4 Sec. 3 Twp. 7 Range 7

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. *No dam, pumped directly from creek into
private field ditches*

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

Ans. *Irrigation 20 acres of alfalfa NW 1/4 NW 1/4 3-7-7*
Irrigation 20 acres pasture NE 1/4 NE 1/4 3-7-7

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

Ans. *None*

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

Ans. *2 (1000) ft. per acre*

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

Ans. _____

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

Ans. Started pumping ~~the~~ in 1954 with a small pump, but since increased ~~the~~ ^{the} sig. of pump to 2 second 1/4 to irrigate ~~the 40~~ ^{the 40} acres.

(Sign) Pierre G. Gatche

I hereby certify that the foregoing testimony was read to the above subscriber before his 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 Pierre, County of Hughes

State of South Dakota, on this 10 day of August, A. D. 1959

Witnesses. Edna B. Johnson

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

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

on or before

(First Publication July 18, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., July 15, 1959.

Notice is hereby given that Ernest W. Gutsche whose post-office address is Vale 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 2.0 cubic feet of water per second of time from the Nine Mile Creek through the Gutsche Irrigation Project the point of diversion of which is to be located on ~~xxx~~ both between a point in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and a point on bank of said stream in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3 Twp. 7N Range 7E Said water to be used for the purpose of providing irrigation of ~~the fol-~~ parts of lowing described land:

NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 3, T 7N, R 7E and the SE $\frac{1}{4}$ Sec 34, T 8N, R 7E

~~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 2:00 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. Lawrence Weyler, Publisher
The Belle Fourche Post
Belle Fourche, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Butte ss.Laurence Heider being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

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

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

July 18, 195930, 1959Aug. 1, 1959Aug. 8, 1959in each and every issue of the full number thereof, the first publication being made on the 18 day of July1959 and the last publication on the 8th day ofAugust 1959 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas Laurence Heider the printer and publisher of the said newspaper.

No. 404-1

APPROPRIATION OF WATER

Office of State Water

Resources Commission

Pierre, S. Dak.

July 15, 1959

Notice is hereby given that Ernest W. Gutsche, whose post-office address is Vale, 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 2.0 cubic feet of water per second of time from the Nine Mile Creek through the Gutsche Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and a point in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 3 Twp. 7N, Range 7E. Said water to be used for the purpose of providing irrigation on parts of the following described land: N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 3, T 7N, R 7E and the SE $\frac{1}{4}$ Sec. 34, T 8N, R 7E.

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.

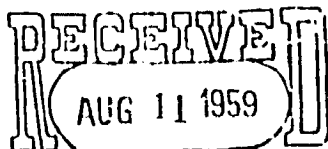
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By LES WYBORN

Water Rights Engineer

7/18-25 8/1-8

Subscribed and sworn to before me this 8 day of August A. D. 1959STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANotary Public Raymond Kennedy Pierre, S. D.
My Comm. Expires Sept. 27, 1966

WATER RIGHTS DIVISION
(605) 773-3352

January 13, 1986

Edith Anderson
Box 33
Vale, South Dakota 57788

Dear Ms. Anderson:

In reviewing Water Right No. 404-1 it was noted the water right remains listed under Mrs. Ernest W. Gutsche. Although your name had been penciled in on the file, an official "Notice of Transfer" had never been recorded.

Enclosed is a partially completed transfer form. Please check over, sign, date and have the form notarized before returning it to this office. A \$2.50 filing fee is required. Upon receipt of the transfer form and \$2.50 filing fee, Water Right No. 404-1 will be transferred to your 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.

Also enclosed is the 1985 irrigation questionnaire pertaining to your water right. Please complete and return it to our office by January 31, 1986.

If you have any questions, please contact us. A postage paid envelope is enclosed for your convenience in returning the transfer form, \$2.50 filing fee and the irrigation questionnaire.

Sincerely,

Genny McMath
Natural Resources Analyst

GMM:ms
Enc.

NO. 404-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan. 16, 1985

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

S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, T8N-R7E

N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, T7N-R7E

formerly owned by Mrs. (Ernest W. Gutsche is Mrs. Edith Anderson)
I am 74 and would like this transferred to my daughter - Myra L. Jones
has been transferred to Mrs. Edith Anderson, Box 33, Vale, SD 57788
(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 404-1 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 _____) ss.

I, Edith Gutsche Anderson being first duly sworn on my oath depose and say
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

(Signed)

Subscribed and sworn to before me this _____ Day of _____, 19__.

(Notary Public)

*I will continue to live here as long as health permits so
would like correspondence sent to:*

*Myra L. Jones
In care of Edith Anderson
Box 34
Vale, S. D. 57788*

WNR-820-9/83
Notice of Transfer of Water Permit
*Myra L. Jones
2001 North Lytle
Little Rock, Arkansas
72207*

WATER RIGHTS DIVISION
(605) 773-3352

January 24, 1980

Myra L. Jones
2001 North Tyler
Little Rock, Arkansas 72207

Dear Ms. Jones:

I am contacting you regarding Water Right No. 404-1 for Edith Anderson for transferring the water right from Mrs. Ernest Gutsche to Edith Anderson. She returned the form to our office indicating she would like the water right transferred to you.

Enclosed is a "Notice of Transfer". Please complete by signing in the presence of a notary public and returning the form to our office. Mrs. Anderson has already paid the \$2.50 filing fee. The receipt will remain on file in our office until the transfer is completed. At that time, it will be mailed to Ms. Anderson.

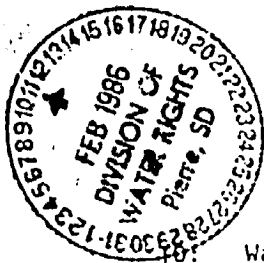
Ms. Anderson has requested that as long as she continues to live on the farm all correspondence should be sent directly to her.

If you have any questions, please advise.

Sincerely,

Genny McIlath
Natural Resources Analyst

CH:ms
Enc.



NO. 404-1

NOTICE OF TRANSFER OF WATER PERMIT

Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 34, T8N-R7E

N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 3, T7N-R7E

formerly owned by Mrs. Ernest W. Gutsche is Mrs. Edith Anderson

has been transferred to Myra L. Jones, 200 North Tyler, Little Rock, Arkansas 72207
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 404-1 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 Arkansas
~~SOUTH DAKOTA~~)
County of Polk) ss.

I, Myra Jones 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.

Myra Jones
(Signed)

Subscribed and sworn to before me this 7th Day of February, 1986

Walter B. Baker
(Notary Public)

Commission Expires 7-8-89

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4-10300

Pierre, January 23, 1966

RECEIVED OF Edith Anderson, Box 34, Vale, SD 57788

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. _____	2	50
Fee for Filing Transfer Form 1494-1 _____		
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

February 13, 1936

Edith Anderson
Box 34
Vale, South Dakota 57788

Dear Mrs. Anderson:

Enclosed is receipt No. 10300 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 404-1.

Our records now show ^{Myra L. Jones} you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

404-1



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

JUN 11 1993

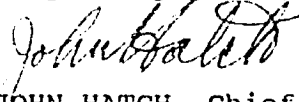
Edith Anderson
Box 34
Vale SD 57788

Dear Ms. Anderson:

The Water Management Board has validated the enclosed Vested Water Right No. 404-1. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
505 773-3352

enclosure

404-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 404-1 FOR IRRIGATION

Date of Receipt of Claim July 15, 1959.

Date of Validation March 3, 1993.

The Water Management Board validated Vested Water Right Claim No. 404-1 for irrigation purposes for Edith Anderson, Box 34, Vale SD 57788 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 404-1 appropriates 0.54 cubic feet of water per second from Nine Mile Creek located in the N 1/2 NE 1/4, Section 3 to irrigate 38 acres located in the N 1/2 NE 1/4, Section 3; all in T7N-R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - November 31.
3. The priority date of the Vested Water Right is January 1, 1954.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

JUN 11 1993

date

Division of Water Rights

Dept. of Environment and Natural Resources

Note: Vested Water Right No. 404-1 is also included as a part of Water License No. 404-1 for a total of 1.34 cfs to irrigate 94 acres.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 1999

404-1
722-1

Thomas Casteel
RR 1 Box 74
Vale, SD 57788

Dear Mr. Casteel:

