

No. 417-1AMap No. _____ Water Division No. 1 Belle Fourche River District

Above for Office Use

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

Check one of the following:

New _____ Vester Right _____ Future Use _____ (Transferred from 417-1)

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Quinten & Karen Watson Phone No. _____
 Post Office Address RR #1 Newell State SD 57760
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Anderson Irrigation Project4. Amount of water claimed (cubic feet per second) .535. Source of water supply Belle Fourche River

6. Location of point of diversion between points NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11
8N, 5E

County Butte7. Annual period or periods during which water is to be used April 1st - November 30th8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, _____ Total number of acres to be irrigated 78

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12-8N-5E	27
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 12-8N-5E	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 12-8N-5E	4
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12-8N-5E	7

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Belle Fourche Daily Post

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pumping plant and flume

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Butte) ss.I, Carrie Anderson & sons

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Carrie Anderson & SonsSubscribed and sworn to before me this 1 day of September, 1958

s/Carl J. Cornell

Notary Public (or other qualified officer).

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 417-1A

Quinten & Karen Watson

RR #1

Howell

(Applicant)

(Post Office Address)

South Dakota 57760

(State)

With the following qualifications

Primary waters available for this Permit are return flows from the Belle Fourche River Project. Your use of the waters under this Permit is contingent upon supplies being available to prior water rights.

Date of first receipt of application September 23, 1959

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

Date of receipt of corrected application September 23, 1959

Approved December 2, 1959, Recorded in Book 5 Page 271A

WATER RIGHT PERMIT NO. 417-1A

The Water Management Board hereby grants and issues this Water Right Permit No. 417-1A authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is September 23, 1959
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before June 2, 1962
3. The whole of said work is to be completed on or before December 2, 1964
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 2, 1968
5. The water appropriated shall be used for the purpose of irrigation
6. 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.
7. The amount of the appropriation herein granted shall not exceed .53 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 December 2, 1968; said water to be used during the following described annual period: April - November inclusive

Witness my hand this 8th day of December, 1959

THE WATER MANAGEMENT BOARD

By: s/J W Grines
Chief Engineer, Water Rights

Certificate of Construction Issued December 12, 1966

Water License issued December 12, 1966

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 417-1A

(1) WHEREAS, On the 23rd day of September A. D. 19 59
Carrie Anderson and Sons
 made Water Right Application No. 417-1 for a permit to use 3.11 cubic feet per second of the waters
 of the Belle Fourche River
 County of Butte State of South Dakota, for Irrigation
purposes; and
 (2) WHEREAS, On the 2th day of December A. D. 19 59
 Permit No. 417-1 with a date of priority of September 23, 1959
 was issued to said applicant Carrie Anderson and Sons for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 2nd day of December A. D. 19 64 and for the
 application to beneficial use of said water on or before the 2nd day of December A. D. 19 68

WHEREAS, on the 12th day of May, 1981, Water License No. 417-1 was split and part transferred to Quinten and Karen Watson, Newell, South Dakota, hereinafter listed as Water License No. 417-1A,

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 .53 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 land in Section 12, T8N, R5E,

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 27 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 "

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 7 "

(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 Quinten & Karen Watson

_____ of Newell, South Dakota

the holder S and owner S of said permit No. 417-1A a water right, dating from September 23, 1959

_____ to use of .53 cubic feet per second of the water

of the Belle Fourche River

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted between points NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11,

T8N, R5E

and conducted to and upon portions of Section 12, T8N, R5E more fully described on
the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 417-1A and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 12th day of December A. D.

Nineteen Hundred and Sixty-Six

WATER MANAGEMENT BOARD

By:

s/J W GRIMES

Chief Engineer, Executive Officer J W GRIMES

Permit No. 417-1A

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Quinten & Karen Watson

the holder of
Permit No. 417-1A, issued upon Application No. 417-1, bearing date of priority of September 23, 1959 authorizing the diversion of .53 cu. ft. per second of the waters of the Belle Fourche River County of Butte, State of South Dakota at between points NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T8N, R5E

for irrigation

purposes, have 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 .53 cu. ft. per second of water

Date. December 12, 1966

s/J W Grimes

JOHN HATCH, Chief Engineer
Water Rights Division

NO. _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-27-81

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

portions of Section 12 (S & E) Twp 8 N R 65 E BHM
NW 1/4 SW 1/4 NE 1/4 SW 1/4 SW 1/4 SW 1/4

formerly owned by Darryl Anderson

has been transferred to Quinton L. Watson

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

Water Right Permit No. 417-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, Quinton L. Watson 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.

Quinton L. Watson
(Signed)

Subscribed and sworn to before me this 29 Day of April, 1981.

