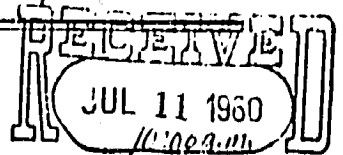


1. Considered 12-21, 1960
2. Name of Applicant GEORGE D. LEVIN
3. Post Office Address NEWELL
4. Amount of water claimed 1.86
5. Source of water supply HORSE CR.
6. Water to be used for IRRIGATION
 Acres to be irrigated 130.5
7. Water to be diverted and used in Butte County about
3N 1E miles of
8. Proof of Publication Received ✓ 1st
 Not Received
9. Application Approved
 Subject to
 Not approved
 Action deferred
10. Remarks:

No. 484-1Water Division No. 1Belle 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

L. H. Gartrell

Newell, SD 57760

1. Name of applicant GPostoffice address NEWELL, County DEBBYDennis Beckham
RR #1, Box 31
Newell, SD 57760

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)

CONTRACT & SELF(b) Cash on hand, \$ INSUFFICIENT

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ ACP COST-SHARE2. Name of diversion work GEORGE D. LEVIN IRRIGATION PROJECT NO. 13. Amount of water claimed 1.86 cubic feet per second4. Source of water supply HORSE CREEK5. Location of point of diversion SEE ATTACHED SHEET_____ on RIVER bank DEBBY County.6. Annual period or periods during which water is to be used APRIL THROUGH OCTOBER (INCLUDE)

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? GRAVITY IRRIGATION(a) Number of acres to be irrigated 136.5 acres.(b) Legal subdivisions to be irrigated SEE ATTACHED SHEET

(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.)

(c) Statement as to domestic use (giving location, etc.) NONE

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

(a) Nature of use _____

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 421-1

8. Estimated cost of work:

(a) Head Gates, \$ 2500.00 (b) Pumping plant, \$ 1500.00
 (c) ~~Plumbing~~ ^{MAIN PIPE} \$ 4000.00 (d) Canal-earth, \$ _____ Rock, \$ _____
 (e) Other structures _____ \$ _____ Total, \$ 4500.00

9. Description of diversion works:

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

PUMPING PLANT (PORTABLE)

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 _____ years.
 11. Time required for complete application of water to the proposed beneficial use _____ years.
 12. Choice of newspaper for publication of notice of intention to appropriate _____
NEWELL VALLEY INDICATOR

STATE OF SOUTH DAKOTA

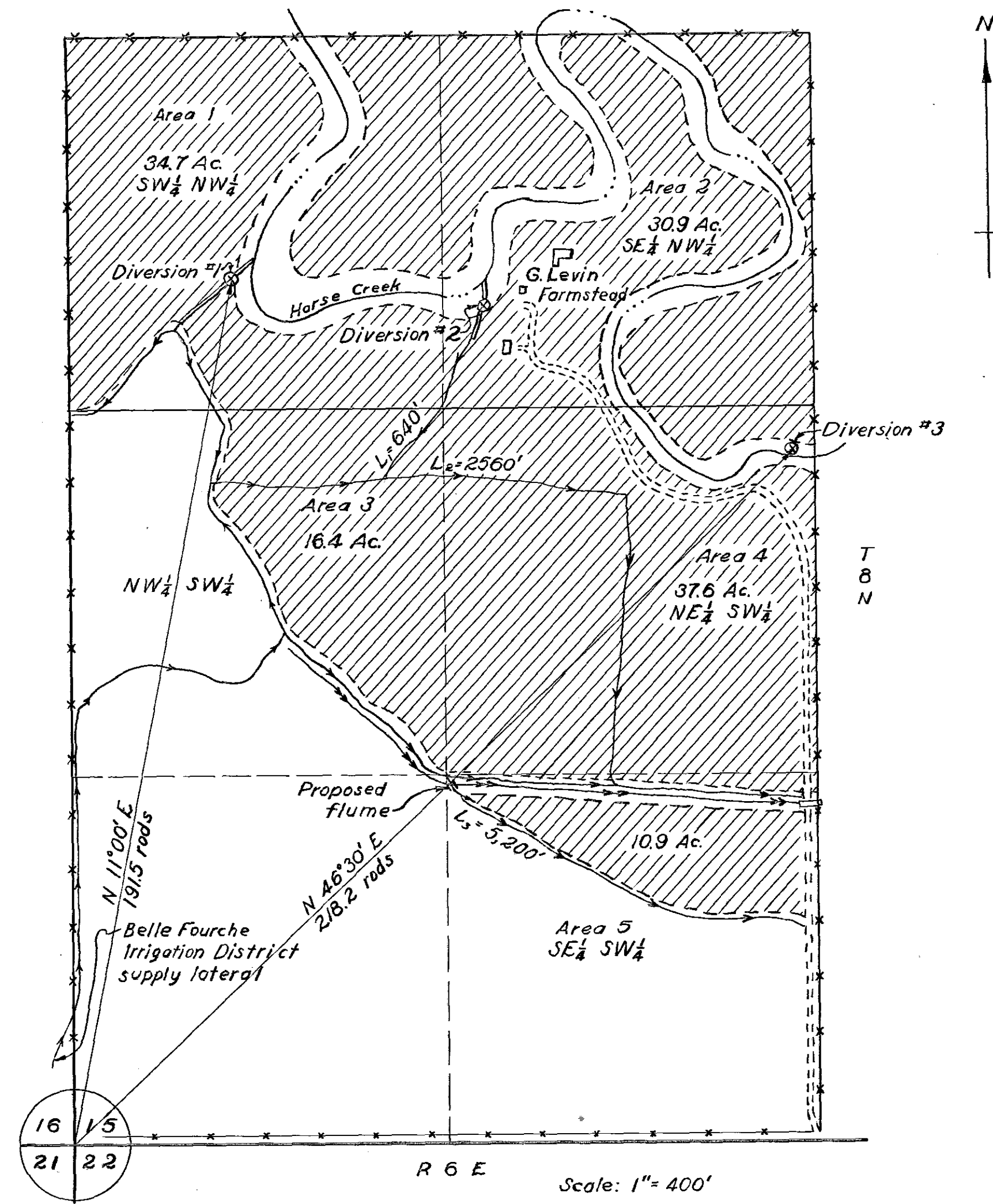
County of Baile } ss.

I, George D. Levin, 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 George D. Levin

Subscribed and sworn to before me this 14 day of July 19 46

Wm. R. Richman
 Notary Public (or other qualified officer.)



Legend:
 ZZZZ- Irrigable lands
 --- Supply lateral (constructed)
 --- Drain ditch (constructed)
 ⊗ - Pump station (proposed)
 --- Irrigation pipe

All lands described are owned by G.D. Levin

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SW 1/4 NW 1/4	15	8N	6E	34.7
2	SE 1/4 NW 1/4	15	8N	6E	30.9
3	NW 1/4 SW 1/4	15	8N	6E	16.4
4	NE 1/4 SW 1/4	15	8N	6E	37.6
5	SE 1/4 SW 1/4	15	8N	6E	10.9
TOTAL					130.5

SURVEYOR'S CERTIFICATE
 I, DWAYNE E. KONRAD, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE GEORGE D. LEVIN IRRIGATION PROJECT NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE BUTTE SOIL CONSERVATION DISTRICT.
 SIGNATURE: Dwayne E. Konrad
 TITLE: AGRIC. ENGINEER, SCS
 U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 5 DAY OF July, 1962, A.D.
Reg. E. Larson
 NOTARY PUBLIC in and for Butte County, S.D.
 MY COMMISSION EXPIRES Jan 1, 1964.

**GEORGE D. LEVIN
IRRIGATION PROJECT NO. 1**
 Butte County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	Sheet No. <u>1</u> of <u>1</u>	Drawing No.

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

Pierre, South Dakota,

December 30, 1960

This is to certify that the foregoing application was received by the Commission at 10:20 o'clock

a.m. upon the 11TH day of JULY, 1960.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit

484-1

Date of first receipt of application

JULY 11

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 11

1960

Approved

December 21, 1960

Recorded in Book

6

Page

169

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

JUNE 21, 1962

2nd. The whole of said work is to be completed on or before

DECEMBER 21, 1963

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

DECEMBER 21, 1965

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 1.86 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, 1965; said water to be used during the following described annual period:

APRIL 1 to October, inclusive

Witness

my hand

this

30TH

day of

December

1960

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction issued

SEPTEMBER 11

1969

Water License issued

SEPTEMBER 11

1969

FORM 2 (SUPPLEMENT)

APPLICATION FOR PERMIT TO APPROPRIATE WATER

GEORGE D. LAVIN

5. (POINTS OF DIVERSION)

- #1 - 191.5 Rods N 11° 00' E of SW - CORNER
SECTION - 15 - T 8 N, R 6 E } AND NOT
#3 - 218.2 Rods N 46° 30' E of SW CORNER } BETWEEN
SECTION - 15 - T 8 N, R 6 E

7. (6) LEGAL SUBDIVISIONS TO BE IRRIGATED

SW ¹ NW ¹	ALL IN SEC. 15 T 8 N, R 6 E	34.7 ACRES
SE ¹ NW ¹		30.7 "
NW ¹ SW ¹		16.4 "
NE ¹ SW ¹		37.6 "
SE ¹ SW ¹		<u>10.5</u> "
		130.5 ACRES

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 484-1

(1) WHEREAS, On the 11th day of July A. D. 19 60

George D. Levin

made Water Right Application No. 484-1 for a permit to use 1.86 cubic feet per second of the waters of Horse Creek

County of Dutche State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 30th day of December A. D. 19 60

Permit No. 484-1, with a date of priority of July 11, 1960

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 21st day of December A. D. 19 63 and for the application to beneficial use of said water on or before the 21st day of December A. D. 19 65

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.71 cubic feet per second of water for beneficial use and,

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

for irrigation of the following lands in Section 15, T8N, R6E

	Acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	34.7
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20.9
NW $\frac{1}{4}$ SW $\frac{1}{4}$	16.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.6
SE $\frac{1}{4}$ SW $\frac{1}{4}$	10.9
Total	120.5 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to George D. Levin

_____ of Newell

the holder _____ and owner _____ of said permit No. 484-1 a water right, dating from July 11, 1960

_____ to use of 1.71 cubic feet per second of the waters

of Horae Creek

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

purposes hereinbelow mentioned, to be diverted between points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$,

Section 15, T8N, R6E

and conduct to and upon 120.5 acres in portions of the W $\frac{1}{2}$, Section 15, T8N, R6E, described

in the face of this Water License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 484-1 and subject to the laws of the State of South Dakota.

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

this 11th day of September A. D.

Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 484-1

Water Diversion No. 1 BELLE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That George D. Levin

_____ the holder _____ of
Permit No. 484-1, issued upon Application No. 484-1, bearing date of priority of July 11
1960 authorizing the diversion of 1.86 cu. ft. per second of the waters of _____
Horse Creek County of Butte, State of South Dakota at _____
between points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, T8N, R6E

_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date September 11, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Permit No. 484-1

Water Division No. 1 Belle Fourche Water District
River

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that ~~I have examined the works authorized by~~
~~XXXXX~~ I have ~~made~~ made a thorough examination of the diversion works constructed by
George D. Levin _____, of _____ Hereford, South Dakota _____
_____ County, South Dakota, holder of Permit No. _____ 484-1 _____, issued
upon Application No. _____ 484-1 _____, bearing date of priority of _____ July 11 _____, 19____60____, authorizing the
diversion of 1.86 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: 6" x 8" Berkley pump, Mod. Gupl. 10 H.P.
Reliance electric motor, 300 ft. of 8" aluminum pipe, 1 1/4 mile of
ditches.

and the system is in the following condition: ----- Good

The point of diversion is located as shown on Water right map No. 421-1

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

The legal sub-divisions to be irrigated are. all in Section 15, T8N, R6E

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 34.7 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.9 acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$	16.4 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	17.6 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ ----- 37.6 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ----- 10.9 acres

comprising a total of 120.5 acres of land.

The domestic use intended comprises _____ incidental livestock watering

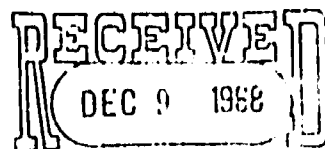
The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 12 day of December, A. D. 1966.

—SEAL—

Donald Driscoll, Deputy Chief Engr.
Water Resources Commission

Location No. 489-1
Belle Fourche River
 Water Division No. 1 Water District



STATE WATER RESOURCES COUNCIL
 1500 S. SOUTH

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. GEORGE D LEVIN RANCHIER
NEWELL SO. DAK

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

Ans. _____

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

Ans. JULY 11 1966

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

Ans. HORSE CREEK. THREE DIVERSION STATION
AS SHOWN ON WATER RIGHT MAP 421-1

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. 6" PUMP, 10 H.P. ELECTRIC MOTOR - 300' 4"
PIPE, DITCHES, ETC - CAN PUMP 2 C.F.S.
COMPLETED IN JUNE, 1961

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

Ans. USED for irrigation 120.5 Acres - As
shown on water right map 421-1 except
10 acres not irrigated in SE 1/4 NW 1/4, Sec
15, T8N, R6E

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. About 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. Used as indicated above since 1961,
every year except 1964

(Sign) George D. Lewis

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 _____, County of _____
State of South Dakota, on this _____ day of _____ A. D. 19____

~~_____~~ Witnesses. _____

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.

Albert Thurnig X
_____ X

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 _____	

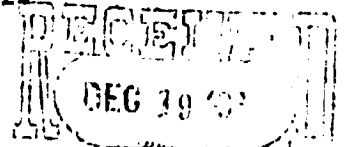
PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } SS.

F. Lyn Gladstone being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Valley Irrigator 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 Newell, County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

November 24, 1960December 1, 1960December 8, 1960December 15, 1960

in each and every issue of the full number thereof, the first publication being made on the 24 day of November 1960 and the last publication on the 15 day of December 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 editor ~~ther~~ and publisher of the said newspaper.

Subscribed and sworn to before me this 15 day of December A. D. 1960Notary Public Butte County, S. D.STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak.,
November 18, 1960

Notice is hereby given that George D. Levin, 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 1.88 cubic feet of water per second of time from Horse Creek through the Levin Irrigation Project No. 1, the point of diversion of which is to be located on both banks of said stream between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 16, Twp. 6N, Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land: S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Sec. 16, T. 6N, R. 6E.

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 1 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 (504)

(First Publication on or before Nov. 24, 1960)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., November 18, 1960

Notice is hereby given that George D. Levin whose postoffice address is Navell 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 1.86 cubic feet of water per second of time from ~~the~~ Horse Creek through the Levin Irrigation Project #1, the point of diversion of which is to be located on ~~the~~ both banks of said stream between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and a point in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 15 Twp. 8N Range 6E Said water to be used for the purpose of providing irrigation on the following described land:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ Sec 15 T. 8N. R. 6E

~~*****~~ *****
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: **F. Lyn Gladstone—Publisher By:**
Valley Irrigator
Navell, South Dakota

~~*****~~ ~~*****~~
Burton F. Jones
Water Right Specialist

Form 20.

No. 484-1

NOTICE OF TRANSFER OF WATER PERMIT

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

Date January 22, 1975

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

Between points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T8N, R6E

formerly owned by Bob Bartels, Newell, S.D.

has been transferred to George and Betty White, Newell, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 484-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of ~~Water Resources Commission~~ as evidence of the change of ownership.

WATER RIGHTS COMMISSION

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

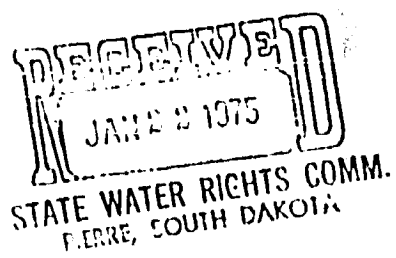
County of Hughes ss.

I, Robert Bartels 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.

Robert J. Bartels
(Signed)

Suscribed and sworn to before me this 23rd day of January, 1975

Betty Westlund
(Notary Public)



484-1

LAW OFFICES OF
STEPHENS, QUINN, CARR & TSCHETTER, P. C.

117 FIFTH AVENUE

BELLE FOURCHE, SOUTH DAKOTA 57717

PHONE (605) 692-3311

HARRY R. STEPHENS
TERENCE T. QUINN
THOMAS J. CARR
ROBERT L. TSCHETTER
WESLEY W. BUCKMASTER



May 9, 1977

Ms. Betty Westlund
Water Rights Commission
Capitol Plaza
Pierre, South Dakota 57501

Dear Ms. Westlund:

The purpose of this letter is to advise you that this office represents Dennis Beckham and Anna Mae Beckham, who have recently purchased real estate located in Section 15, T8N, R6E, BHM, Butte County, South Dakota.

We have been advised that there is in existence a Water Right location for water flowing in Horse Creek, which flows through the Southwest Quarter of Section 15 of the above described township and range.

Please be advised that the purpose of this letter is to inform you of the transfer of said Water Right with the transfer of title of said real estate by virtue of a Contract for Deed naming George E. White and Betty J. White as Sellers and Mr. and Mrs. Beckham as Buyers.

To the best of this writer's information, said Water Right location was made by one George O. Sletten by virtue of a Water Right Application dated the 22nd day of April, 1919, and recorded in Book 61, at page 50 in the office of the Register of Deeds for Butte County, South Dakota.

If any further information is needed or any other procedures must be followed to properly transfer said Water Right, please advise immediately.

In the event this letter is sufficient notice of said transfer, please advise also.

Sincerely yours,

Wesley W. Buckmaster

WBB/pdb

Form 20.

No. 484-1



NOTICE OF TRANSFER OF WATER PERMIT

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

Date March 9, 1977

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

SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T8N, R6E

formerly owned by George and Betty White

has been transferred to L. H. Gartrell

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 484-1 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required
under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

County of BUTTE

)
) ss.
)

I, L. H. Gartrell being first duly sworn on my
oath despose and say: That my relation to the above described undertaking is
that of Owner, that I have read the above foregoing statement, and I know of my
own personal knowledge that the information herein stated is true.

L. H. Gartrell
(Signed)

Subscribed and sworn to before me this 18TH day of MARCH

1977

Neil A. Martin
(Notary Public)
NEIL A. MARTIN, Notary, S. Dak.
My Commission Expires Oct. 5, 1983

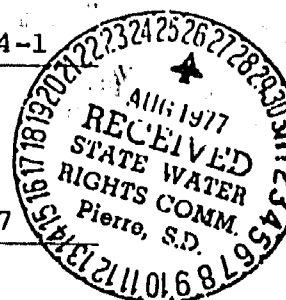
Form 20.

No. 484-1

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: July 7, 1977



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

3 1/2 NW 1/4 & SW 1/4, Section 15, T8N, R6E, Black Hills Meridian,
Butte County, S.D.

formerly owned by L. H. Gartrell

has been transferred to Dennis Beckham, Route 1, Box 31, Newell, SD 57760

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

Water Right Permit No. 484-1 as provided for in Section 61.0127 of the 1960

Supplement to the South Dakota Code of 1939.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Butte)

I, Dennis Beckham being first duly sworn on my oath despose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Dennis E. Beckham
(Signed)

Subscribed and sworn to before me this 5th day of August
19 77.

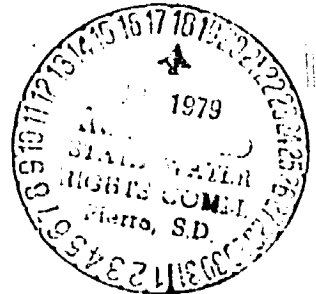
Wanda L. Kendrick
(Notary Public)

LAW OFFICES OF
STEPHENS, QUINN, CARR, TSCHETTER & BUCKMASTER, P. C.

117 FIFTH AVENUE
BELLE FOURCHE, SOUTH DAKOTA 57717
PHONE (605) 392-3311

HARRY R. STEPHENS
TERENCE R. QUINN
THOMAS E. CARR
ROBERT L. TSCHETTER
WESLEY W. BUCKMASTER

June 14, 1979



Water Rights Commission
Capitol Plaza
Pierre, SD 57501

Dear Sir:

The purpose of this letter is to make a belated inquiry into the disposition of a request for transfer of water right that was made in a letter to you written by myself on May 9, 1977.

In that letter I advised that I have been asked to see to the transfer of a certain water right location for water flowing in Horse Creek as the same flows over and through the Southwest Quarter of Section 15, Township 8 North, Range 6 East, Black Hills Meridian, Butte Co., SD.

In my prior letter I asked that your office confirm that the ~~record-transfer~~ of a water right location personally made by one George O. Sletten on April 22, 1919 had been made. I have heard nothing from your office since my May 9, 1977 correspondence and I would appreciate hearing from you concerning this correspondence.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Wesley W. Buckmaster'.

Wesley W. Buckmaster

WWS:kmw

425-1 Corralville
484-1
790-1

June 21, 1979

Wesley W. Buckmaster
Stephens, Quinn, Carr, Tschetter & Buckmaster, P. C.
117 5th Avenue
Belle Fourche, SD 57717

Dear Mr. Buckmaster:

In answer to your inquiry about a transfer of a water right location in SW $\frac{1}{4}$, Section 15-T8N-R6E, Horse Creek. This office has a water permit no. 484-1, in the name of Dennis Beckham, formerly in the name of George Levin and L. H. Gartrell, covering portions of NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 15-T8N-R6E. In checking our files we can not find any correspondence from you regarding a transfer.

Enclosed please find our form 20, Notice of Transfer. Please complete, sign and return to this office with the required fee of \$2.50. If your client does not own all the land involved we can split the permit.

If you have any further questions please feel free to contact this office.

Sincerely,

Betty Westlund,
Water Rights Specialist I

BW:plh

LAW OFFICES OF
STEPHENS, QUINN, CARR, TSCHETTER & BUCKMASTER, P. C.

117 FIFTH AVENUE
BELLE FOURCHE, SOUTH DAKOTA 57717
PHONE (605) 892-3311

HARRY R. STEPHENS
TERENCE R. QUINN
THOMAS E. CARR
ROBERT L. TSCHETTER
WESLEY W. BUCKMASTER
LAURENCE J. ZASTROW
RICHARD A. PLUIMER

April 7, 1980



Board of Water Management
Foss Building
Pierre, South Dakota 57501

Attention: Genny Young

Re: Water Permit No. 484-1

Dear Ms. Young:

Enclosed please find Notice of Transfer of Water Permit duly signed by Dennis Beckham on the 31st day of March, 1980.

On telephone inquiry as to whether a Form 20 had been previously filed by Mr. Beckham, I was advised that no such form had been filed. Our records show that a Form 20 was filed on August 26, 1977 as evidenced by a receipt from your office. However, to avoid any neglect or failure on the part of Mr. Beckham to make such a filing, we enclose this second Notice. If there are any questions, please contact me.

Sincerely yours,

Wesley W. Buckmaster

WWB:du

Enclosure

Cc: Mr. and Mrs. Dennis Beckham

4/8/80
Called Mr. Buckmaster,
explained to him that water
right was already in the name
of Dennis Beckham. He provided letters mentioned
have been made to George C. Sittler, and then
where the mixing occurred.

Genny Y.

NOTICE OF TRANSFER OF WATER



TO: DWNR-Board of Water Management
Foss Building
Pierre, SD 57501
Phone: 773-3352

Date: June 25, 1979

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

South Half of the Northwest Quarter and the Southwest Quarter of Section 15 in Township 8 North, Range 6 East of the Black Hills Meridian, Butte County, South Dakota. Said real estate containing 240 acres, more or less, according to U.S. government survey thereof.

formerly owned by L. H. Gartrell and George Levin

has been transferred to Dennis Beckham

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

Water Right Permit No. 484-1 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 Commission as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of BUTTE) ss.

I, Dennis Beckham 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.

Dennis Beckham
Dennis Beckham (Signed)

Subscribed and sworn to before me this 31st Day of MARCH 19 80.

Wesley W. Beckman
(Notary Public)
Wesley W. Beckman
Notary Public, State of South Dakota
My Commission Expires July 30, 1981

 **Department of
Water & Natural Resources**

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

March 23, 1987

DENNIS BECKHAM
RT 1 BOX 31
NEWELL, SD 57760

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

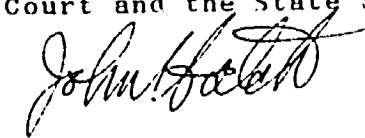
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 484-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given 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 2:00 pm, May 6, 1987 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). 484-1 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 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

May 11, 1987

484-1

Dennis Peckham
RR #1 Box 31
Newell, SD 57760

Dear Mr. Beckham:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 484-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Your questionnaire was received prior to the May 6, 1987 Water Management Board Meeting and was no longer considered to be in violation. Your name was deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

484-1

January 29, 1988

DENNIS BECKHAM
RT 1 BOX 31
NEWELL SD 57750

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). 484-1. 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). 484-1 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.

 **Department of
Water & Natural Resources**

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

March 9, 1988

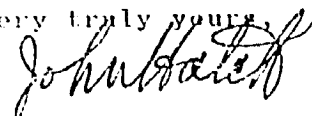
484-1

Dennis Beckham
Rt 1 Box 31
Newell SD 57760

Dear Mr. Beckham:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 484-1 and the hearing date before the Water Management Board.

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

Very truly yours,


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



484-1

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 1, 1991

DENNIS BECKHAM
RT 1 BOX 31
NEWELL SD 57760

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 484-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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) 484-1 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)							
3. Article Addressed to: DENNIS BECKHAM RT 1 BOX 31 NEWELL SD 57760	4. Article Number P694 057 385 Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and DATE DELIVERED.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature — Addressee X <i>Dennis Beckham</i>	8. Addressee's Address (ONLY if requested and fee paid)						
6. Signature — Agent X							
7. Date of Delivery FEB - 8 1991							

South Dakota



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 25, 1991

484-1

Dennis Beckham
RR #1 Box 31
Newell, SD 57760

Dear Mr. Beckham:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 484-1. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DENNIS BECKHAM
RT 1 BOX 31
NEWELL SD 57760

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 484-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 484-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over a horizontal line.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

February 7, 1992

484-1

Dennis Beckham
RR #1 Box 31
Newell, SD 57760

Dear Mr. Beckham:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 484-1. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

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

3. Article Addressed to:

DENNIS BECKHAM
RT 1 BOX 31
NEWELL, SD 57760

5. Signature (Addressee)

Dennis Beckham

6. Signature (Agent)

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

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

Consult postmaster for fee.

4a. Article Number

Pack 557 638

4b. Service Type

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

7. Date of Delivery

FEB - 5 1992

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



484-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 1993

NOTICE

TO: DENNIS BECKHAM
RT 1 BOX 31
NEWELL SD 57760

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 484-1. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 484-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

484-1

DENNIS BECKHAM
RT 1 BOX 31
NEWELL SD 57760

4a. Article Number:

P906 560 072

4b. Service Type

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

7. Date of Delivery

FEB 17 1993

5. Signature (Addressee)

Dennis Beckham

6. Signature (Agent)

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

PS Form 3811, December 1991 • U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



484-1

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

March 9, 1993

484-1

Dennis Beckham
RR #1 Box 31
Newell, SD 57760

Dear Mr. Beckham:

I am writing to acknowledge receipt your 1992 irrigation questionnaire for Water Right 484-1. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Questionnaire.

The questionnaire was received on prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Is your RETURN 5. Signature (Addressee) 6. Signature (Agent)	SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and if a date delivered.		I also wish to receive the following services (for an extra fee): 1. ☒ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
	3. Article Addressed to: DENNIS BECKHAM RT 1 BOX 31 NEWELL SD 57760	4a. Article Number 484-1 P837-692-496	4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
		7. Date of Delivery APR 2 1984	8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



February 16, 1994

DENNIS BECKHAM
RT 1 BOX 31
NEWELL SD 57760

484-1

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

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 484-1. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 484-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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



484-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1994

484-1

Jay & Anita Delameter
RR #1 Box 31
Newell, SD 57760

Dear Mr & Mrs Delameter:

i am writing to acknowledge receipt of the 1993 irrigation questionnaire for Water Right No. 484-1, Dennis Beckham. The February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire**, sent to Dennis Beckham can be disregarded.

The questionnaire was received in our office prior to the Water Management Board meeting and Mr. Beckham's name has been deleted from the agenda.

It is my understanding from the questionnaire you submitted that you now own the land formerly owned by Mr. Beckham. I have enclosed a partially completed "Notice of Transfer Of Ownership". Please review the form for accuracy and sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

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



484-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 1994

SECOND NOTICE
Permit No. 484-1

Jay and Anita Delameter
RR 1, Box 31
Newell, SD 57760

Dear Mr. and Ms. Delameter:

On March 3, 1994, notice was sent to you concerning the transfer of Water Right No. 484-1 in the name of Dennis Beckham. To date, we have not heard from you on this matter.

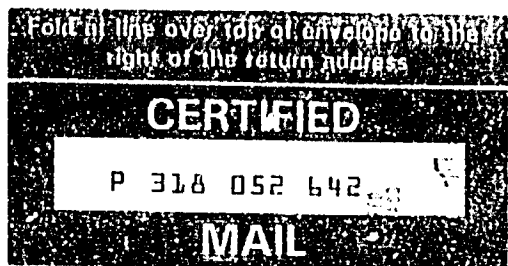
A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

for RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure



United States
Postal Service



MAY 13, 1994

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER RIGHTS
523 E CAPITOL JOE FOSS BLDG
PIERRE SD 57501

DEAR FOLKS,

TODAY I RECEIVED AND DELIVERED A CERTIFIED LETTER FROM YOUR OFFICE TO A STACY J MADSEN ADMIN, RR 1 BOX 55, NEW UNDERWOOD SD 57761. THE CERTIFIED NUMBER FOR HIS LETTER WAS P 318 052 643. ON HIS LETTER WERE TWO GREEN CERTIFIED STICKERS. SOMEONE ELSE'S NUMBER WAS STUCK TO HIS LETTER. THE OTHER CERTIFIED NUMBER ENCLOSED WAS P 318 052 642. WHOEVER YOU SENT A CERTIFIED LETTER TO DOES NOT HAVE THAT STICKER ON THE FRONT OF THE LETTER INDICATING THAT NEEDS TO BE SIGNED FOR. HOPEFULLY FROM YOUR RECORDS YOU WILL BE ABLE TO TELL WHO YOU SENT THE LETTER TO AND BE LOOKING FOR THE GREEN RECEIPT CARD COMING BACK TO YOU. IF THE GREEN CARD DOES NOT COME BACK THEN CHANCES ARE THE LETTER WAS DELIVERED AND NOT SIGNED FOR BECAUSE THERE WILL BE NO INDICATION OTHER THEN THE \$2.29 FOR POSTAGE ON THE FRONT. HOPEFULLY THE POST OFFICE OF INTENDED DELIVERY WILL NOTICE THE POSTAGE OR THE GREEN CARD ON THE BACK AND TREAT THE LETTER AS A CERTIFY.

OTHERWISE UNFORTUNATELY YOU MAY NEED TO SEND ANOTHER CERTIFIED LETTER TO BULLET-PROOF YOURSELF THAT DELIVERY WAS MADE TO THE INTENDED PARTY. I WOULD DO ONE OF A COUPLE OF THINGS. CALL THE POST OFFICE THAT THE CERTIFIED LETTER WAS GOING TO AND EXPLAIN A CERTIFIED LETTER TO SO AND SO LOST THE GREEN LABEL ON THE FRONT AND WAS THE LETTER SIGNED FOR. OR, WAIT 7-10 DAYS. CHANCES ARE THE LETTER WILL BE PICKED UP AND SIGNED FOR AND THE GREEN CARD WILL COME BACK TO YOU. IF NOT, FOR SURE AFTER 15 DAYS YOU WILL NEED TO SEND ANOTHER CERTIFIED LETTER UNLESS YOU HAVE SOME CORRESPONDENCE WITH YOUR INTENDED PARTY.

IF YOU HAVE ANY QUESTIONS CALL ME.

THANK YOU KINDLY,

BOB TOLMAN
POSTMASTER
PO BOX 9998
NEW UNDERWOOD SD 57761-9998

754-6456

1

484-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 1994

Permit No. 484-1

Jay and Anita Delameter
RR 1, Box 31
Newell, SD 57760

Dear Mr. and Ms. Delameter:

On May 11, 1994, a Second Notice to transfer Water Right No. 484-1 was sent to you. This letter was sent Certified, but we were notified by the U.S. Post Office in New Underwood that the green certification sticker accidentally came off of the envelope. This green certification sticker is the post office's way of determining that the green certification card is supposed to be signed by the recipient, then returned to our Department. Since this card has not been returned to our Department yet, we assume that the post office did not have you sign the card for it to be returned; therefore, I am sending you a copy of the letter dated May 11, 1994, and a partially completed Notice of Transfer of Ownership form.

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

Sincerely,

Cheryl R. Frost
Secretary
Water Rights Division

enclosures

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

Jay and Anita Delameter
RR 1, Box 31
Newell, SD 57760

5. Signature (Addressee)

Anita Delameter

6. Signature (Agent)

484-1

4. Article Number

P 318 052 656

4b. Service Type

☒ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5/20/94

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

484-1

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 484-1
Date: 5-20-94

I\We request that Water Right No. 484-1

formerly owned by: Dennis Beckham

be transferred to: Jay & Anita Delameter, RR #1 Box 31, Newell, SD 57760 (Telephone No) (605) 456-2410

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

120.5 acres - S½ NW¼, N½ SW¼ and SE¼ SW¼ Section 15, T8N, R6E

I\We understand that the validity of Water Right No. 484-1 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Butte)

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

[Signature]
(Signed)

Subscribed and sworn to before me this 20 day of May, 19 94.

[Signature]
(Notary Public)
COLGAN J. HUSER, Notary Public
Butte County
My Commission Expires May 7, 1995

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414184

Pierre, May 23, 1994

RECEIVED OF Anita Delameter, RR 1 Box 31, Newell, SD 57760

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>Water Right No. 484-1</u>	2 50
Fee for Filing Extension Request _____	
Fee for _____	

(Any Other Work Provided by Law)	
Total	2 50

By

Chief Engineer

John Hatch

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

CANADA OPERATOR SIGNATURE

484-1



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

May 26, 1994

No. 484-1

Jay and Anita Delameter
RR 1, Box 31
Newell, SD 57760

Dear Mr. and Ms. Delameter:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 484-1.

Our records now show you as the owner of Water Right No. 484-1.

Sincerely,

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

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

enclosure



484-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 1996

484-1

Anita K Fettig
RR 1 Box 31
Newell, SD 57760

Dear Mrs. Fettig:

Thank you for the prompt return of the "Notice of Transfer of Ownership" form you submitted for Water Right No. 484-1. The form was completed properly, however it can not be filed for record without the \$2.50 filing fee.

Please remit a total of \$2.50 as soon as possible. Once the fee is received, the transfer will be finalized and Water Right No. 484-1 will be transferred to your name.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

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



484-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 1996

484-1

Anita Fettig
RR #1 Box 31
Newell, SD 57760

Dear Ms. Fettig:

Enclosed is a partially completed *Notice of Transfer of Ownership* form for use in filing an ownership change on Water Right No. 484-1. Please complete the form as needed and sign it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50.

Water Right No. 484-1 authorizes diversion of water from Horse Creek to irrigate acreage in portions of the W 1/2 Section 15, T8N, R6E. In October of each year, you will receive an irrigation questionnaire from our office. This form is for reporting irrigation done during the season. It is my understanding that the land described in Water Right No. 484-1 is also irrigated with water from the Belle Fourche Irrigation Project. Irrigation done with "project water" does not need to be reported to us.

I am including a sample irrigation questionnaire for your review. It will help you in determining what type of information to keep track of during the irrigation season. Just a reminder, if you irrigate with project water, write a comment to that effect on the questionnaire and return it to us. If you use water from Horse Creek, you will need to include information about acres irrigated, pump rate, days, and average hours the system was used. You may keep the form for your records. The 1996 questionnaire will be mailed to you in October.

If you have any questions concerning the water right or completion of the enclosed transfer form, please contact me.

Sincerely,

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

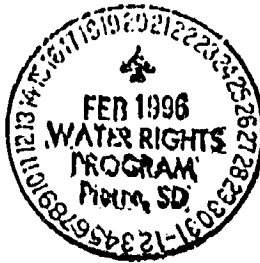
enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 484-1

Date: 1-31-96.



11 We request that Water Right No. 484-1

formerly owned by: Jay & Anita Delameter, RR 31 Box 31, Newell, SD 57760-9720

be transferred to: (name & address)

Power II 5A 57760 R-1 Box 31

Telephone No. 6655-456-2352

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

20.5 acres in the S 1/2 NW 1/4, N 1/2 SW 1/4 and SE 1/4 SW 1/4 Section 15, T8N, R6E

We understand that the validity of Water Right No. 484-1 has not been determined by this transfer action. If I/We have any questions regarding the validity of this transfer, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid. I/We are requested to file this notice with the Water Management Board.

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.

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

STATE OF SOUTH DAKOTA)

County of Butte)

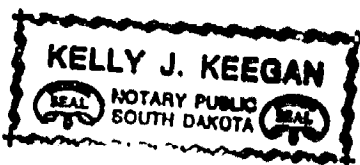
Arto Pether

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

Guto Fetter

(Signed)

ribed and sworn to before me this 16th day of February, 1996



Kelly J. Keegan
(Notary Public)
My Commission Expires

My Commission Expires
September 19, 2003

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

1. Abandonment - no intent to use water and use is abandoned
2. Forfeiture - failure to use water within the five year period
3. Expiration - failure to renew the permit

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

414822

Division of Water Rights

South Dakota Department of Environment and Natural Resources

February 29, 19 96

Pierre, _____

RECEIVED OF Anita K. Fettig, Rt 1, Box 31, Newell, SD 57760

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

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

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

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

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

Fee for Filing Transfer Form WaterRight No. 484-1

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

John Hatch (F)

484-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 1996

No. 484-1

Anita K. Fettig
Rt 1, Box 31
Newell, SD 57760

Dear Ms. Fettig:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 484-1.

Our records now show you as the owner of Water Right No. 484-1.

Sincerely,

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

enclosure



484-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 18, 1997

484-1

Anita K Fettig
RR 1 Box 31
Newell, SD 57760-9720

Dear Ms. Fettig:

I am contacting you regarding your 1996 irrigation questionnaire. Last time we spoke, you were going to try and obtain a pump rate (gallons per minute) for the Horse Creek diversion. Did you have any success in gathering this information?

Enclosed is a copy of the back portion of your questionnaire. The irrigation that occurred in August from Horse Creek is the only portion needing completion (see highlighted area).

Please take a few minutes and write the information in the highlighted area and return the form to our office. If you would rather call me with the information, that would be fine too.

Thank you and if I can answer any questions for you, please let me know.

Sincerely,

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

encl.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 3, 2006

484-1

David Vandermay
26735 Fish Creek Road
Long Valley SD, 57547

Dear Mr. Vandermay:

This letter is in regards to your October 3, 2006 telephone call concerning the status of Water Right No. 484-1. This water right provides supplemental water for land that falls within the Belle Fourche Irrigation District.

Water Right No. 484-1 bearing a priority date of July 11, 1960, authorizes the diversion of 1.71 cfs (770 gpm) from Horse Creek to irrigate 120.5 acres located in the SW ¼ and S ½ NW ¼ of Section 15 T8N-R6E. When this water right was issued by the State Water Commission, predecessor to the Water Management Board, it contained the following qualification that addresses the supplemental status of this right to Belle Fourche Irrigation District water right.

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.

This water right was issued with the understanding that it would only need to be utilized when water from the irrigation district was not sufficient to meet irrigator's needs. South Dakota Water Right's staff is not in the position to pursue canceling this water right at this time, because the above qualification recognized that nonuse of this water right may occur. In addition, a water rights established rule (ARSD 74:02:01:37.02) provides that a water supply maintained for standby purposes is not nonuse of a water right if the works are maintained in working condition.

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

Sincerely,

Mark D. Rath
Natural Resources Engineering Specialist
Water Rights Program

cy: Robert A Martin, attorney

484-1

**DEMERSSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP**

LAWYERS

**P.O. Box 1820, RAPID CITY SD 57709-1820
516 FIFTH STREET, RAPID CITY SD 57701**

**MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
HARRY W. CHRISTIANSON
THOMAS W. STANTON
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH
TAMARA M. PIER (OF COUNSEL)**

November 1, 2006

**TELEPHONE
605-342-2814**

**FAX
605-342-0732**

**E-MAIL
law@demjen.com**

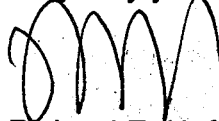
Genny McMath
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RE: Water Right 484-1

Dear Ms. McMath:

Enclosed herewith please find our check for \$2.50 and a Notice of Transfer of Ownership of the above-mentioned Water Right to Red Rock Farms, LLC, of Rapid City, South Dakota. Once you have this in PDF form, would you be so kind as to email me a copy of the transfer documents? Thank you.

Very truly yours,



Richard E. Huffman rehuffman3@aol.com
DEMERSSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP

REH/bjm
Enclosures

Cc Red Rock Farms, LLC

RECEIVED
NOV - 2 2006
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

NOV - 2 2006

WATER RIGHTS
PROGRAM

No. 484-1

Date: October 16, 2006

I/We request that Water Right No. 484-1

formerly owned by: Anita K Fetting

be transferred to: (name & address) Red Rock Farms, LLC
6520 Birkdale Drive, Rapid City, SD 57702
Telephone No. 605-714-4717

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

120.5 acres in the S ½ NW ¼, N ½ SW ¼ and SE ¼ SW ¼ Section 15, T8N, R6E

I/We understand that the validity of Water Right No. 484-1 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.

Red Rock Farms, LLC

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

Red Rock Farms, LLC

[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 2, 20 06

RECEIVED OF DeMersseman, Jensen, Christianson Stanton & Huffman, PC Box 1820, Rapid City

Red Rock Farms LLC

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>484-1</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	2.50

No.

02613

By

Darlene E. Erbe

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

November 2, 2006

484-1

Richard E Huffman
Red Rock Farms LLC
6520 Birkdale Dr
Rapid City SD 57702

Dear Mr. Huffman:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 484-1. The transfer has been completed. The water right, formerly held by Anita K Fettig, is now listed in the name of "Red Rock Farms LLC".

Receipt No. 02613 in the amount of \$2.50 is forwarded by copy of this letter to your law firm of DeMersseman, Jensen, Christianson, Stanton & Huffman.

If I can be of further assistance, please let me know.

Sincerely,

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

enclosure

cc: DeMersseman, Jensen, Christianson, Stanton and Huffman w/Receipt No. 02613

484-1

DeMERSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP
LAWYERS

RECEIVED
FEB 13 2007
WATER RIGHTS
PROGRAM

P.O. Box 1820, RAPID CITY SD 57709-1820
516 FIFTH STREET, RAPID CITY SD 57701

MICHAEL B. DEMERSEMAN
CURTIS S. JENSEN
HARRY W. CHRISTIANSON
THOMAS W. STANTON
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH
TAMARA M. PIER (OF COUNSEL)

February 12, 2007

TELEPHONE
605-342-2814

FAX
605-342-0732

E-MAIL
law@demjen.com

Eric Gronlund
Department of Environment & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

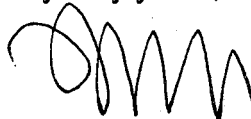
Re: Water Right 484-1

Dear Eric:

Thank you for the information today pertaining to the change of the diversion point. Since I am new to water rights, I just want to make sure that this water right is still active and that it has not been re-appropriated to another location up or down stream as a result of the Belle Fourche Irrigation supply lines.

Thanking you for your attention to this matter, I remain

Very truly yours,



Richard E. Huffman rehuffman3@aol.com
DeMERSEMAN JENSEN CHRISTIANSON
STANTON & HUFFMAN, LLP

REH/bjm

cc Red Rock Farms



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 16, 2007

Richard E. Huffman
DeMersseman Jensen Christianson Stanton & Huffman
PO Box 1820
Rapid City SD 57709-1820

Dear Mr. Huffman:

I am writing in response to your inquiry regarding the status of Water Right No. 484-1 currently held in the name of Red Rock Farms LLC.

Water Right No. 484-1 bearing a priority date of July 11, 1960, authorizes the diversion of 1.71 cubic feet of water per second (770 gpm) from Horse Creek to irrigate 120.5 acres located in the SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15, T8N, R6E. When this water right was issued by the State Water Commission, predecessor to the Water Management Board, it contained the following qualifications:

1. 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.
2. The use of water under this permit is contingent upon water supplies being available to prior water rights.
3. 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.

Water Right No. 484-1 is currently a licensed water right. I can not specifically opine on the status of a water right. The Water Management Board is the administrative entity to make such a determination either through a declaratory ruling or cancellation proceeding. However, I can provide you information to make your own reasonable judgment. Your other option is to formally request a declaratory ruling from the Board. The declaratory ruling will require public notice.

I have enclosed the applicable law and rules dealing with the abandonment or forfeiture of a water right. It is noteworthy that this water right was issued such that Horse Creek water can

only be diverted when water was not being received from the Belle Fourche Irrigation District. Condition No. 3 on the water (set forth above) recognizes that nonuse of this water right may occur. In addition, the Horse Creek water supply appears to be a standby water source when District water is not available. ARSD 74:02:01:37.02 provides that a water supply maintained for standby purposes is not nonuse of a water right if the works are maintained in working conditions. Based on this, the Water Rights Program is not in a position to pursue cancellation as long as the irrigation system is maintained.

I hope this information is helpful, please feel free to contact me if you have further questions.

Sincerely,



Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosure

Statutes:

46-5-36. Abandonment of use of water appurtenant to land - Public water subject to general appropriation. If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation.

46-5-37. Failure to use beneficially appropriated water - Forfeiture for nonuse - Reversion to public. When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

46-5-37.1. Abandonment or forfeiture of permits or rights - Recommendation of chief engineer for cancellation. Upon the initiative of the chief engineer or upon petition by any interested person and after reasonable notice to the holder of the right or permit, if he can be located, the chief engineer may investigate whether or not a water permit or right has been abandoned or forfeited. After the investigation, the chief engineer may recommend cancellation of the permit or right for reason of abandonment or forfeiture. The recommendation, notice and hearing shall be conducted pursuant to the procedure contained in chapter 46-2A.

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of SDCL 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if the water source is not fully appropriated, if the withdrawal from use does not prevent approval of new permits from the same source, and if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

Rules:

74:02:01:36. Board authorized to cancel invalid water permits, rights, or vested rights. The board may cancel a water permit, right, or vested right which has become invalid and file a record of the cancellation in the water permit, right, or vested right record.

74:02:01:37. Invalid water permit, right, or vested right defined. A water permit, right, or vested right is invalid if it meets one or more of the following conditions:

- (1) The necessary works were not constructed or the water put to beneficial use within the time limits as provided by statute;
- (2) Use of water has been abandoned as specified in SDCL 46-5-36;
- (3) Use of water has been forfeited for nonuse as specified in SDCL 46-5-37.

74:02:01:37.01. Legal excuse for nonuse of water. Legal excuse for nonuse of water suspends the period of nonuse specified in SDCL 46-5-37. Legal excuses for nonuse of water include but are not limited to the following:

- (1) Unavailability of water to satisfy a permit, right, or vested right;
- (2) Legal proceedings which prevent the use of water;
- (3) Water use under existing climatic conditions would result in a waste of water.



484-1
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: RED ROCK FARMS LLC, RICHARD E HUFFMAN, 6520 BIRKDALE DR, RAPID CITY, SD 57702

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 has not been submitted for Permit No(s) 484-1 as required by administrative rule 74:02:01:14.02. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 484-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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>

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.

McMath, Genny

From: Don WArD <dncward@aol.com>
Sent: Tuesday, February 07, 2012 7:55 AM
To: McMath, Genny
Subject: Re: Red Rock Farms LLC

Hello Genny, please change to my name but keep the address the same.
Thank you. Don.

Sent from my iPhone

On Feb 7, 2012, at 6:01 AM, <Genny.McMath@state.sd.us> wrote:

Mr. Ward,

We have received the irrigation questionnaire you sent in for Red Rock Farms LLC. I note your name on the form rather than Mr. Huffman's. Do I need to change the contact person to you and if so, is the address on Birkdale Drive still correct for regular mailings?

Genny McMath

Water Rights Program

605.773.5455



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 7, 2012

484-1

Don Ward
Red Rock Farms LLC
6520 Birkdale Dr
Rapid City SD 57702

Dear Mr. Ward:

I am writing to acknowledge receipt of the 2011 irrigation questionnaire for Red Rock Farms LLC.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 484-1. The information was received in our office prior to the Water Management Board meeting and the issue 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



484-1
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, 2014

NOTICE

TO: RED ROCK FARMS LLC, DON WARD, 6520 BIRKDALE DR, RAPID CITY, SD 57702

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 484-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 484-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, 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>

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.



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

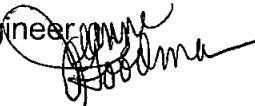
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



March 7, 2014

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Don Ward, Red Rock Farms LLC, 6520 Birkdale Dr, Rapid City SD 57702

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment to Water Right No. 484-1

On March 6, 2014, the Water Management Board amended Water Right No. 484-1 to add the following qualification:

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

This action was taken for failure to return the 2013 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

484-1

English

Customer

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Search USPS.com or Track Package

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Enter up to 10 Tracking #Find

Find USPS Locations

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Have questions? We're here to help.

Tracking Number: 7013060000197481764

Product & Tracking Information

Postal Product:

Features:

Certified Mail™

Available Actions

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 10, 2014 , 11:30 am	Delivered	RAPID CITY, SD 57702
March 10, 2014	Depart USPS Sort Facility	RAPID CITY, SD 57701
March 8, 2014 , 11:14 pm	Processed at USPS Origin Sort Facility	RAPID CITY, SD 57701
March 8, 2014	Depart USPS Sort Facility	HURON, SD 57399
March 7, 2014 , 10:04 pm	Processed at USPS Origin Sort Facility	HURON, SD 57399
March 7, 2014 , 6:04 pm	Dispatched to Sort Facility	PIERRE, SD 57501
March 7, 2014 , 1:42 pm	Acceptance	PIERRE, SD 57501

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DON WARD
RED ROCK FARMS LLC
6520 BIRKDALE DR
RAPID CITY SD 57702

PS Form 3800, August 2006

See Reverse for Instructions

RECEIVED

MAR 24 2014

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 484-1

Date: _____

I/We request that Water Right No. 484-1

formerly owned by: Red Rock Farms LLC

be transferred to: (name & address) GARY N. STEELE OR KATHLEEN
M. STEELE, 18887 VALE CUT OFF ROAD, VISION, SD
57762 Telephone No. 605-257-2794

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

120.5 acres – S ½ NW ¼, N ½ SW ¼ and SE ¼ SW ¼ Section 15, T8N, R6E

I/We understand that the validity of Water Right No. 484-1 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 Fifty Dollars (\$50.00) 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 KATHLEEN M. STEELE, 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 3/25, 20 14

RECEIVED OF Gary N Steele 18887 Vale Cut-Off Rd Nisland SD 57762

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>484-1</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. **06796**

By *James Goodman*
Chief Engineer



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



March 25, 2014

484-1

Gary & Kathleen Steele
18887 Vale Cut Off Road
Nisland SD 57762

Dear Mr. & Mrs. Steele:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 484-1.

The ownership change has been completed. Water Right No. 484-1, formerly held by Red Rock Farms LLC is now listed as "Gary N Steele or Kathleen M Steele".

Enclosed for your records is Receipt No. 06796 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



484-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: GARY N & KATHLEEN M STEELE, 18887 VALE CUT OFF RD, NISLAND, SD 57762 7660
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 484-1, 1783-1 & 1850-1. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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) 484-1, 1783-1 & 1850-1 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 4, 2015** 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) 484-1, 1783-1 & 1850-1 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 before the **March 4, 2015** hearing 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>

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.

484-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 28, 2015

484-1
1783-1
1850-1

Gary N & Kathleen Steele
18887 Vale Cut Off Rd
Nisland SD 57762 7660

Dear Mr. & Mrs. Steele:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 484-1, 1783-1 & 1850-1. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



484-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: GARY N & KATHLEEN M STEELE, 18887 VALE CUT OFF RD, NISLAND, SD 57762 7660

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 484-1, 1783-1 & 1850-1. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 484-1, 1783-1 & 1850-1 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** 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) 484-1, 1783-1 & 1850-1 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 before the **March 3, 2016** hearing 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>

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

March 1, 2016

484-1
1850-1
1783-1

Gary N & Kathleen M Steele
18887 Vale Cut Off Rd
Nisland SD 57762-7660

Dear Mr. & Mrs. Steele:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 484-1, 1850-1 and Water Permit No. 1783-1. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



484-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: GARY N & KATHLEEN M STEELE, 18887 VALE CUT OFF RD, NISLAND, SD 57762 7660

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 484-1, 1783-1 & 1850-1. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 484-1, 1783-1 & 1850-1 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** 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) 484-1, 1783-1 & 1850-1 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 before the **March 1, 2017** hearing 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>

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.



484-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 6, 2017

Gary & Kathleen Steele
18887 Vale Cut Off Rd
Nisland SD 57762

RE: Water Right Nos. 484-1, 1783-1 & 1850-1

Dear Mr. & Mrs. Steele:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 484-1, 1783-1 & 1850-1. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

484-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 2018

484-1
1850-1

Gary N & Kathleen M Steele
18897 Vale Cut Off Rd
Nisland SD 57762-7660

Dear Mr. & Mrs. Steele:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires.

The notice was originally mailed to 18887 Vale Cut Off Rd, Nisland. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



484-1
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 25, 2019

NOTICE

TO: GARY N & KATHLEEN M STEELE, 18897 VALE CUT OFF RD, NISLAND, SD 57762 7660

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 484-1 & 1850-1. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 484-1 & 1850-1 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** 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) 484-1 & 1850-1 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 before the **March 6, 2019** hearing 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>

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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

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484-1



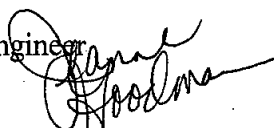
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March 7, 2019

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Gary N & Kathleen M Steele, 18897 Vale Cut Off Rd, Nisland SD 57762-7660

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right Nos. 484-1 & 1850-1

On March 6, 2019, the Water Management Board ordered:

Effective April 6, 2019, Water Right Nos. 484-1 & 1850-1 be suspended for the 2019 irrigation season for failure to submit the 2018 irrigation questionnaires.

If the 2018 irrigation questionnaires are received prior to April 6, 2019, the suspensions will not take effect.

Your irrigation questionnaires were received through email communication on March 7, 2019. Since the forms were received prior to April 6, 2019, the suspensions will not take effect and you are hereby authorized to irrigate in 2019.

Please contact Genny McMath (605) 773-3352, if you have any questions.

ATTACHMENT TO WATER RIGHT NO. 484-1

Water Right No. 484-1 authorizes diversion of 1.71 cfs from Horse Creek in Butte County to irrigate 120.5 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T8N, R6E.

Based on new ownership of land described in Water Right No. 484-1, the water right was divided and reissued to reflect separate ownership as follows:

- **No. 484A-1, JPW Real Estate LLC, Joe Williams President, 2710 Forest Hills Dr, Aubrey TX 76227** authorizing diversion of 0.79 cfs from Horse Creek to irrigate 55.6 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15, T8N, R6E;
- **No. 484B-1, Dale Sprague, 16221 Twilight Rd, Mud Butte SD 57758** authorizing diversion of 0.92 cfs from Horse Creek to irrigate 64.9 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T8N, R6E.