Thank you for returning the 1993 irrigation questionnaires for Nos. 404-1 and 722-1.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review the forms for accuracy and make any necessary corrections. You will need to complete the portion titled *"be transferred to: (name & address)..."*. Upon completion, please sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 404-1

Date: 1-25-99

I/We request that Partial Vested Water Right No. 404-1

formerly owned by: Myra Jones - Edith Anderson

be transferred to: (name & address) Tom and Jean Casteel, Travis Casteel

RR 1 Box 74 Vale, SD 57788

Telephone No. (605) 456-2423

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

94 acres - S 1/4 SE 1/4 Section 34, T8N, R7E and N 1/4 NE 1/4 Section 3, T7N, R7E

I/We understand that the validity of Partial Vested Water Right No. 404-1 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.

STATE OF SOUTH DAKOTA)

County of Bulle)

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

Anna Casteel, Jean Casteel, Travis Casteel
(Signed)

Subscribed and sworn to before me this 25th day of January, 19 99.

James M. Harrison
(Notary Public)

James M. Harrison, Notary Public
My commission expires July 27, 2000

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416026

Pierre, _____

January 28, 19 99

RECEIVED OF Tom, Joan or Travis Casteel, RR 1, Box 74, Vale, SD 57788
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 Partial Vested Water Right No. 404-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John H. Hatcher



404-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 1999

404-1
722-1

Tom & Joan Casteel
RR 1 Box 74
Vale, SD 57788

Dear Mr. & Mrs. Casteel:

Thank you for submitting the transfer of ownership forms and filing fees for transferring Water Right Nos. 404-1 and 722-1.

The transfers have been completed. Partial Vested Water Right No. 404-1 and Water Right No. 722-1 are now listed as being owned by "Tom, Joan and Travis Casteel".

Enclosed are your Receipt Nos. 416026 and 416027 in the amounts of \$2.50 each. I am including a copy of the forms you filed. You may keep these for your records.

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

Sincerely,

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

enclosures

404-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 17, 2011

404-1
722-1

Tom Casteel
13952 Nine Mile Creek Ln
Vale SD 57788

Dear Mr. Casteel:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to Box 34 Vale SD. 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,

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

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

enclosures



404-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 25, 2017

403-1B
404-1

Tom Casteel
13952 Nine Mile Creek Ln
Vale SD 57788

Dear Mr. Casteel:

I am writing in regard to the 2016 irrigation questionnaires you submitted for Water Right Nos. 403-1B and 404-1. Copies of the questionnaires are enclosed showing the legal descriptions covered under each water right and the water use reported. In reviewing the data, the amount of water pumped seems excessive and may be in error.

Both water rights authorize diversion of water from Nine Mile Creek allowing up to three acre-feet of water per acre per year (36 inches per acre). The following information was reported:

Water Right No. 403-1B	Water Right No. 404-1
• Acres irrigated: 22 • Authorized water use: 66 acre feet • Water diverted: 199 acre feet (equivalent to 9 acre feet per acre)	• Acres irrigated: 70 • Authorized water use: 210 acre feet • Water diverted: 318 acre feet (equivalent to 4.5 acre feet per acre)

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

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

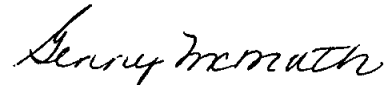
Many times irrigators do not keep track of the days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the questionnaires in a timely manner, the forms need to be as accurate possible.

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

Tom Casteel
July 25, 2017
Page 2

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

Sincerely,

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

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Tom Casteel

DATE: July 27, 2017

RE: irrigation questionnaires for 2016

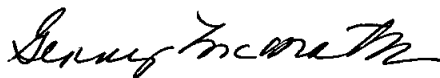
COMMENTS:

Based on the questionnaires filed in 2016 by Mr. Casteel, a letter was written to him concerning what was either excessive pumping or data supplied that was in error.

Mr. Casteel called and indicated that after reviewing the questionnaires for Nos. 403-1B and 404-1, he realized he put down the wrong pump rate. The pump rate should have been written down as 1000 gpm.

RECOMMENDED ACTION:

That amount has been changed in the records for 2016 and recalculated. He is still over pumping under 403-1B. Check figures again in 2017.



Genny McMath
Water Rights Program