Annis Thuringer
(Notary Public)



RECEIPT

WATER RIGHTS COMMISSION

No 4 8196

State of South Dakota

PIERRE,

May 1, 19 81

RECEIVED OF Quinten L. & Karen Watson, Route 1, Hewell, SD 57760

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of WR# 417-1	2.50	
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2.50	

WATER RIGHTS COMMISSION

By *(John Watch)*
Chief Engineer, Executive Officer
JOHN WATCH / (b)

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

June 10, 1981

Quinten & Karen Watson
RR #1
Newell, SD 57760

Mr. & Mrs. Watson:

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>
417-1A	0.53	78.0	\$29.50
TOTAL			\$29.50

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

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

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

June 23, 1981

Quinten & Karen Watson
RR #1
Newell, SD 57760

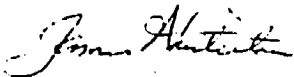
Dear Mr. & Mrs. Watson:

Enclosed is your Receipt No. 4 8312 in the amount of \$29.50 which you paid for water master services on the Belle Fourche River.

For your information, the name, address and telephone number of the water master is as follows:

Marlin Lee
Newell, SD 57760
PH: 456-2321

Very truly yours,



JAMES E WINTERTON
Water Resources Engineer IV

JEW/gv

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8312

June 23, 1981

PIERRE,

Quinten or Karen Watson, Rt.1, Hewell, SD 57760

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR#417-1A	29	50
(any other work as provided by law)		
TOTAL	29	50

WATER RIGHTS COMMISSION

by *[Signature]*
Chief Engineer, Executive Officer

JOHN HATCH / *[Signature]*

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

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

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

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	6.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	100.00	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	98.48
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	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert V 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	55.50	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
411-1	Edward Poss	5.10	452.00	173.00	153.13
440	David A Richards	5.00	416.00	154.00	130.32
114	Homestake Mining	3.20	226.00	96.50	85.42
1150	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	133.41
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	\$ 105.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.21	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	161.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	3.90	64.00	26.00	23.01
1077-1	Charles H 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	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	96.75	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	82.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1210-1	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	114.89
285-1	Edgar Collin Smart	1.42	150.00	67.50	---
331-1	Anna Statta (Lucis Budmayr)	1.67	111.00	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 Heimer	2.30	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 Foss	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	16.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.00	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomon Stark	2.14	150.00	67.50	---
287-1	David & Ratbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	335.00	124.75	---

STATE OF SOUTH DAKOTA

Do not use this space.

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE

PAYEE . Quinten & Karen Watson
RR #1
Newell, SD 57760

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

STAPLE
HERE

AGENCY . ADDRESS .

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0301		26 11	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22 26 11	

Warrant # 82079302
OC # 077403
date 11/10/81

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			
			417-1A Quinten & Karen Watson		26.11	
TOTAL					26.11	

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.

Claimant Signature

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.

DIVISION APPROVAL

DATE

APPROVAL SIGNATURE

DATE



Department of Water & Natural Resources

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

April 15, 1985

Quinten & Karen Watson
SR Box 4
Newell, SD 57760

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). 417-1A. 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). 417-1A 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: Quinten & Karen Watson
SR, Box 4
Newell, SD 57760

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

SUBJECT: Amendment to Water Permit No(s). 417-1A

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). 417-1A 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). 417-1A

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). 417-1A 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 57501-3181

Water Rights Division
605 773-3352

4/17/86

April 11, 1986

Federal Land Bank
Box 159
Belle Fourche SD 57717

Dear Sir:

On June 24, 1985 we received a "Notice of Transfer of Water Permit" from you to transfer permit No. 417-1B, the E $\frac{1}{2}$ of Section 12, T8N, R5E to the Federal Land Bank. This is in error as Clarence Anderson still owns the E $\frac{1}{2}$ of Section 12. The transfer should have been for Permit No. 417-1A, formerly owned by Quinten & Karen Watson. Therefore we are enclosing a "Notice of Transfer of Water Permit" for Permit No. 417-1A. Please check over the transfer form, sign and have notarized before returning it to this office with a \$2.50 filing fee.

I understand that Clarence Anderson had problems getting water from the Belle Fourche River thru Vivian Sjudins land. I discussed the matter with Attorney General's office and by law you can go thru her land but you would need to go thru the courts to do this.

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

Sincerely,

LEROY J MERNAUGH
Natural Resources Engineer

LJM:ks

enclosure

Equal Opportunity Employer

417-14

Federal Land Bank Association of Rapid City

1715 Cambell Street
P. O. Box 1157
Rapid City, South Dakota 57709
Telephone (605) 342-0678



April 17, 1986

Water & Natural Resources Department
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

RE: Quinten Watson Acquired Property

Dear Mr. Mernaugh:

Please find enclosed the executed Notice of Transfer of Water Permit on the above property along with a check #5234 in the amount of \$2.50 for the filing fee.

If you should need any more information, please contact us.

Sincerely,

Zack R. Word

Zack R. Word
Acquired Properties Manager

ZRW/s1

Enc. check #5234



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 6, 1986

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

78 acres in SW1/4 of Section 12, T8N, R5E

formerly owned by Quinten & Karen Wat

has been transferred to Federal Land Bank, Belle Fourche SD 57717

(include complete mailing address)

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

Water Right Permit No. 417-1A 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 Pennington) ss.

I, Zack R. Word 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.

FEDERAL LAND BANK ASSOCIATION

By: Zack R. Word
(Signed)

Zack R. Word, Acquired Properties Manager

Subscribed and sworn to before me this 16 Day of April, 1986.

Shari Larsen
(Notary Public)
Shari Larsen

My Commission Expires: November 2, 1989

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410412

Pierre, _____ April 18 _____, 19 36

RECEIVED OF Federal Land Bank, Box 159, 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>417-1/A</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (ES)

No. 417-1A

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

April 21, 1980

Jack R. Vord, Accredited Properties Manager
Federal Land Bank
Box 150
Velle Poudre CO 80717

Dear Mr. Vord:

Enclosed is receipt No. 416412 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 417-1A.

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

Sincerely,

MARTIN SCHILLER
Administrative Aide

ks

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
November 3, 1986

NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE

Gary Philipsen
Newell, SD 57760

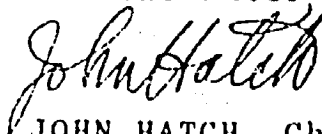
The 1986 Irrigation Water Use Questionnaire(s) and a postage paid return envelope are enclosed. Water Management Board Rules or water permit qualifications require the Irrigation Questionnaire(s) to be submitted each year. Please complete the enclosed questionnaire(s) as accurately as possible and return by December 20, 1986.

If you have multiple permits, you may receive more than one questionnaire. If you are unable to complete the questionnaire for each water permit or water right, complete one and return all questionnaires. Make any necessary corrections to your mailing address. If you no longer own the land irrigated under a water permit or water right include the new owner's name and mailing address on the bottom of the questionnaire(s).

Actual irrigation water use from an aquifer or stream helps the Board determine if additional water permits can be approved. Returning the questionnaire also establishes a record of water use, and provides excellent documentation of South Dakota's rights and claims to water when dealing with downstream States.

If you have any questions, or need assistance in completing the form, please contact us.

For the Water Management Board,



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

enclosure

Mr. Philipsen: This water right is listed under the name of Federal Land Bank in Belle Fourche. Mr. Word, with the Federal Land Bank has notified our office that you operate this property for them. Please complete the questionnaire and return it to us. I have enclosed a copy of the water right for your records.

Equal Opportunity Employer

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

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

January 29, 1988

GARY PHILIPSEN, OPERATOR
NEWELL, SD 57760

NOTICE

Re: Violation of Water Permit No(s). 417-1A

Our records indicate that the 1987 Irrigation Questionnaire has not been received for permit No(s). 417-1A. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 417-1A qualification:

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

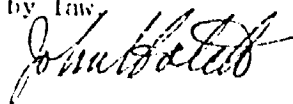
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 417-1A until either the 1987 Questionnaire is submitted or for a period of up to one 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.


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

cc: Federal Land Bank, Zack Word, Box 3130, Belle Fourche, SD 57717

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 18, 1988

417-1A

Darrell C Anderson
1700 Kings Road
Rapid City SD 57702

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 417-1A and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773 3352



Department of Water & Natural Resources

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

February 23, 1988

417-1A
417-1B

Darrell C Anderson
1700 Kings Rd
Rapid City, SD 57702

Dear Mr. Anderson:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 417-1A and 417-1B. Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The water rights will then be transferred to your name.

South Dakota Water Law 46-54-30.3 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.

If you have any questions, please contact us.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



NO. 417-1A

NOTICE OF TRANSFER OF WATER

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 6-27-88

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

SW 1/4 Section 12, T8N, R5E

formerly owned by Karen and Quinten Watson-Federal Land Bank

has been transferred to Darrell C Anderson, 1700 Kings Rd, Rapid City, SD 57702

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

Water Right Permit No. 417-1A 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 DEUEL) ss.

I, DARRELL C ANDERSON being first duly sworn on my oath despose 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.

Darrell C. Anderson
(Signed)

Subscribed and sworn to before me this 27 Day of JUNE, 1988.

Robert S. [Signature]
(Notary Public)

MY COMMISSION EXPIRES
Date - Mar 1, 1988

WNR-820-3/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

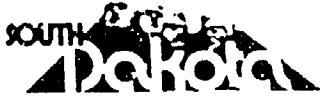
611003

Pierre, June 29, 19 88

RECEIVED OF Darrell C. Anderson, 1700 Kings. Rd., Rapid City, SD 57702
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>417-1A</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

417-1A

July 5, 1988

Jarrell C. Anderson
1700 Kings Road
Rapid City, South Dakota 57702

Dear Mr. Anderson:

Enclosed are receipt Nos. 411297 and 411298 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 417-1B and 417-1A.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.





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

DAFRELL C ANDERSON
1700 KINGS RD
RAPID CITY SD 57702

NOTICE

RE: Violation of Water Permit No(s) 417-1A & 417-1B

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 417-1A & 417-1B. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 417-1A & 417-1B qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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) 417-1A & 417-1B 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 before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



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

February 6, 1992

417-1A
417-1B

Darrell C Anderson
1700 Kings Rd
Rapid City, SD 57702

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 417-1A and 417-1B. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DARRELL C ANDERSON
1700 KINGS RD
RAPID CITY, SD 57702

4a. Article Number

P 906 537 7/15

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-27-92

5. Signature (Addressee)

Darrell C. Anderson

6. Signature (Agent)

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



417-1A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DARRELL C ANDERSON
1700 KINGS RD
RAPID CITY SD 57702

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

RE: Violation of Water Permit No(s) 417-1A & 417-1B

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 417-1A & 417-1B. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 417-1A & 417-1B qualification:

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

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

1. Suspend or cancel Permit No(s) 417-1A & 417-1B in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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



417-1A

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

February 5, 1993

417-1A
417-1B

Darrell C Anderson
1700 Kings Road
Rapid City, SD 57702

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Water Permit Nos. 417-1A and 417-1B.

The questionnaires were 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
Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to: 417-1A

**DARRELL C ANDERSON
1700 KINGS RD
RAPID CITY SD 57702**

4a. Article Number 417-1A

4b. Service Type

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

7. Date of Delivery

2-17-94

5. Signature (Addressee)

X Darrell C Anderson

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



417-1A

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

DAKRELL C ANDERSON
1700 KINGS RD
RAPID CITY SD 57702

NOTICE

RE: Violation of Water Permit No(s) 417-1A & 417-1B

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 417-1A & 417-1B. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 417-1A & 417-1B qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 417-1A & 417-1B 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 April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



417-1A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: DARRELL C ANDERSON
1700 KINGS RD
RAPID CITY, SD 57702

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352 

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 417-1A & 417-1B,

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

417-1A

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
- 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
- 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
- 2534-3: Barry Imiland, RR 2, Box 26, Conde, SD 57434.
- 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
- 1814-3: Caroline & Garry S. Kerkvliet, RID 2, Box 145, Castlewood, SD 57223.
- 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
- 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
- 1076-2, 1235-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57526-7417.
- 1488-2: Dan Donelap, HCR 33, Box 23, Mission Ridge, SD 57532.
- 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
- 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
- 1503-2: Dave Hammingson, HCR 3, Box 11, Philip, SD 57567.
- 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
- 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
- 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
- 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
- 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
- 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
- 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
- 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
- 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
- 3025-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
- 1231-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
- 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
- 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
- 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
- 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
- 4607-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
- 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
- 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.
- 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

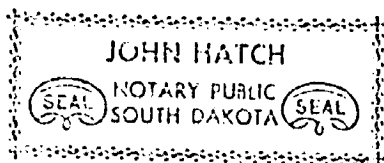
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 82, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Golliher, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

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



417-1A

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

March 14, 1994

417-1A ✓
417-1B

Darrell C Anderson
1700 Kings Road
Rapid City, SD 57702

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 417-1A and 417-1B.

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

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-2352



417-1A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 7, 1995

MR. R. L. C. ANDERSON
200 E. 10th St.
PIERRE CITY SD 57702 7730

NOTICE

Violation of Water Permit No(s) 417-1A & 417-1B

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 417-1A & 417-1B. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Permit No(s) 417-1A & 417-1B qualification:

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

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

Suspend or cancel Permit No(s) 417-1A & 417-1B in accordance with applicable provisions of SDCL 46-1-12;

Postpone any action; or
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 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, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

David L. Smith, Natural Resources Engineer IV
Rights Division
733-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to: 417-1A

DARRELL C ANDERSON
1700 KINGS RD
RAPID CITY, SD 57702 7730

4a. Article Number
P757 566 306

- 4b. Service Type
- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery
2-14-95

5. Signature (Addressee)
Darrell C Anderson

6. Signature (Agent)

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

417-1A



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

February 23, 1995

417-1A
417-1B

Darrell C Anderson
1125 Duffer
Rapid City, SD 57701

Dear Mr. Anderson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of Water Permit Nos. 417-1A and 417-1B.

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

If you have any questions, please contact me.

Sincerely,

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



417-1A

January 30, 1996

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

NOTICE

TO: DARRELL C ANDERSON, 1125 DUFFER, RAPID CITY, SD 57701
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program
SUBJECT: Violation of Water Permit No(s) 417-1A, 417-1B.

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 417-1A, 417-1B. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 417-1A, 417-1B qualification:

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

The hearing will be held at 9:45 am, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 417-1A, 417-1B 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 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

417-1A ✓

417-1B

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Michael Sack

ADDRESS: HC 76 Box 3, Newell, SD 57760

DATE: February 7, 1996

RE: status of Water Right Nos. 417-1A and 417-1B, Darrell Anderson

COMMENTS:

Mr. Sack called in response to the certified letter (irrigation questionnaire violation) that Darrell Anderson forwarded to him. He said that the land under these water rights was irrigated with Project water only. I told him I could complete the questionnaires for him based on that information.

He stated his father in law, Elton Eller, now owned the land. Mr. Sack will be operating the irrigation systems. Mr. Sack would like copies of the water rights for his records and indicated we should contact Mr. Eller for filing the transfers.

I told him that once the transfers were filed, Mr. Eller would be listed as owner with correspondence send to Mr. Sack as operator. I told him I would mail him a sample irrigation questionnaire so he would know what type of records to keep during the irrigation season.

Send transfer forms to: Elton Eller, PO Box 545, Onida, SD 57564-0545

Genny McMath

Genny McMath
Environmental Scientist



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

February 8, 1996

Elton Eller
PO Box 545
Onida, SD 57564-0545

417-1A ✓
417-1B

Dear Mr. Eller:

I am contacting you in regard to ownership of land described in Water Right Nos. 417-1A and 417-1B. These water rights are currently listed in the name of Darrell Anderson. Michael Sack contacted our office February 7th and indicated you now own the land.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with each of the water rights. Please check over the forms and complete as needed. Once completed, 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).

Once the completed forms and filing fees are received in our office, both water rights will be transferred to your name. As I discussed with Mr. Sack, the yearly irrigation questionnaires (mailed in October) will be directed to his attention as that of the operator.

I am enclosing copies of the water rights for your files. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures



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

February 8, 1996

Elton Eller
PO Box 545
Onida, SD 57364-0545

417-1A
417-1B

Dear Mr. Eller:

I am contacting you in regard to ownership of land described in Water Right Nos. 417-1A and 417-1B. These water rights are currently listed in the name of Darrell Anderson. Michael Sack contacted our office February 7th and indicated you now own the land.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with each of the water rights. Please check over the forms and complete as needed. Once completed, 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).

Once the completed forms and filing fees are received in our office, both water rights will be transferred to your name. As I discussed with Mr. Sack, the yearly irrigation questionnaires (mailed in October) will be directed to his attention as that of the operator.

I am enclosing copies of the water rights for your files. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosures



417-1A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1996

Michael Sack
HC 76 Box 3
Newell, SD 57760

417-1A✓
417-1B

Dear Mr. Sack:

I am contacting you in follow-up to our February 7th telephone conversation. Enclosed, as we discussed, are copies of Water Right Nos. 417-1A and 417-1B. I have forwarded transfer forms to Elton Eller for use in filing an ownership change on each water right. You indicated you would be operating the irrigation systems for Elton.

I am including a sample irrigation questionnaire to let you know what types of information to keep track of during the irrigation season. It is a requirement under Water Right No. 417-1A and 417-1B that yearly irrigation questionnaires be submitted. If, during a season, you irrigate with "project water" only, please make a notation on that year's questionnaire and return it to our office.

The 1996 irrigation questionnaires will be mailed out in October. If you have any questions concerning the water rights or reporting requirements, please contact me.

Sincerely,

Genny McMath

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1996



417-1A
417-1B

Elton Eller
PO Box 545
Onida, SD 57564-0545

Dear Mr. Eller:

Thank you for the prompt return of the transfer of ownership forms for Nos. 417-1A and 417-1B. The forms were filled out properly, however the transfers can not be filed without the \$2.50 filing fee for each (total of \$5.00).

Please remit a total of \$5.00 as soon as possible. Water Right Nos. 417-1A and 417-1B will be transferred to your name upon receipt of the fee. Thank you and if you have any questions, please contact me.

Sincerely,

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

*Sorry I missed this
Thanks
Elton Eller*

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 417-1A

Date: 2-14-96

I/We request that Water Right No. 417-1A

formerly owned by: Darrell Anderson, 1125 Duffer, Rapid City, SD 57702

be transferred to: (name & address) ELTON ELLER

PO Box 545 Platte S.D. 57564 Telephone No. 605-258-2459

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

SW 1/4 Section 12, T8N, R5E

I/We understand that the validity of Water Right No. 417-1A 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Sully)

I/We ELTON ELLER 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.

Elton Eller

(Signed)

Subscribed and sworn to before me this 14 day of Feb, 19 96.

W. J. [Signature]

(Notary Public)

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

414835

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 21, 1936

RECEIVED OF Elton Eller, P.O. Box 545, Onida, SD 57564

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

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

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

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

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

Fee for Filing Transfer Form Water Right No. 417-1A

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John H. Hatcher
Chief Engineer



417-1A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 1996

No. 417-1A
417-1B

Elton Eller
P.O. Box 345
Omda, SD 57564

Dear Mr. Eller:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 417-1A and 417-1B.

Our records now show you as the owner of Water Right Nos. 417-1A and 417-1B.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3781

www.state.sd.us/denr

October 22, 1998

Tom R. Seaman
HC 76, Box 3
Newell SD 57760

Dear Mr. Seaman:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire for Water Right No. 417-1B. In the comment section of the questionnaire you discussed future plans to use the irrigation system and your plans to discuss the status of the water right with the Water Rights Program this winter. I wanted to take a moment and inform you of water right issues that may affect the status of this water right.

Water rights law requires that water authorized by a water right be placed to beneficial use at least once every three years or the right to the use of the water is forfeited for nonuse. There are by state law legal excuses for nonuse of water, however, I am not certain whether any of these apply to your situation.

I briefly reviewed the file and there are references to the cut in the waterline that you mention in your comment. I also reviewed past irrigation questionnaires that indicate no irrigation took place from 1987 to 1995 when Darrell Anderson held the property. So it appears to me that status of the water right may be in question. I believe that we do need to meet and discuss this water right. That way I can more fully understand the history of the water right and explain aspects of water right law to you.

You indicated wanting to meet sometime this winter and if necessary having a hearing before the Water Management Board. The next regularly scheduled Board meetings are December 2 - 3, 1998 and March 3 - 4, 1998. Currently, I doubt that scheduling a hearing before the Board in December is possible.

Please feel free to contact me when you have time to further discuss this issue.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101
www.state.sd.us/denr

November 16, 1998

417-1A

Thomas & Karen Seaman
HC 76 Box 3
Newell, SD 57760

Dear Mr. & Mrs. Seaman:

I am contacting you in regard to Water Right No. 417-1A, currently listed in the name of Elton Eller. The water right authorizes irrigation of 78 acres in the SW ¼ Section 12, T8N, R5E (enclosed is a copy for your review).

In May, 1998, you transferred Water Right No. 417-1B also held by Mr. Eller to your names. No. 417-1B authorized irrigation in the E ½ of Section 12. I didn't realize until Mr. Eller called me this morning that you had also purchased the land under No. 417-1A.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 417-1A. Please complete as needed and sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or completion of the transfer form, please get in touch with me. You may keep the enclosed copy of the water right for your records.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 417-1A



Date: Nov. 17 - 1998

I/We request that Water Right No. 417-1A

formerly owned by: Elton Eller

be transferred to: (name & address) Tom OR Karen Seaman

HC76 Box 3 Newell S.D. 57760

Telephone No. 605-456-2678

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

SW 1/4 Section 12, T8N, R5E

I/We understand that the validity of Water Right No. 417-1A 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 Butte)

DE Tom Seaman 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.

Tom R. Seaman

(Signed)

Subscribed and sworn to before me this 17 day of Nov, 19 98.

Patricia Beant

(Notary Public)

My Commission Expires April 23, 2002

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

N2 415924

Pierre, November 23, 1998

RECEIVED OF Tom or Karen Seaman, HC 76, box 3, Newell, SD 57760
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 417-1A</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By _____
Chief Engineer

John M. [Signature]



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 23, 1998

417-1A

Tom or Karen Seaman
HC 76 Box 3
Newell, SD 57760

Dear Mr. & Mrs. Seaman:

Thank you for sending in the transfer of ownership change for Water Right No. 417-1A. The water right has been transferred from Elton Eller to your names.

Enclosed is your Receipt No. 415924 in the amount of \$2.50 which you paid for filing the ownership change. If you have any questions concerning the water right, please get in touch with me.

Sincerely,

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

encl

Dear Mr. Eric Gronlund,



This letter is in reference to Water Rights # 417-1A and 417-1B which have been transferred over to: Tom R. Dorman

HCTL Box 3
Newell S.D. 57760

605-456-2678

Impact Communications with you I expressed the desire to develop and have a meeting before the Water Management Board. I request (if need be) a meeting March 3 or 4, 1999.

On a phone call to Bruce Brunner, the individual whose land the pump site originates, he stated he had no problems with me keeping and running the present water system that is in tact for irrigation purposes. The way I understand it is he also has a permit, perhaps under Brunner Bros. or Brunner Feedlots in which he pumps on the same line. According to him he has kept up the question as well as pumped on it two years ago. I was told that the line was put in as a joint venture between him and Quinten Watson. (1966 or thereabouts) What I don't understand is the water right dates back to 1959 (Carrie Anderson) so there had to be water pumped from this site before Mr. Watson. There is no problem in that other than perhaps the right of easement. There had to be an easement before Mr. Watson. Hopefully your office will have a copy of an existing easement. Mr. Bruce Brunner didn't remember if there had been one ever made.

Other than the question of easement, Mr. Brunner said there would be no problem working out a solution, so both of us could alternate use of irrigation thru the same line. He suggested the most feasible thing would be to just rent the pump and power supply by the hour when ever I needed it.

I told him I was going to request a meeting in Paine. He did not see any problem in that and did not express any desire to be there.

If there is any questions or any suggestions on what to do on this subject in the future please contact me.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 1999

Tom R. Seaman
HC 76, Box 3
Newell SD 57760

Dear Mr. Seaman:

I am writing in regard our telephone conversation from last week regarding Water Right Nos. 417-1A and 417-1B. Currently both of these water rights are held in your name. Our conversation focussed on the status of these water rights. At the end of our discussion, I stated I would send you the past irrigation questionnaires for each of these water rights.

These two water rights authorize irrigation as follows: all in Township 8 North, Range 5 East

417-1A		417-1B	
Water source - Belle Fourche River		Water source - Belle Fourche River	
Total acres authorized for irrigation - 78 acres		Total acres authorized for irrigation - 176 acres	
Amount appropriated - 0.53 cfs		Amount appropriated - 1.23 cfs	
NW ¼ SW ¼ Sec. 12	27 acres	SW ¼ NE ¼ Sec. 12	32 acres
NE ¼ SW ¼ Sec. 12	40 acres	NW ¼ NE ¼ Sec. 12	2 acres
SW ¼ SW ¼ Sec. 12	4 acres	SE ¼ NE ¼ Sec. 12	4 acres
SE ¼ SW ¼ Sec. 12	7 acres	NW ¼ SE ¼ Sec. 12	40 acres
		NE ¼ SE ¼ Sec. 12	33 acres
		SW ¼ SE ¼ Sec. 12	27 acres
		SE ¼ SE ¼ Sec. 12	38 acres

Enclosed are the annual water use irrigation questionnaires for these two water rights since 1985. Also I have compiled a table summarizing the irrigation questionnaires. From a quick review of the irrigation questionnaires it appears that Water Right No. 417-1A has been irrigated on an occasional basis. The only period of non-irrigation greater than 3 years is from 1993 thru 1996. However comments on the questionnaire indicate in 1993 that it was not necessary to irrigate because of the rainy conditions. A comment on the 1995 questionnaire indicates land was irrigated with Belle Fourche Irrigation District water. On the other hand, questionnaire information shows very little irrigation took place on the land authorized by Water Right No. 417-1B.

Please feel free to contact me when you have time to further discuss this issue.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

Water Right No. 417-1A			Water Right No. 417-1B		
Year	Irrigated	Owner	Year	Irrigated	Owner
1985	yes	Federal Land Bank	1985	no	Clarence Anderson
1986	yes	Federal Land Bank	1986	no	Clarence Anderson
1987	no	Darrell C Anderson	1987	no	Clarence Anderson (with note that says Clarence has retired and no longer irrigates)
					Darrell C Anderson
1988	yes	Darrell C Anderson	1988	no	Darrell C Anderson
1989	no	Darrell C Anderson	1989	no	Darrell C Anderson
1990	yes	Darrell C Anderson	1990	no	Darrell C Anderson
1991	no	Darrell C Anderson	1991	no	Darrell C Anderson
1992	yes	Darrell C Anderson	1992	no	Darrell C Anderson
1993	no	Darrell C Anderson (with note that says "no need, it rained")	1993	no	Darrell C Anderson (with note that says "no need, it rained")
1994	no	Darrell C Anderson	1994	no	Darrell C Anderson
1995	no	Elton Eller (land irrigated with Project water only)	1995	no	Elton Eller (land irrigated with Project water only)
1996	no	Elton Eller (Michael Sack, operator)	1996	yes	Elton Eller (Michael Sack, operator)
1997	yes	Elton Eller (Michael Sack, operator)	1997	no	Elton Eller (Michael Sack, operator)
1998	no	Thomas Seaman	1998	no	Thomas Seaman



Dear Mr. Gronlund,

I received your questionnaire's information and found it very interesting as well as a little confusing as far as validity, especially on Water Right 417-1A. So far as it appears to me there shouldn't be any problem with concerning this water right. Let me address the two water rights separately.

First Water Right 417-1A.

First, Water Right 417-1A.
The water right has been kept up other than as you said from 1993 to 1997. In 1995, Eilton Eller states land was irrigated by Project Water. This is a misprint or merely a mistake on his part. This land on 417-1A is impossible to be irrigated by project water. Since it was pumped on in 1997, and I had reason to believe that it had, I personally view that water right to be ^{be} valid and in effect for the 1999 season.

Second - Water Right 4171B.

When Darrell Anderson purchased this land thru
Co. since Anderson, for the next 7 years it was leased
by Gary Phillipson who elected to not irrigate on the
4171B because of cost/acre. In 1996 Irrigation
took place on the ground thru Water Right # 4171B
without any repercussions or any correspondence saying you
cannot do this. For these reasons I personally view
Water Right 4171B as a valid and usable right and
is in effect for the 1999 season.

(2)

I want to thank you very much for your time and caring to send me such valuable information as was contained in the irrigation questionnaire. It really answered a lot of questions for me, and cleared things up in my mind. I look forward to doing business in the future with you and your agency. If there is any problems or questions in the future please feel free to contact me.

Tom R. Lemon
HC76 Box 3
Newell S. D. 57760
605-456-2678



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1999

Tom R. Seaman
HC 76, Box 3
Newell SD 57760

Dear Mr. Seaman:

I want to briefly respond to your letter regarding Water Right Nos. 471-1A and 417-1B.

It certainly appears your assessment on the validity of Water Right No. 471-1A is defensible. Based on the past irrigation questionnaires water has been beneficially used on a regular basis. There is a period greater than three years of non-irrigation but certainly a case could be made that legal excuse existed for this nonuse.

On the other hand I question your rationale for determining that 471-1B is valid. First, financial considerations have not generally been considered a legal excuse for the nonuse of water. Secondly, the resurrection of a water right does not cure past years of nonuse of water. And the fact that there were no "repercussions" from the use of water in 1996 does not mean this water right is not subject to future cancellation for past years of nonuse.

Mr. Seaman, I plan to make sure all of our correspondence becomes part of the files for each of these water rights. Please feel free to contact me any time you have questions on water rights.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352



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and NATURAL RESOURCES

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

February 16, 1999

Tom R. Seaman
HC 76, Box 3
Newell SD 57760

Dear Mr. Seaman:

I want to briefly respond to your letter regarding Water Right Nos. 417-1A and 417-1B.

It certainly appears your assessment on the validity of Water Right No. 417-1A is defensible. Based on the past irrigation questionnaires water has been beneficially used on a regular basis. There is a period greater than three years of non-irrigation but certainly a case could be made that legal excuse existed for this nonuse.

On the other hand, I question your rationale for determining that 417-1B is valid. First, the annual irrigation questionnaires show only one year of irrigation since 1985. Quite honestly, I question whether the reported irrigation in 1996 reflects irrigation under Water Right No. 417-1B or if the irrigation was reported on the wrong form and actually irrigation took place under No. 417-1A. Secondly, financial considerations have not generally been considered a legal excuse for the nonuse of water. Finally, the resurrection of a water right does not cure past years of nonuse of water. I believe a Water Management Board determination is necessary on whether this water right has been forfeited. Bringing this matter before the Board will provide you certainty, one way or the other, on the validity of this water right.

The mechanism to bring this issue for hearing before the Water Management Board is a cancellation proceeding. We will provide you notice of hearing for cancellation. I anticipate this will be scheduled for the May 5th Board meeting in Pierre. At that time, you will be able to provide information to the Board on why you believe the water right remains valid.

Mr. Seaman, I plan to make sure all of our correspondence becomes part of the files for each of these water rights. Please feel free to contact me any time you have questions on water rights.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

[illegible]

Received your last letter from Feb. 16, 99 and after reading your letter and reviewing records believe you are right on the validity of 417-1B. FSA records show that beans and corn were grown on ground irrigated under Permit # 417-1A so I would assume that probably irrigation was reported on the wrong form and actually took place under No. 417-1A.

Please contact me on this matter one way or the other so we can keep working on this matter and get it resolved.

Tom R. Seaman
HC76 Box 3
Newell S.D. 57760
605-456-2678



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161
www.state.sd.us/denr

March 4, 1999

417-1A
417-1B

Tom R Seaman
HC 76 Box 3
Newell, SD 57760

Dear Mr. Seaman:

Thank you for your letter of February 21st concerning Water Right Nos. 417-1A and 417-1B.

It is my understanding from your letter that you do not oppose cancellation of Water Right No. 417-1B. The lack of documentation showing adequate legal excuse for the years of non-use certainly seem to point towards abandonment and/or forfeiture of the water right.

As I stated in my previous letter to you, the mechanism to bring this issue before the Water Management Board is to schedule the water right for cancellation consideration. Once the Board has reviewed all the evidence, they will make a determination as to whether or not the water right should be cancelled.

Cancellation of Water Right No. 417-1B will be scheduled for the May 5th Water Management Board meeting in Pierre. Once an exact time is scheduled, we will provide you notice of hearing. If you oppose cancellation, this May 5th hearing is your opportunity to come before the Board and discuss why Water Right No. 417-1B should not be cancelled.

Thank you for taking the time to write and let us know that you are agreeable with scheduling Water Right No. 417-1B for cancellation and that you wish to maintain Water Right No. 417-1A.

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

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Program
(605) 773-3352



417-1A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 18 2018

417-1A
1808-1
1948-1

Tom R & Karen M Seaman
12941 US Hwy 212
Newell SD 57760

Dear Mr. & Mrs. Seaman:

Enclosed is Water License No. 1948-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

Upon licensing, the applicable portions of Water Right Nos. 417-1A and 1808-1 were incorporated into Water Right No. 1948-1. All priority dates were retained.

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures