

470B-1

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 470B-1
DIVISION OF NO. 470-1 INTO NO. 470A-1 AND 470B-1

(1) William I Bates, Keith Wood and Ragner Boe, were issued Water License No. 470-1, on December 4, 1963 for a water right to appropriate 6.20 cubic feet of water per second (cfs) from Dry Creek, Butte County, South Dakota for irrigation purposes. Water License No. 470-1, with a priority date of May 31, 1960 was issued to the permit holders for diversion of water with construction and application to beneficial use completed. On March 15, 1971, Water Right No. 470-1 was transferred to Raymond and Doris Schild, Newell, SD.

On May 26, 1992, a portion of Water Right No. 470-1 was transferred from Raymond and Doris Schild to Stanley Wood. Water Right License No. 470-1 is being divided and reissued to reflect separate ownership as follows:

No. 470A-1, Stanley Wood - authorizing diversion of 0.53 cfs of water from Dry Creek to irrigate 39 acres located in the W½ NW¼ Section 17, T8N, R7E.

No. 470B-1, Raymond & Doris Schild - authorizing diversion of 5.67 cfs of water from Dry Creek to irrigate 416 acres located in the S½ SE¼ Section 12, N½ NE¼, SE¼NE¼, Lots 1 & 2, E½ NW¼ Section 13, T8N, R6E and the NE¼ Section 18, T8N, R7E.

(2) It is certified that Water License No. 470B-1 authorizes diversion of 5.67 cubic feet of water per second for beneficial use. The location of the diversion point is a point N 0° E 470' from the N¼ corner Section 13, T8N, R6E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T8N, R6E Section 12

SW¼ SE¼	28 acres
SE¼ SE¼	28 acres

T8N, R7E Section 18

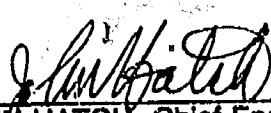
NW¼ NE¼	38 acres
NE¼ NE¼	39 acres
SW¼ NE¼	38 acres
SE¼ NE¼	39 acres

T8N, R6E, Section 13

NW¼ NE¼	28 acres
NE¼ NE¼	39 acres
SE¼ NE¼	7 acres
Lot 1	29 acres
NE¼ NW¼	38 acres
Lot 2	27 acres
SE¼ NW¼	38 acres

TOTAL IRRIGATED: 416 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Raymond & Doris Schild of HC 66 Box 0, Chadron, NE 69337 the holders and/or owners of Water Right No. 470B-1 are issued a license to appropriate water, the right to use 5.67 cubic feet of water per second from Dry Creek with a priority date of May 31, 1960 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 470-1 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
 Water Rights Division
 Department of Environment and Natural Resources

NOV 14 1994

date

470B-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Raymond & Doris Schild
HC 66 Box 0
Chadron, NE 59337

Stanley Wood
RR #1 Box 49
Newell, SD 57760

Dear Mr. & Mrs. Schild and Mr. Wood:

Enclosed are your reissued Water Licenses. Water License No. 470-1 was divided and reissued to reflect separate ownership.

On May 26, 1992, a portion of Water Right No. 470-1 was transferred from Raymond and Doris Schild to Stanley Wood. Water License No. 470-1 was divided and reissued as follows:

No. 470A-1, Stanley Wood - authorizing diversion of 0.53 cfs of water from Dry Creek to irrigate 39 acres located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, T8N, R7E.

No. 470B-1, Raymond & Doris Schild - authorizing diversion of 5.67 cfs of water from Dry Creek to irrigate 416 acres located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Lots 1 & 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 13, T8N, R6E and the NE $\frac{1}{4}$ Section 18, T8N, R7E.

As long as you use the water beneficially, as stated in Water License No. 470A-1 and No. 470B-1, SD Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning your reissued License, please contact us.

Very truly yours,

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

enclosure

L



January 30, 1996

470B-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: PAUL SCHILD, OPERATOR, RR 1 BOX 47, NEWELL, SD 57760

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 318-1, 470B-1 and 1995 Irrigation Questionnaire Requirements

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 318-1, 470B-1. The request for the Questionnaires 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 be to determine if Permit No(s) 470B-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 318-1 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 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) 318-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 470B-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. 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 the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires 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 (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.

