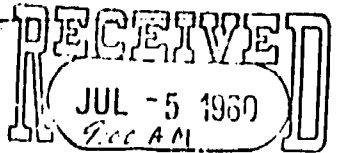


4.83-1

1. Considered 12-21, 1960
2. Name of Applicant HENRY OLICH
3. Post Office Address NEWELL
4. Amount of water claimed 4.2
5. Source of water supply Hopewell CR.
6. Water to be used for irrigation
acres to be irrigated 2.98
7. Water to be diverted and used in Butte County about
1 miles SE of VALE
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐
10. Remarks:

No. 483-1Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant ~~EDMUND WILSON~~ Henry & Earnestina Wolfe, Kadoka, SD 57543
Postoffice address NEWELL, County BUTTE, State SO. DAK.

I. If a corporation

- (a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

- (b) Cash on hand, \$ X X (c) Treasury stock, \$ X X
(d) Bonds to be issued, \$ X X (e) Other resources, \$ X X

2. Name of diversion work
- THE ULRICH IRRIGATION PROJECT

3. Amount of water claimed
- XXXX 4.2
- cubic feet per second

4. Source of water supply
- HORSE CREEK

5. Location of point of diversion
- Between a point S 0° E 1023' from the W 1/4 cor. E. 14, T. 8 N., R. 6 E-BHM and

- a point N 90° E. 1583' from the S 1/4 Cor. S 14, T. 8 N., R. 6 E-BHM
-
- on
- Beth
- bank
- Butte
- County.

6. Annual period or periods during which water is to be used
- April 1st thru Oct. 1st

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?
- Gravity.

- (a) Number of acres to be irrigated
- 299
- acres.

NW-SW-36 Ac., NE-SW-39 Ac., SW-SW-38 Ac., SE-SW-38 Ac., SW-SE-37 Ac. 188 Ac. S. 14

- (b) Legal subdivisions to be irrigated

NW-NW-35 Ac., NE-NW-38 Ac., NW-NE-37 Ac. Sec. 23, T. 8 N., R. 6 E-BHM 110
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.) 299 Ac.

- (c) Statement as to domestic use (giving location, etc.)

Irrigation and stockwater only.

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

- (a) Nature of use
- Stockwatering on
-
- Name any of the above uses claimed

- (b) Amount of power to be generated
- None
- horse power.

Amount claimed for engine cooling None

- (c) Location of plant
- None

- (d) Method of developing power
- None

- (e) Point where water will be returned to stream
- None

1-224 N 420-1
MAP NO 420-1

8. Estimated cost of work:

Estimate

(a) Head Gates, \$----- (b) Pumping plant, \$ 1000.00
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

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

Pumping plant

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
 material used in construction -----
 (b) Reservoir. Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----
 (d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 4 ----- years.11. Time required for complete application of water to the proposed beneficial use ----- 4 ----- years.12. Choice of newspaper for publication of notice of intention to appropriate -----
The Battle Fourche Daily Post, Battle Fourche, So. Dak.

STATE OF SOUTH DAKOTA

County of ButteI, Henry Ulrich

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

Signed

Henry UlrichSubscribed and sworn to before me this 27th ----- day of June ----- 1960Carl M. Cornell.Notary Public (or ~~XXXXXX~~)

*Each diversion must have a headgate or measuring device

My Commission expires 4/19/64/

Map N^o 420-1
Appl N^o 483-1

[illegible]

Subscribed and sworn to at Buffalo, South Dakota this 29th day of June 1900.

Subscribed and sworn to before me at Buffalo, South Dakota this 29th day of June 1960.

M. R. Lann
Notary Public.

Remarks by State Water Resources Commission:

Primarily, water available for this permit is return flows from the Belle Fourche Project. Such available flows may be reduced or changed by different water utilization by the project. The use of water under this permit is contingent upon water supplies being available to prior water rights. Lands described in this permit which receive water from the Belle Fourche Project may not receive water under this permit at the same time water is being obtained from the Belle Fourche Project.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, December 30, 1960

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 5TH day of JULY, 1960.

State Water Resources Commission

By: Burton E. Jones
for Chief Engineer, Executive Officer

Number of permit 483-1

Date of first receipt of application JULY 5, 1960

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right JULY 5, 1960

Approved December 21, 1960, Recorded in Book 6 Page 168

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

December 21, 1962

2nd. The whole of said work is to be completed on or before December 21, 1964

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

December 21, 1968

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

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

6th. The amount of the appropriation herein granted shall not exceed 4.2 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before December 21, 1968; said water to be used during the following described annual period:

April to September, inclusive

Witness my hand this 20th day of December, 1960.

State Water Resources Commission

By: William E. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 9, 1967

Water License Issued OCTOBER 9, 1967

STATE OF SOUTH DAKOTA

WATER LICENSE No. 483-1

WHEREAS, On the 5th day of July A. D. 1960

Henry Ulrich

of Newell County of Butte and State of South Dakota duly made application (No. 483-1) to us for a permit to use 4.2 cubic feet per second of the waters of Horse Creek County of Butte, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 30th day of December A. D. 1960

Permit No. 483-1 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of December A. D. 1964 and for the application to beneficial use of said water on or before the 21st day of December A. D. 1968 and,

WHEREAS, On the 28th day of August A. D. 1967

the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.0 cubic feet per second of said waters, as evidenced by our Certificate No. 483-1 dated October 9, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.0 cubic feet per second of water, with date of priority of July 5, 1960 and,

WHEREAS, On the 28th day of August A. D. 1967

proof was duly made of the application to beneficial use of 1.0 cubic feet per second of said water; for irrigation of 71 acres in a portion of the SW $\frac{1}{4}$, Section 14, T8N, R6E.

Water License No. 483-1 was transferred to Henry and Earnestina Wolfe, Kadoka, SD on October 1, 1981

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 Henry Ulrich

of Newell the holder and owner of said permit No. 48361

a water right, dating from July 5, 1960 to the use of 1.0

cubic feet per second of the waters of Horse Creek

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

necessary for the purposes hereinbelow mentioned, to be diverted between a point S0°E, 1023' from
the W $\frac{1}{4}$ corner, and a point N 0°E, 1583' from the S $\frac{1}{4}$ corner, Section 14,

T $\frac{1}{2}$, R6E.
and conducted to and upon a portion of the SW $\frac{1}{4}$, Section 14, T8N, R6E, more specifically
described in the Certificate of Completion of Works

for the purpose of Irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 9th day of October A. D. Nineteen
Hundred and Sixty-seven.

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acreage _____ c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 483-1Water Division No. 1 **BELLE FOURCHE**
RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN

10120202This is to Certify, That Henry Ulrichof Newell, County of Butte, and State ofSouth Dakota, the holder of Permit No. 483-1, issued upon ApplicationNo. 483-1, bearing date of priority of July 5, 1960, authorizing the diversion of4.2 cu. ft. per second of the waters of Horse CreekCounty of Butte, State of South Dakota, at a between a point 50°E
1023' from the W $\frac{1}{2}$ Corner, and a point N0°E, 1583' from the E $\frac{1}{2}$ corner,Section 14, T8N, R6E. for irrigationpurposes, and fully complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.0 cu. ft.per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,
to-wit: All in Section 14, T8N, R6ENE $\frac{1}{4}$ SW $\frac{1}{4}$ C.A 31 acresC.B C.ANW $\frac{1}{4}$ SW $\frac{1}{4}$ C.B 36 acresSW $\frac{1}{4}$ SW $\frac{1}{4}$ C.C 4 acresTotal 71 AcresWitness my hand this 9th day of October A. D. 1967

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

Permit No.

483-1

Belle Fourche

Water Division No. 1

River: Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated

I have ~~this day~~ made a thorough examination of the diversion works constructed by

Henry Ulrich

of Newell,

Butte

County, South Dakota, holder of Permit No.

483-1

issued

upon Application No. 483-1, bearing date of priority of July 5, 1969, authorizing the

diversion of 4.2 cu. ft. per second of the waters of Horse Creek for irrigation

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

The diversion works comprise: Rammer pump, Model DP 15 H.P.

Century Motor, 200 foot at 6 inch aluminum pipe,
1/2 mile at main ditch. Pumps up to 3 c.f.s.

and the system is in the following condition: Fair

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

420-1

The works are capable of diverting and conveying to the place of use 4.2 cu. ft. per second of water,
which is to be used for Irrigation

The legal sub-divisions to be irrigated are:

NE 1/4 SW 1/4 Sec 14, T8N, R6E

31 Acres

NW 1/4 SW 1/4 " " " "

30 "

SW 1/4 SW 1/4 " " " "

4

comprising a total of 71 acres of land.

The domestic use intended comprises

None

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

None

Witness my hand, this 28th day of

August

A. D. 1967

—SEAL—

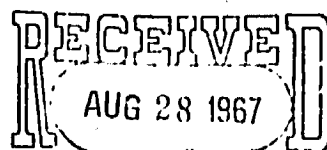
Donald Darnell

Examining Engineer.

Rep'ty, Chief Engineer
Water Resources Comm.

Location No. 483-1Water Division No. 1Bell
Fauche
River

Water District

STATE WATER RESOURCES COMM
PIERRE SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Henry Ulrich, Rancher, Newell

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

Ans. _____

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

Ans. July 5, 1960

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

Ans. Horse Creek directed as shown on water right map No. 420-1

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

Ans. Rotumaster pump Mod. 6DP, 15 H.P. Century above the Moter200 ft, of 6 in. aluminum pipe. About 1/2 main ditch completed in 1960.Pumps about 3 c.f.s.

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

Ans. Used for irrigation on land north of Horse Creek - A little over 80 acres

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

Ans. _____

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

Ans. 1 1/2 c f s

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

Ans. _____

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

Ans. System was constructed in 1960, as stated above, and has been used about every other year since that time.

(Sign) Henry Welch

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

State of South Dakota, on this 31 day of July A. D. 1967

Witnesses.

Mr. Bruce E. Hancock
Wade Township Clerk
Term expires March 1968

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

Charles H. Plambeck
Theresa B. Plambeck

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } ss.

Laurence W. Weyh being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Laurence Weyh a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

city of Butte County of Butte and State of South Dakota;

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

Nov 25, 1960

Dec 2, 1960

Dec 9, 1960

Dec 16, 1960

in each and every issue of the full number thereof, the first publication being made on the 25 day of Nov

1960 and the last publication on the 16 day of

Dec 1960, upon which days or times

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

was ----- the printer and publisher of the said newspaper.

Laurence Weyh

Subscribed and sworn to before me this 16 day of Dec A. D. 1960

Byron B. Bannock
Notary Public Butte County, S. D.

No. 183-1
APPROPRIATION OF WATER

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

November 13, 1960

Notice is hereby given that Henry Ulrich whose postoffice address is Newell, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.2 cubic feet of water per second of time from Horse Creek through the Ulrich Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 14, and a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 14 Twp. 8N Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14;
N $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$,
Sec. 23, T 8N R 6E

and for stockwatering purposes. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 21st day of December, 1960, at 2 P.M. All interested persons may appear and be heard.

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

State Water Resources
Commission

By Burton F. Jones
Water Right Specialist

B4t 11/25 12/2-9-10

(First Publication on or before Nov. 24, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 12, 1960

Notice is hereby given that Henry Ulrich whose postoffice address is Sawell S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.2 cubic feet of water per second of time from the Horne Creek through the Ulrich Irrigation Project, the point of diversion of which is to be located on the both bank of said stream between a point in the NW 1/4 SW 1/4 Sec 14, and a point in the NE 1/4 of the SW 1/4 of Section 14 Twp. 8N Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, NW 1/4 SE 1/4, Sec 14; NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Sec 23, T 8N R 6E

and for stockwatering purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 21st day of December, 1960, at 2 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

cc: Lawrence Weyler-Publisher
Belle Fourche Post
Belle Fourche, South Dakota

By:

~~Charles E. Jones~~
Durton F. Jones
Water Right Specialist

September 6, 1961

Mr. Henry Ulrich
Nowell, South Dakota

Dear Mr. Ulrich:

Because there is now insufficient water to maintain continuous flow in the stream, upon which you have a water right, to enable the delivery of water on a priority basis, there will be no further orders from the Watermaster during this irrigation season unless conditions change.

Unless you receive further notice, you may pump from pools contained entirely on your own land as you desire during the remainder of this irrigation season. You may not construct any dam in the stream, or close the bypass of any existing dam to store any local flows for irrigation diversions. You may not pump from pools contained jointly on land owned by others as well as your own land without agreement of the other landowners involved.

You should keep in mind that if rains occur in sufficient runoff amounts to reestablish flowing stream conditions it may be necessary to stop any irrigation diversions for indefinite periods of time in order to satisfy stockwater or other domestic uses downstream.

Sincerely,

J. W. GRIMS
Executive Officer &
Chief Engineer

JWG:la
cc to each Water Resources Commissioner

COPY

SOUTH DAKOTA

State Water Resources Commission

STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

March 28, 1962

Henry Ulrich
Newell, South Dakota

Dear Mr. Ulrich:

This is to inform you that a public hearing pertaining to Water Use Control Area No. 1, will be held in the Nisland City Hall starting at 10:00 A.M. on Friday, April 13, 1962.

One purpose of the hearing is to consider if the services of a Watermaster should be continued or discontinued during the 1962 irrigation season.

Other matters pertaining to Water Use Control Area No. 1 will also be discussed.

You as holder of Water Right No. 453-1 are within the boundaries of Water Use Control Area No. 1. In 1961, you were assessed a fee of Ten Dollars for each cubic feet per second of your irrigation diversion rate plus twenty-five cents for each acre irrigated under your Water Right. This fee was used in paying for the services of a Watermaster during the 1961 irrigation season.

For your information, the area within Water Use Control Area No. 1 is as follows:

"Those areas irrigated with water obtained from (1) the reach of the Belle Fourche River between a point in the NW $\frac{1}{4}$, Section 2, T 8N, R2E, immediately downstream from the Belle Fourche Project Diversion Dam and the point where said Belle Fourche River crosses the Southern boundary of Butte County, South Dakota, in the SW $\frac{1}{4}$, Section 35, T 8N, R 7E, (2) the reach of Cottonwood Creek between the point said Creek enters Butte County, South Dakota, in the SW $\frac{1}{4}$, Section 31, T 8N, R 6E, and the confluence of said Cottonwood Creek with the Belle Fourche River in the NW $\frac{1}{4}$, Section 28, T 8N, R 6E, (3) the reach of Owl Creek between a point in the NE $\frac{1}{4}$, Section 19, T 9N, R 4E, immediately downstream from the Belle Fourche (Orman) Dam and the confluence of said Owl Creek with the Belle Fourche River in N $\frac{1}{2}$, Section 11, T 8N, R 5E, and (4) the reach of Horse Creek between the point of confluence of Indian Creek and Horse Creek in the NW $\frac{1}{4}$, Section 27, T 9N, R 5E, and the confluence of said Horse Creek with the Belle Fourche River in the SW $\frac{1}{4}$, Section 18, T 8N, R 7E".

Sincerely,

J. W. Grimes
J. W. GRIMES
Chief Engineer and
Executive Officer

Water Rights Division (605) 773-3352

May 14, 1981

Nell & Dee Carter
% William Anderson
Box 280
Belle Fourche, SD 57717

RE: Water Right No. 483-1
(Henry Ulrich)

Dear Sirs:

In sending out a shutoff order to irrigators on the Belle Fourche River and tributaries, the notice sent to Mr. Henry Ulrich was returned to this office marked "Deceased". In checking with the Butte County Assessors Office it was found that you were listed as owners of the land covered under Water Right No. 483-1, namely the N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T8N, R6E.

It is very important that we keep our water right files up-to-date. This insures that any correspondence concerning the water right gets sent to the proper party or parties. Enclosed please find our Form 20 "Notice of Transfer of Water Permit". Please check over, sign, date and have notarized before returning it to this office with the required filing fee of \$2.50. The Water Right will then be transferred to your name(s).

However, if you are not the owners of the land covered under this Water Right, let us know who does own it, so that we may get in contact with them.

If you have any questions, please contact this office.

Sincerely,

GEMMY YOUNG
Staff Assistant

gy

encl

Water Rights Division
(605) 773-3352

SECOND NOTICE

September 10, 1981

Neil & Dee Carter
& William Anderson
Box 280
Belle Fourche, SD 57717

RE: Water Right No. 483-1
(Henry Ulrich)

Dear Sirs:

On May 14, 1981 a letter was sent to you regarding a water right in the name of Henry Ulrich. As indicated to you at that time, the Butte County Assessors Office has the land covered under this water right listed in your name. We also indicated to you that the water right should be transferred to your name(s). To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed please find an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name(s). If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current.

If you have any questions, please contact this office.

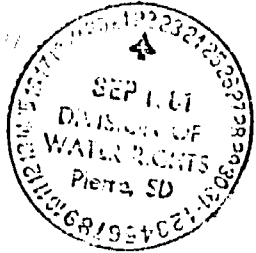
Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/GY/gy

WM. E. ANDERSON
ATTORNEY
704 8TH AVENUE
P.O. BOX 280
BELLE FOURCHE, SOUTH DAKOTA 57717
605-692-2630

September 21, 1981



Mr. John Hatch
Chief Engineer
Water Rights Division
Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501

Re: Water Right No. 483-1
(Henry Ulrich-Neil Carter, et ux - Henry L. Wolfe, et ux)
N $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$ -14-8-6, Butte Co., SD
File No. 80-57

Dear Mr. Hatch:

My office received your letter of September 10, 1981, and enclosed Notice of Transfer of Water Permit on September 12, 1981. Reference is made to my telephone call to your office on May 27, 1981, and also my letter of May 28, 1981, respecting the matter. Mr. and Mrs. Neil Carter are no longer owners of the concerned premises.

Sincerely,

Wm. E. Anderson
Wm. E. Anderson

WEA/bjm

Cc: Mr. and Mrs. Neil Carter

P.S. Copy of my letter of May 28, 1981, is enclosed.

Copy of letter dated May 28, was not enclosed - have no record of receiving such letter. Henry

Water Rights Division (605) 773-3352

September 23, 1981

Henry & Earnestina Wolfe
Kadoka, SD 57543

RE: Water Right No. 483-1
Henry Ulrich

Dear Mr. & Mrs. Wolfe:

In contacting the Register of Deeds office in Butte County it was found that you are now the owners of land covered under Water Right No. 483-1 listed in our office under Henry Ulrich. The land had changed hands from Mr. Ulrich to Neil and Dee Carter, but a transfer had never been filed in this office. As stated above, the Register of Deeds office indicated you were the present owners.

In order to up-date our files, it will be necessary for you to file a notice of transfer with this office so that Water Right No. 483-1 can be changed over to your names. Enclosed please find our "Notice of Transfer" form. Please check over, date, sign and have notarized before returning it to this office with a required \$2.50 filing fee. The Water Right can then be transferred to your names.

For your information, Water Right No. 483-1 authorizes diversion of 3.0 cfs of water from Horse Creek to irrigate 71 acres in the N $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T8N, R6E. A copy of the water right can be obtained upon request.

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

Sincerely,

GEMMY YOUNG
Staff Assistant

gy

enci: Form 20

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8489

PIERRE, September 29, 1931

RECEIVED OF Henry and Ernestina Wolfe, RR 1. Box 394, Newell, 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# 433-1	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

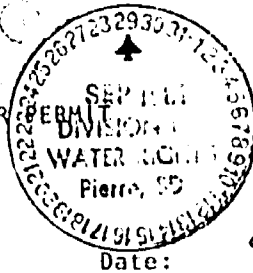
WATER RIGHTS COMMISSION

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

DATE MICROFILMED
ONLINE OPERATOR

NO. 483-1

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 9-28-81

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

71 acres - N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T8N, R6E

formerly owned by Henry Ulrich

has been transferred to Henry and Earnestina Wolfe, Kadoka 57543

(include Box No. or RR if applicable)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 483-1 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, Henry Wolfe, Mr. Henry Wolfe 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.

Henry Wolfe
Earnestina Wolfe
(Signed)

Subscribed and sworn to before me this 28 Day of Sept, 1981.

COLGAN J. HUBER, Notary Public
Butte County
My Commission Expires April 23, 1987

Colgan J. Huber
(Notary Public)

No. 483-1

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

March 10, 1983

Harry Stapp
Box 102-A
Newell SD 57760

Dear Mr. Stapp:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

NO. 483-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 17, 1983

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

71 acres - N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T8N, R6E

formerly owned by Henry & Earnestina Wolfe

has been transferred to Daryl E. Rosin Box 253, Elgin North Dakota 58533
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 483-1 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.

Henry Wolfe

I, Earnestina Wolfe 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.

Earnestina Wolfe
(Signed)
E. Earnestina Wolfe

Subscribed and sworn to before me this 18 Day of March, 1983.

Charles M. Turkville
(Notary Public)
My Commission Expires Dec 20, 1983

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9206

PIERRE, March 25, 1983

RECEIVED OF Daryl E. Rosin, Box 253, Elgin, ND 58533

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# 483-1	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 Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/ps

No. 483-1

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

March 29, 1983

Daryl E Rosin
Box 253
Elgin ND 58533

Dear Mr. Rosin:

Enclosed is receipt No. 4 9206 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 483-1.

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

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

 **Department of
Water & Natural Resources**

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

January 29, 1988

DARYL E ROSIN
RT 1 BOX 39A
NEWELL, SD 57760

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

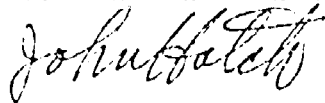
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 483-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 483-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

DATE MICROFILMED

CAMERA OPERATOR



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: DARYL E ROSIN
RT 1 BOX 39A
NEWELL, SD 57760

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

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

SUBJECT: Amendment to Water Permit No(s). 483-1

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 483-1 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) 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. 1, 1968

Pursuant to the provisions of the act, dated January 29, 1968 and following the Hearing March 21, 1968, the Water Management Board has amended Water Permit No. 1, 1968 to add the following qualification to each:

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

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

1. The following service is requested (check one).

☐ Show ... ry.. —6

25

ARTICLE NUMBER

P 404 786 457

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Anthony P. Reber

DATE OF DELIVERY
MAR 19 1989

POSTMARK

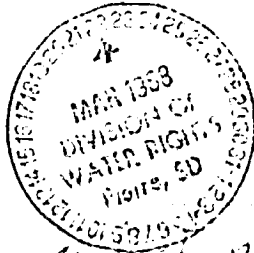
6. ADDRESSEE'S ADDRESS (Only if requesting)

1963

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



483-1

March 17

I don't know what paper you want but last year I never used irrigation water on the permit. But what information you need I will send you

Attyl



483-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: DARYL E ROSIN, 584 8th St E, DICKINSON, ND 58601 4540

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 483-1. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 483-1 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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) 483-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, 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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DARYL E ROSIN
584 8th St E
DICKINSON ND 58601 4540

COMPLETE THIS SECTION ON DELIVERYA. Received by (Please Print Clearly) DARYL E ROSIN B. Date of Delivery JAN 23 2001

C. Signature

X

Daryl Rosin☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2010

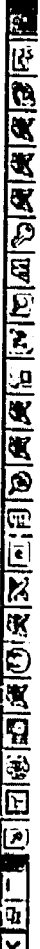
PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

Query: Microsoft Visual FoxPro

File Edit View Tools Program Table Window Help



Year	Permit	rf	Beach	McCauley	Frame	Ln	Ln	Contact	Comp	Address	City	State	Zip	Water	list	Ir	Rel	df	rm
1985	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	577600000		X			1	
1983	483-1	BF	BU	DARYLE						BOX 293	NEWELL	ND	585330000					4.2	
1984	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	577600000					1	
1986	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	57766					1	
1987	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1988	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1989	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1990	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1991	483-1	BF	PU	C-3YLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1992	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1993	483-1	BF	BU	DARYLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1994	483-1	T		DARYLE						RT 1 BOX 39A	NEWELL	SD	57760					1	
1995	483-1	T		DARYLE															
1996	483-1	T		DARYLE						RT 1 BOX 39A	NEWELL	SD	57760						
1997	483-1	T		DARYLE						RT 1 BOX 39A	NEWELL	SD	57760						
1998	483-1	T		DARYLE						RT 1 BOX 39A	NEWELL	SD	57760						
1999	483-1	T		DARYLE						RT 1 BOX 39A	NEWELL	SD	57760						
2000	483-1	T		DARYLE						RT 1 BOX 39A	NEWELL	SD	57760						
										534 Rth St E	DICKINSON	ND	58601						

Query Record 364/60868 Exclusive

Start WFINFO Query - Microsoft...



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

October 4, 2001

483-1

Emily G Heller
4912 Redford Rd
Bethesda, MD 20816-2822

Dear Ms. Heller:

I am contacting you in regard to ownership of land described in Water Right No. 483-1. The water right, currently listed in the name of Daryl Rosin, authorizes diversion of water from Horse Creek to irrigate portions of the SW ¼ Section 14, T8N, R6E in Butte County, South Dakota. Mr. Rosin notified our office that he sold the land to you.

Mr. Rosin has not irrigated for several years and did not know if you or a tenant would be wanting to irrigate the land. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

If you wanted to maintain the water right and if legal excuse exists for the years of non-use, the water right could be transferred to your name. Please get in touch with me so we can discuss the water right and whether or not it needs to be transferred.

Thank you in advance for your help.

Sincerely,

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

Johnson, Stacy

From: Renel Hall-Beck [bfid2@dtgn.net.com]
Sent: Thursday, October 18, 2001 1:58 PM
To: Stacy.Johnson@state.sd.us
Subject: Re: District Water Question

Here is a summary of lands in the Emilie Heller Revocable Trust

SW4SW4 Sec 14 T8N., R6E., BHM (2.6 acres) N2SW4, N. Of Horse Creek Sec 14 T8N., R6E., BHM (48.10 acres) and NE4SW4, S. of Horse Creek Sec 14 T8N., R6E., (2.9 acres) Total irrigated is 53.60 acres. Renel

----- Original Message -----

From: <Stacy.Johnson@state.sd.us>
To: <bfid2@dtgn.net.com>
Sent: Thursday, October 18, 2001 8:54 AM
Subject: District Water Question

> Renel,
>
> Emily G Heller of Bethesda, MD, owns the following land in Section 14,
> T8N-R6E:
>
> NE 1/4 SE 1/4 = 31 Acres
> NW 1/4 SW 1/4 = 36 Acres
> SW 1/4 SW 1/4 = 4 Acres
>
> Emily has a water permit for these lands. She also said that she purchase
> water from the District. Can you tell me if this same land receives
> water from the District for irrigation? Please let me know ASAP.
>
> How are the maps coming?
>
> Thanks,
>
> Stacy J. Johnson
>



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 19, 2002

483-1

Emilie G Heller
4912 Redford Rd
Bethesda MD 20816-2822

Dear Ms. Heller:

I am contacting you in regard to Water Right No. 483-1, listed in the name of Daryl Rosin (see enclosed copy). About a year ago, I visited with you about ownership of the land and also about whether or not the water right had been lost due to nonuse. To date, we have not heard from you on this matter.

In South Dakota, water rights for irrigation go with the land. If a piece of property authorized for irrigation is sold, the new owner is required to have the water right transferred to their name. The water right is transferable as long as it has not been lost due to abandonment and/or forfeiture. If legal excuse exists for those years of non-use, the water right may have been maintained. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water. If a water right is to be maintained, a workable irrigation system must be present and ready to be used if conditions warrant irrigation.

Please get in touch with me concerning the water right. We need to determine the following:

- 1) Does legal excuse exist for the approximately 10 years of nonuse?
- 2) Does a system exist that could divert water if conditions warranted?

If the answer to the above is no, then the water right has been abandoned or forfeited and we will proceed with cancellation of the water right. If the answer is yes, please provide documentation to that affect for our review. If the water right has been maintained, then it should be transferred to your name.

Thank you in advance for your help.

Sincerely,

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



483-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: EMILIE G HELLER, MGR, 4912 REDFORD PL, BETHESDA, MD 20816 2822

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 483-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 483-1 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 483-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, 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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4992

Your item was delivered at 2:16 pm on January 28, 2006 in BETHESDA, MD 20816. The item was signed for by E HELLER.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)



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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4992

EMILIE G HELLER, MGR
4912 REDFORD PL
BETHESDA MD 20816 2822

calling.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**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 2, 2006

483-1

Emilie Heller
4912 Redford Pl
Bethesda MD 20816-2822

Dear Ms. Heller:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 483-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

One thing I noticed in the file was that the water right is still listed in the name of Daryl Rosin. We need to get that transferred to your name to ensure that all correspondence relating to this water right gets to the proper person.

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

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 483-1

Date:

2/20/06

I/We request that Water Right No. 483-1

formerly owned by: Daryl Rosin

be transferred to: (name & address) EMILIE G. HELLER, TRUSTEE,
EMILIE G. HELLER REVOCABLE TRUST

Telephone No. 301-656-4453

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

71 acres in the N 1/2 SW 1/4 and SW 1/4 SW 1/4 Section 14, T8N, R6E

I/We understand that the validity of Water Right No. 483-1 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 EMILIE G. HELLER the new owner, certify that the above information is true and correct.

Emilie G. Heller

(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.

RECEIVED

FEB 27 2006

WATER RIGHTS
PROGRAM

Genny,

Thank you so much
for noticing this
problem & sending
me the form to
correct it -

God Bless,
Emilee

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 27, 20 06

RECEIVED OF Emilie Heller, 4912 Redford Rd., Bethesda MD 20816

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	2	50
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>483-1</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. _____		
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	\$ 50

No.

02320

By

David E. White
Chief Engineer
gm



**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 13, 2006

483-1

Emilie G Heller
4912 Redford Rd
Bethesda MD 20816-2822

Dear Ms. Heller:

Thank you for following up on the ownership change for Water Right No. 483-1. The transfer has been completed. The water right formerly listed in the name of Daryl Rosin is now listed in the "Emilie G Heller Revocable Trust" with you as the trustee.

Enclosed is your Receipt No. 02320 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: PHILIP HELLER, TRUSTEE, 102 ROSANDER AVE, VALE, SD 57788 2102

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 483-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 483-1 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 483-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

c: EMILIE HELLER REVOCABLE TRUST, 4912 REDFORD PL, BETHESDA MD 20816-2822

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.



483-1

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Label/Receipt Number: 2303 2160 0000 0802 8993

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 12:27 PM on January 26, 2010 in BETHESDA, MD 20816. The item was signed for by E HELLER.

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Detailed Results:

- Delivered, January 26, 2010, 12:27 pm, BETHESDA, MD 20816
- Out for Delivery or Available at PO Box, January 26, 2010, 9:27 am, BETHESDA, MD 20814
- Sorting Complete, January 26, 2010, 8:57 am, BETHESDA, MD 20814
- Arrival at Post Office, January 26, 2010, 8:10 am, BETHESDA, MD 20814
- Processed through Sort Facility, January 26, 2010, 3:32 am, GAITHERSBURG, MD 20898
- Processed through Sort Facility, January 25, 2010, 4:13 am, GAITHERSBURG, MD 20898
- Processed through Sort Facility, January 23, 2010, 1:37 am, SIOUX FALLS, SD 57104

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8993

EMILIE HELLER REVOCABLE TRUST
4912 REDFORD PL
BETHESDA MD 20816-2822

Waiver of Signature ☐ YES ☐ NOPostmark
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Label/Receipt Number: 2303 2160 0000 0802 8986

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 11:13 AM on February 8, 2010 in VALE, SD 57788. The item was signed for by J JOHNSON.

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Detailed Results:

- Delivered, February 08, 2010, 11:13 am, VALE, SD 57788
- Notice Left, January 23, 2010, 11:05 am, VALE, SD 57788
- Out for Delivery or Available at PO Box, January 23, 2010, 8:31 am, VALE, SD 57788
- Sorting Complete, January 23, 2010, 8:01 am, VALE, SD 57788
- Arrival at Post Office, January 23, 2010, 7:27 am, VALE, SD 57788

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
9966 2090 0000 0912 E0E2PHILIP HELLER, TRUSTEE
102 ROSANDER AVE
VALE SD 57788 2102

re mailing.

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2010

483-1

Philip Heller
4912 Redford Pl
Bethesda MD 20816-2822

Dear Mr. Heller:

Enclosed as we discussed is a "2009 Irrigation Questionnaire" for Water Right No. 483-1. I looked thru my records and see that the questionnaire was originally sent to 102 Rosander Avenue in Vale, SD.

One thing I wanted to point out about the questionnaire and the water right is that the source of water we are requesting information on is Horse Creek. The land described in the water right is within the Belle Fourche Irrigation District. We only need information on Horse Creek and not purchased water from the district.

A questionnaire is still required whether or not you irrigated from Horse Creek. If you used Horse Creek, the back part of the form showing crop, acres, pump rate, days and hours will need to be filled in.

If you would like to submit the form online, here is the link:

<http://denr.sd.gov/des/wr/app/E0455LDV8-IQ.pdf> or

you can go to: <http://denr.sd.gov/des/wr/watrightsapps.aspx> and scroll down the page until you see "Irrigation questionnaire reporting form". Either way is fine.

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
email: genny.mcmath@state.sd.us

-----Original Message-----

From: Duvall, Ron

Sent: Tuesday, February 16, 2010 11:33 AM

To: McMath, Genny

Subject: Irrigation Questionnaire

Phil Heller called concerning 483-1 -- no irrigation from Horse Creek, they used project water to irrigate the land.

I told him we could fill out an IQ for him but he is going to send his in anyway.

Don't know if this is the address you have but I mailed him a copy of the rules and this is what he gave me:

Phil Heller
4912 Redford Rd
Bethesda MD 20816

Get well soon so you can answer your phone:)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2010

483-1

Philip Heller
4912 Redford Pl
Bethesda MD 20816-2822

Dear Mr. Heller:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 483-1.

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

If you have any questions, please contact me.

Sincerely,

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



483-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 21, 2011

NOTICE

TO: PHILIP HELLER, TRUSTEE, 102 ROSANDER AVE, VALE, SD 57788 2102

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 483-1. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 483-1 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 483-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genney.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: EMILIE HELLER REVOCABLE TRUST, 4912 REDFORD PL, BETHESDA MD 20816-2822

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.


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- Delivered, February 11, 2011, 7:21 am, PIERRE, SD 57501
- Processed through Sort Facility, February 09, 2011, 9:25 am, DES MOINES, IA 50395
- Notice Left, January 22, 2011, 11:21 am, VALE, SD 57788
- Out for Delivery, January 22, 2011, 8:18 am, VALE, SD 57788
- Sorting Complete, January 22, 2011, 8:08 am, VALE, SD 57788
- Arrival at Post Office, January 22, 2011, 7:42 am, VALE, SD 57788

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PHILIP HELLER, TRUSTEE
102 ROSANDER AVE
VALE SD 57788 2102

Waiver of Signature ☐ YES ☐ NOPostmark
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**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 11, 2011

NOTICE

TO: Philip Heller, Trustee, 102 Rosander Ave, Vale SD 57788 2102

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

SUBJECT: Unclaimed Mail Concerning Violation of Water Right No. 483-1

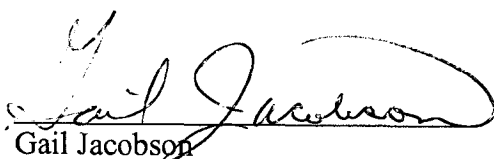
The attached notice was sent "Signature Confirmation" requested. The post office has returned the mail to our office marked "unclaimed" and indicated they notified you January 22nd and February 1st to pick up and sign for the package.

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

CERTIFICATION

I hereby certify that on February 11, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 11, 2011 regarding Unclaimed Mail concerning violation of Water Right No. 483-1 addressed as stated below:

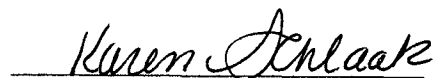
Philip Heller, Trustee, 102 Rosander Ave. Vale SD 577880-2102



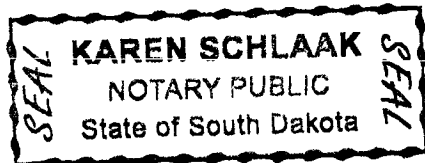
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of February, 2011.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013




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Label/Receipt Number: **2303 2160 0000 0802 0188**Service(s): **Signature Confirmation™**Status: **Delivered**

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Your item was delivered at 6:45 am on February 17, 2011 in PIERRE, SD 57501 to CENTRAL MAIL SERVICE. The item was signed for by B PRUESS.

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Detailed Results:

- Delivered, February 17, 2011, 6:45 am, PIERRE, SD 57501
- Processed through Sort Facility, February 15, 2011, 11:11 pm, SIOUX FALLS, SD 57104
- Processed through Sort Facility, February 14, 2011, 6:29 pm, CAPITOL HEIGHTS, MD 20790
- **Unclaimed**, February 14, 2011, 10:32 am, BETHESDA, MD
- Notice Left, January 24, 2011, 8:08 pm, BETHESDA, MD 20816
- Sorting Complete, January 24, 2011, 10:40 am, BETHESDA, MD 20814
- Out for Delivery, January 24, 2011, 10:25 am, BETHESDA, MD 20814
- Sorting Complete, January 24, 2011, 10:15 am, BETHESDA, MD 20814
- Arrival at Post Office, January 24, 2011, 7:07 am, BETHESDA, MD 20814
- Processed through Sort Facility, January 23, 2011, 4:46 am, GAITHERSBURG, MD 20898
- Processed through Sort Facility, January 22, 2011, 1:28 am, SIOUX FALLS, SD 57104

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0188

EMILIE HELLER REVOCABLE TRU
4912 REDFORD PL
BETHESDA MD 20816 2822

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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

February 22, 2011

NOTICE

TO: Emilie Heller, 4912 Redford Pl, Bethesda MD 20816-2822

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

SUBJECT: Unclaimed Mail Concerning Violation of Water Right No. 483-1

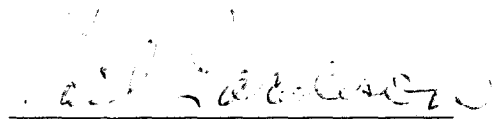
The attached notice was sent "Signature Confirmation" requested. The post office has returned the mail to our office marked "unclaimed" and indicated they notified you January 24th and January 29th to pick up and sign for the package.

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

CERTIFICATION

I hereby certify that on February 22, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 22, 2011 regarding Unclaimed mail concerning violation of Water Right No. 483-1 addressed as stated below:

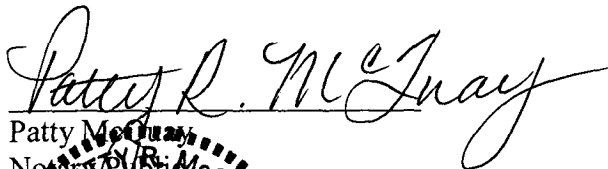
Emile Heller, 4912 Redford Pl., Bethesda MD 20816-2822



Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of February, 20 11.



Patty McQuay
Notary Public
My Commission Expires September 6, 2016





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2011

483-1

Philip Heller
102 Rosander Ave
Vale SD 57788 2102

Dear Mr. Heller:

I am writing to acknowledge receipt of the information for your 2010 irrigation questionnaire. On March 4th, Emilie spoke with Ron Duvall in our program and indicated only "Project" water was used in 2010. A questionnaire was completed following their conversation.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 483-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

c: Emilie Heller, 4912 Redford Pl, Bethesda MD 20816-2822



483-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: PHILIP HELLER, TRUSTEE, 102 ROSANDER AVE, VALE, SD 57788 2102
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 483-1. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 483-1 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 483-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: EMILIE HELLER REVOCABLE TRUST, 4912 REDFORD PL, BETHESDA MD 20816-2822

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.

483-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 6, 2012

483-1

Emilie Heller
4912 Redford Pl
Bethesda MD 20815 2822

Dear Ms. Heller:

I am writing to acknowledge receipt of the information for your 2011 irrigation questionnaire. I completed a form for you based on our telephone conversation. The questionnaire reflects that the land was irrigated with "Project" water from the Belle Fourche Irrigation District and not from Horse Creek as authorized under Water Right No. 483-1.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 483-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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
email: genny.mcmath@state.sd.us

c: Philip Heller, 102 Rosander Ave, Vale SD 57788 2102

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG 2 2 2012

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 483-1

Date: _____

I/We request that Water Right/Permit No. 483-1 formerly owned by:
Emilie G Heller Revocable Living Trust be transferred to:

New Owner Name: Darren C. and Angela L. Alexander
Address: 13451 Lewis Road
City, State, Zip Newell SD 57760 Telephone No. 605-456-1236

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

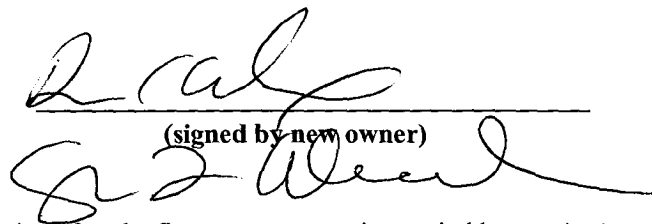
Township 8 North, Range 6 East of the Black Hills Meridian,
Butte County, SD: Section 14: That portion of the NE1/4SW1/4
and the W1/2SW1/4, lying north of Horse Creek, less Lot H-1
as shown in Plat Book 11 on Page 77.

☐ I understand that the validity of Water Right/Permit No. 483-1 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, Darren C. and Angela L. Alexander, the new owner, certify that the above information is true and correct.


(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 8/22, 2012

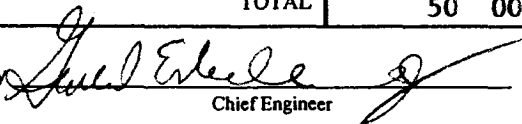
RECEIVED OF Black Hills Title & Abstract Inc PO Box 459 Spearfish SD 57783

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>483-1</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. _____		
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	50 00

No. **05542**

By


Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

August 29, 2012

483-1

Darren C & Angela L Alexander
13451 Lewis Rd
Newell SD 57760

Dear Mr. & Mrs. Alexander:

I am writing to acknowledge receipt of the ownership change submitted for transferring Water Right No. 483-1. The ownership change has been completed. The water right formerly held by Emilie G Heller Revocable Living Trust is now listed in your names.

Each year in October we mail out an irrigation questionnaire for reporting water use. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the season.

Water Right No. 483-1 authorizes diversion of water from Horse Creek. If you divert directly from the creek for irrigation, please report this information. However if you irrigate with water purchased through the Belle Fourche Irrigation District, you do not have to keep track of those records for us, just make that notation on the questionnaire and return it to us.

I have also included a copy of the water right for you to keep. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

c: Black Hills Title and Abstract Inc w/Receipt No. 05542