C: Raymond Schild, HC 66 Box 0, Chadron, NE 69337



470B-1

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

February 14, 1996

Paul Schild
RR 1 Box 47
Newell, SD 57760

318-1
470B-1

Dear Mr. Schild:

I am writing to acknowledge receipt of your 1995 irrigation questionnaires. You may disregard the January 30, 1996, Notice of Violation of Water Permit and Violation of the Requirement to Submit the 1995 irrigation questionnaires.

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

If you have any questions, please contact me.

Sincerely,

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

Raymond & Doris Schild, 3928 Brookside Dr., Rapid City, SD 57702-2219



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 2003

318-1
470B-1

Curt Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. Anderson:

Thank you for visiting with me today about ownership of land under Water Right Nos. 318-1 and 470B-1, listed in the names of Raymond and Doris Schild. I have included copies for your files.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and make any necessary corrections. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

Each year our program mails out irrigation questionnaires to water right holders to find out how much water was used during that particular crop season. I am enclosing a sample copy of the questionnaire to give you an idea of what type of information you will need to keep track of during the season. The actual forms needing completion will be sent to you in October, 2003.

At this time, the only materials that you will need to complete and return to us are the transfer of ownership forms (and filing fee). Thank you in advance for your help. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 5, 2005

RECEIVED OF Kurt and Barbara Anderson, 8652 Clarkson Road, 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 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>4702-1</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

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By

Donald E. Ebel
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
MAR - 5 2003
WATER RIGHTS
PROGRAM

No. 470B-1
Date: 3-03-2003

I/We request that Water Right No. 470B-1

formerly owned by: Raymond and Doris Schild

be transferred to: (name & address) Kurt D and Barbara J. Anderson
8835 CLARKSON Road Rapid City South Dakota 57702
Telephone No. 605-341-4253 H
605-721-1225 W

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

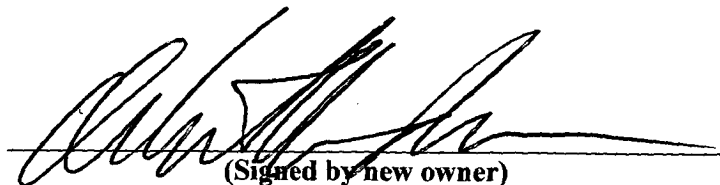
416 acres, S ½ SE ¼ Section 12, N ½ NE ¼, SE ¼ NE ¼, Lot 1 & 2, E ½ NW ¼ Section 13, T8N, R6E
NE ¼ Section 18, T8N, R7E

I/We understand that the validity of Water Right No. 470B-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Kurt and Barb Anderson the new owner, certify that the above information is true and correct.
or


(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 6, 2003

318-1
470B-1

Kurt D & Barbara J Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. & Mrs. Anderson:

I am writing to acknowledge receipt of the transfer of ownership forms and filing fees for Water Right Nos. 318-1 and 470B-1. The transfers have been completed. The water rights, formerly listed in the names of Raymond and Doris Schild are now listed in your names.

Enclosed are Receipt Nos. 000673 and 000674 in the amounts of \$2.50 each. 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



470B-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 4, 2005

318-1
470B-1

Kurt D & Barbara J Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. & Mrs. Anderson:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. The forms are being returned to you for completion. In order for the questionnaires to be considered complete, the back side also needs to be filled out.

Please include the number of acres, pump rate (in gallons per minute), days per month and hours per day the system(s) was running. The information is important to us in calculating how much water was used from a specific source. You do not need to report any water that was obtained through the Belle Fourche Irrigation District.

Please complete the forms and return them to us by **December 2, 2005.** Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

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

enclosures



470B-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12, 2006

318-1
470B-1
1859-1

Kurt D & Barbara J Anderson
8855 Clarkson Rd
Rapid City SD 57702

Dear Mr. & Mrs. Anderson:

We have received your irrigation questionnaires for 2006 and are returning them to you for completion.

Some of the information from last year may be used but the precipitation from year to year is different and the need for increased or decreased irrigation changes each year. Reporting the "same as the year before" would not be entirely accurate. Water Permit No. 1859-1 was just approved in May of 2006 so there would not be a form on file for the year before.

Please take a few minutes complete the forms with the amount of irrigation that took place during 2006. The information received from the irrigators each year is very valuable and assists us in making determinations on whether or not additional water permits can be recommended to the Water Management Board for approval.

I am enclosing a postage paid envelope for your convenience in returning the forms. The completed forms should reach our office prior to December 29th.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call 605-773-3352

PAID

NOV 07 2018

Ck# 1046

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

NOV 07 2018

WATER RIGHTS
PROGRAMWater Right/Permit No. 470 B-1Date: 11-5-2018I/We request that Water Right/Permit No. 470 B-1 formerly owned by:Kurt D. and Barbara J. Anderson

be transferred to:

New Owner Name: Craig and Shelby WeiratherAddress: 18941st Schild Rd.City, State, Zip Newell, SD 57760 Telephone No. 406 552-3177

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

☒ I understand that the validity of Water Right/Permit No. 470 B-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Shelby Weirather, the new owner, certify that the above information is true and correct.

(signature)
(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 7, 20 18

RECEIVED OF Craig & Shelby Weirather 18941 Shild Rd. 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>470B-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. 08800

By Jeanne Woodman
Chief Engineer 24m

McMath, Genny

From: McMath, Genny
Sent: Wednesday, November 07, 2018 12:53 PM
To: 'shelbyweirather@gmail.com'
Subject: ownership of land covered under Water Right Nos. 318-1, 470B-1 & 1859-1

Hi Shelby,

The three transfer forms were received. In the absence of legal descriptions to the property, I need verification from you that the entire property covered under Mr. Anderson's water rights were included in the sale.

Water Right No. 318-1: 193 acres in the SE ¼, Section 13; NE ¼ NE ¼ Section 24, T8N, R6E, N ½ SW ¼, SW ¼ SW ¼ Section 18 and NW ¼ NW ¼ Section 19, T8N, R7E.

Water Right No. 470B-1: 416 acres in the S ½ SE ¼ Section 12; NE ¼ and Lot 1, E ½ NW ¼ and Lot 2 of Section 13, T8N, R6E; NE ¼ Section 18, T8N, R7E

Water Permit No. 1859-1: 83.7 acres in the NE ¼ NE ¼ Section 24, T8N, R6E; NW ¼ NW ¼ Section 19 and N ½ SE ¼, S ½ SW ¼ Section 18, all in T8N, R7E

Please review the above descriptions and let me know whether or not all of the lands were purchased. I will include your response in each file.

Thank you in advance,

Genny McMath
DENR - Water Rights Program

605.773.5455 (desk)
605.773.3352 (main phone)
605.773.4068 (fax)

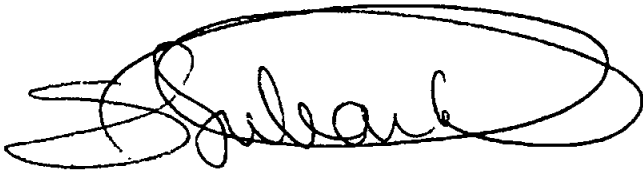
470B-1

11.07.2018

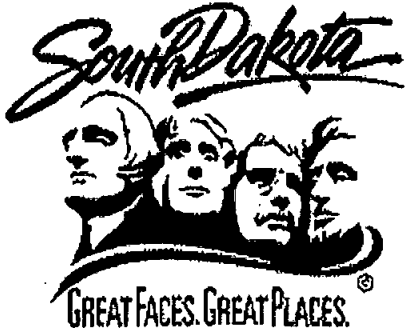
Hi Genny,

We bought all the property described on water rights 318-1, 470B-1, 1859-1, from Kurt and Barabara Anderson.

Thank you,

A handwritten signature in black ink, appearing to read 'Shelby', enclosed within a large, loopy oval stroke.

Shelby Weirather



470B-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 2018

318-1
470B-1
1859-1

Craig & Shelby Weirather
18941 Schild Rd
Newell SD 57760

Dear Mr. & Mrs. Weirather:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 318-1, 470B-1 and Water Permit No. 1859-1.

The ownership changes have been completed. The above listed water rights and water permit formerly held by Kurt D & Barbara J Anderson are now listed in your names.

Enclosed for your records are Receipt Nos. 08798, 08799 and 08800 in the amounts of \$50 each. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures