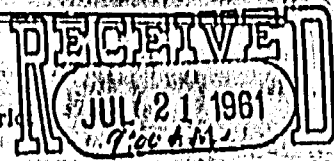


1. Considered 9-13, 1961, 589-1
2. Name of Applicant Henry Lasher
3. Post Office Address Atwood
4. Amount of water claimed 1.5
5. Source of water supply Pelk Creek
6. Water to be used for irrigation
Acres to be irrigated 103
7. Water to be diverted and used in Lawrence County about 58 miles 10 of road.
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☐
Subject to ☐
Not approved ☐
Action deferred ☐

10. Remarks:

See protest letter

No. 589Water Division No. 1 ELK CREEK District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

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

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

TRANS:
8-20-75

1. Name of applicant Henry Lusher MARSHALL EDDY
Postoffice address Mar. Rte., Deadwood, County Lawrence, State South Dakota

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

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

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

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

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

2. Name of diversion work Henry Lusher Irrigation Project # 13. Amount of water claimed 1.5 cubic feet per second4. Source of water supply Stream (Elk Creek)

5. Location of point of diversion From the SE corner of Sec. 26 - T4N - R3E, 193 rods N. 76°50' W..
From the SE corner of Sec. 25 - T4N - R3E, 156 rods N. 71°00' E..
From the NW corner of Sec. 36 - T4N - R3E, 136 rods S. 3°15' E.
on bank County.

6. Annual period or periods during which water is to be used April 1 to November 1

7. To be used for:

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

(a) Number of acres to be irrigated 103.0 acres.(b) Legal subdivisions to be irrigated as listed on sketch.

(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.)

Incidental domestic use.

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 501-1

8. Estimated cost of work:

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

(c) Plumbing, \$.....

(e) Other structures, \$.....

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

Pipe & Pumping plant, \$8,000.00

Rock, \$.....

Total, \$0,000.00

9. Description of diversion works:

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

Pumping plant, pipe lines, & sprinklers.

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.....3.....years.

11. Time required for complete application of water to the proposed beneficial use.....5.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

Deadwood Pioneer Times

STATE OF SOUTH DAKOTA

County of

Lawrence

ss.

I, Henry Lasher

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

Signed

Henry Lasher

Subscribed and sworn to before me this

13th

day of

July

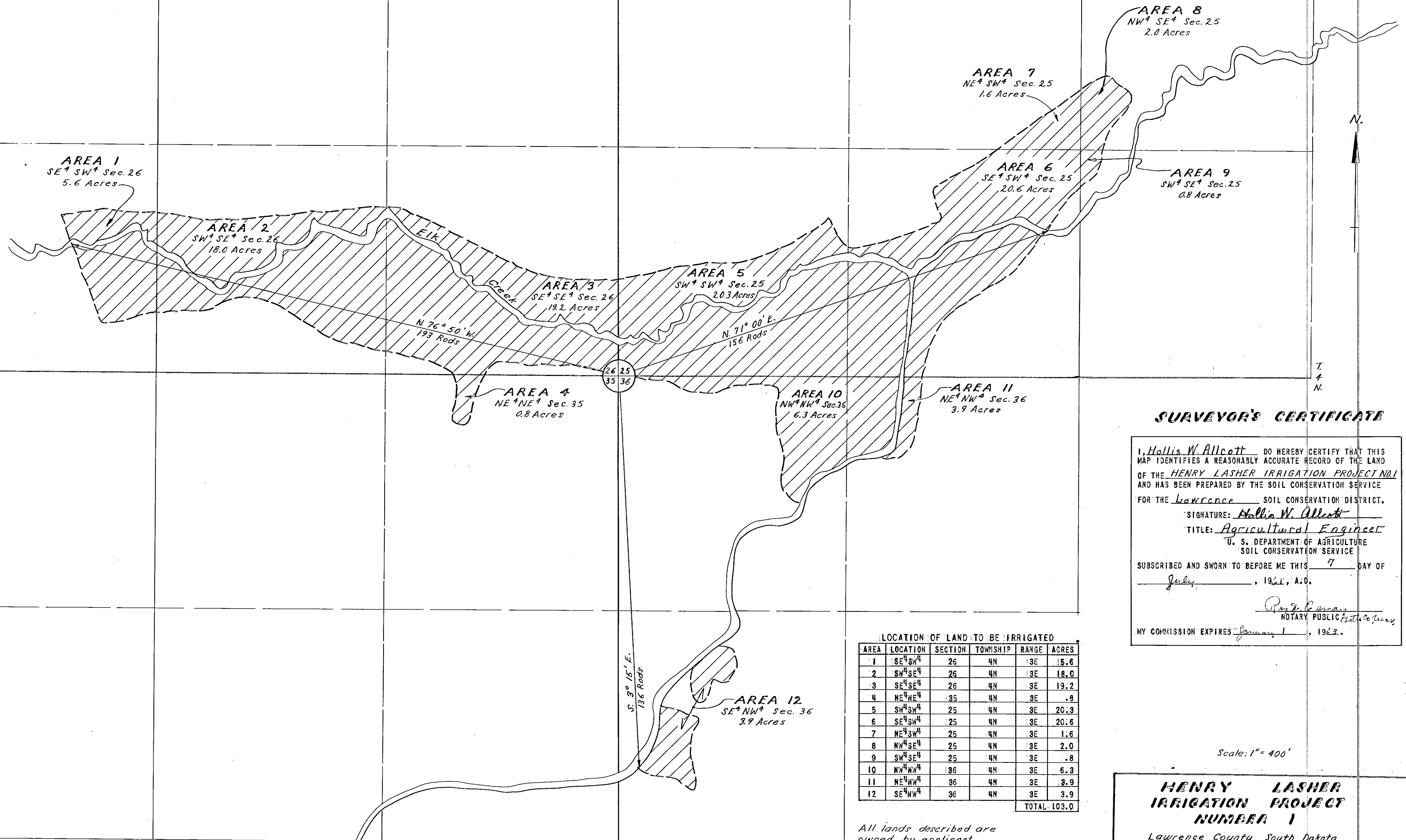
1961

Rosemary Burdell

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

R. 3 E.



LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SE 1/4 SW 1/4	26	4N	3E	5.6
2	SW 1/4 SE 1/4	26	4N	3E	18.0
3	SE 1/4 SE 1/4	26	4N	3E	19.2
4	NE 1/4 NE 1/4	35	4N	3E	.8
5	SW 1/4 SW 1/4	25	4N	3E	20.3
6	SE 1/4 SW 1/4	25	4N	3E	20.6
7	NE 1/4 SW 1/4	25	4N	3E	1.6
8	NW 1/4 SE 1/4	25	4N	3E	2.0
9	SW 1/4 SE 1/4	25	4N	3E	.8
10	NW 1/4 NW 1/4	36	4N	3E	6.3
11	NE 1/4 NW 1/4	36	4N	3E	3.9
12	SE 1/4 NW 1/4	36	4N	3E	3.9
TOTAL					103.0

All lands described are owned by applicant.

Land to be irrigated.

SURVEYOR'S CERTIFICATE

I, Hollis W. Allcott DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE HENRY LASHER IRRIGATION PROJECT NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE Lawrence SOIL CONSERVATION DISTRICT.

SIGNATURE: Hollis W. Allcott
TITLE: Agricultural Engineer
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 7 DAY OF July, 1961, A.D.

Ray J. Gorman
NOTARY PUBLIC, South Dakota

MY COMMISSION EXPIRES January 1, 1963.

Scale: 1" = 400'

HENRY LASHER IRRIGATION PROJECT NUMBER 1

Lawrence 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:

DIVERSION OF WATER UNDER THIS PERMIT MAY BE MADE ONLY WHEN SUFFICIENT WATER IS FLOWING IN EUL CREEK SO THAT AT LEAST $3\frac{1}{2}$ CFS WILL FLOW PAST AFTER THE DIVERSION HAS BEEN MADE. THE $3\frac{1}{2}$ CFS MAY BE CHANGED IF CONDITIONS INDICATE THE ADVISABILITY OF MAKING SUCH A CHANGE.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JUNE 22, 1962

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock a.m. upon the 21ST day of JULY, 1961.

State Water Resources Commission

By:

Burton Z. Jones
Chief Engineer, Executive Officer

Number of permit 589-1

Date of first receipt of application JULY 21, 1961

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 21, 1961

Approved MAY 10, 1962, Recorded in Book 7 Page 133

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 NOVEMBER 10, 1963

2nd. The whole of said work is to be completed on or before MAY 10, 1965

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

MAY 10, 1967

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 1.5 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 MAY 10, 1967; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 22ND day of JUNE, 1962

State Water Resources Commission

By:

John G. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 21, 1970

Water License Issued SEPTEMBER 21, 1970

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 589-1

(1) WHEREAS, On the 21st day of July A. D. 19 61
Henry Lasher

made Water Right Application No. 589-1 for a permit to use 1.5 cubic feet per second of the waters of Elk Creek

County of Lawrence, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 10th day of May A. D. 19 62
 Permit No. 589-1, with a date of priority of July 21, 1961

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 10th day of May A. D. 19 65 and for the application to beneficial use of said water on or before the 10th day of May A. D. 19 67

WHEREAS: On August 20, 1978 the Permit No. 589-1 was transferred to Marshall Eddy, Nemo Route, Deadwood, South Dakota.

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 1.5 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,

to irrigate 103.0 acres all in T4N, R3E, Description as follows:

Section 25 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.3 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20.6 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.6 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.0 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 0.8 "

Section 26 SE $\frac{1}{4}$ SW $\frac{1}{4}$ 5.6 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 18.0 "

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 19.2 "

Section 35 NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.8 "

Section 36 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 6.3 "

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.9 "

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.9 "

TOTAL 103.0 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 Marshall Eddy

of Deadwood, South Dakota
the holder _____ and owner _____ of said permit No. 589-1 a water right, dating from July 21, 1961
to use of 1.5 cubic feet per second of the waters
of EJk Creek
in the County of Lawrence and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted 193 rods N., 76°50'W., SE corner, Section 26;
156 rods N., 71°00'E., Section 25; and 136 rods S., 3°15'E., NW corner, Section 36
all in T4N, R3E

and conduct to and upon portions of Sections 25, 26, 35 and 36, T4N, R3E more fully
described on the face of this license.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 589-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of September A. D.
Nineteen Hundred and seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 15.

Permit No. 589-1

Water Diversion No. 1 Elk Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Marshall Eddy

_____ the holder _____ of
Permit No. 589-1, issued upon Application No. 589-1, bearing date of priority of _____
July 21, 1961 authorizing the diversion of 1.5 cu. ft. per second of the waters of _____
Elk Creek County of Lawrence, State of South Dakota ~~XX~~ _____
193 rods N., 76°50'W., SE corner, Section 26; 156 rods N., 7°00'E.,
Section 25; and 136 rods S., 3°15'E., NW corner, Section 36; all in T4N, R3E
_____, 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 1.5 cu. ft. per second of water.

Date September 21, 1978

By: WATER RIGHTS COMMISSION
John Hatch
JOHN HATCH, Chief Engineer

Permit No. 589-1Water Division 1 ELK CREEK Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by MARSHALL
EDDY of DEADWOOD holder
of Permit No. 589-1, bearing date of priority of JULY 21, 1961
authorizing the diversion of 1.5 cu. ft. per second of the waters of ELK CREEK
for IRRIGATION purposes, in LAWRENCE County.

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

The Water Use System consists of,

A. Works used to divert the water:

4" PACIFIC PUMP, POWERED BY HERCULES 45H.P.
PROPANE ENGINE

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

1500' OF 5" MAINLINE

C. Works used to apply water to beneficial use.

1100' OF 4" SPRINKLER LINE W/ RAINBIRD #70
SPRINKLER HEADS @ 60' SPACINGSThe system is in the following condition: GOOD

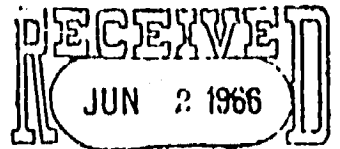
The point of diversion is located _____

The works are capable of diverting and conveying to the place of use 1.5 C.F.S.cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T&N, R3E

SECTION 25 SW ⁴ SW ⁴ 20.3 AC.	SECTION 26 SE ⁴ SW ⁴ 5.6 AC.
SE ⁴ SW ⁴ 20.6 "	SW ⁴ SE ⁴ 18.0 "
NE ⁴ SW ⁴ 1.6 "	SE ⁴ SE ⁴ 19.2 "
NW ⁴ SE ⁴ 2.0 "	SECTION 35 NE ⁴ NE ⁴ 0.8 "
SW ⁴ SE ⁴ 0.8 "	SECTION 36 NW ⁴ NW ⁴ 6.8 "
	NE ⁴ NW ⁴ 5.9 "
	SW ⁴ NW ⁴ 8.9 "

comprising a total of 103.0 acres of land.

Date JUNE 16, 1971Dustin Jones
(Signature)WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

Permit No. 589-1Water Division No. 1Elk Creek Water District

STATE WATER RESOURCES COM. PIERRE SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

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

(P. O.) Wesno Rt, Wadsworth, S.D.
(Date) May 31, 1966

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

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

1.5 cu. ft. per second of the waters of the state from April 1
through the 1st of November
for irrigation purposes

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

1. The name of the person or corporation holding said permit is Lasher Irrigation
Project #1

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

3. The number of such permit is 589-1 and the date set for the completion of such work is
May 10, 1965

4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.5 cubic feet per second.

6. The amount of land for which said water is available is 103.0 acres,
particularly described as follows: SE corner of Sec. 26 - T4N-R3E, 143 rods N. 74°50' W.
SW corner " Sec. 25 - T4N-R3E, 156 rods N. 71°00' E.
NW corner " Sec. 26 - T4N-R3E, 136 rods S. 3°15' E.

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owner)

Marshall Eddy

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Lawrence } ss.

Milton B. Chilcott being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Deadwood Pioneer Times 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 Lead County of Lawrence and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 15, 1961

August 22, 1961

August 29, 1961

September 5, 1961

in each and every issue of the full number thereof, the first publication being made on the 15 day of August 1961 and the last publication on the 5th day of September 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was General Manager the printer and publisher of the said newspaper.

Milton B. Chilcott

Subscribed and sworn to before me this 5th day of September A. D. 1961

Sanctus J. Jones
 Notary Public Lawrence County, S. D.

APPROPRIATION OF WATER
 Office of State Water
 Resources Commission
 Pierre, S. D.
 August 7, 1961

Notice is hereby given that Henry Lasher, Postoffice in Deadwood, S. D., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.5 cubic feet of water per second of time from Elk Creek through the Lasher Irrigation Project No. 1, point of diversion of which is to be located on both banks of Elk Creek, Sec. 28, T.2N., R.3E., Section 28, and a point in the NW 1/4 of the SW 1/4 of Section 28, T.2N., R.3E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE 1/4 SW 1/4, S 1/2 SE 1/4, Section 25; NE 1/4 SW 1/4, and S 1/2 SW 1/4, Section 25; NE 1/4 NE 1/4, Section 35; NW 1/4 NE 1/4, and SE 1/4 NW 1/4, Section 35, all in T.2N., R.3E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of September, 1961, at 2 P.M. All interested persons may appear and be heard.

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

STATE WATER RESOURCES COMMISSION
 By Burton Jones,
 Water Right Specialist
 15-22-29
 15-22-29
 15-22-29

RECEIVED
 AUG 21 1961

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

On or before August 19, 1961
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 7, 1961

Notice is hereby given that Henry Lasher whose postoffice address is Deadwood 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 1.5 cubic feet of water per second of time from NE Elk Creek through the Lasher Irrigation Project #1 the point of diversion of which is to be located on the both between a point in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26, and a point SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 25 portions of SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, all in T4N, R3E Twp. 4 N Range 3 E. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 25; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, all in T4N, R3E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of Sept., 1961, 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.

CC: M. B. Chilcott, Manager
Deadwood Pioneer Times
Deadwood, S. Dak.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Resources Specialist

RECEIVED
SEP 11 1961

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Route 1, Lead, So. Dak.

Sept. 8, 1961.

Chairman:- State
Water Resources Commission
Pierre, So. Dak.

I am a resident of Lawrence
County in T. 4. N. R. 3 E. I wish
to make an objection to the
Henry Lasher's Water application
from the little stream "Elk
Creek" for irrigation purpose
which is up for consideration
Sept. 13, 1961. Such a ~~diver~~ take
would dry the stream below and
cause livestock to come on to
my range on Bear Butte Creek.
It would kill fish and cause
a fire hazard and create a
general hardship for many people
Yours truly, William E. Nelson

Nemo Rt.

Wheatwood S.T.

Sept. 11

State Water Resources Comm.

Having read the notice
in Wheatwood paper
of Mr. Henry Kasher's application
for irrigation project.

We have very little
water in Elk Creek at
our place about two miles
below Kasher's - if he should
get this project allowed
it would be a real
hardship on the whole
community. We are
very much against
it.

Yours Truly

Lee C. Middleton

Nemo Route
Deadwood, South Dak.
Sept 11, 1961

State Water Resources Commission
Pierre South Dak.

Dear Mr.

We have read notice in
the paper given by Henry
Laska making application
for water rights ^{for the purpose}
of irrigating his farm land.

We live below his farm and
use the water of Elk Creek for
our live stock as the water
of Elk Creek have not flowed
at full capacity for some years
due to drought conditions we
urge the State Water ^{Resources} Commission
to deny Mr. Laska water rights
as he has in his petition
Application

Sept. 11, 1961
Deadwood, S. Dak.

S. DAK. WATER RESOURCES COMMISSION
PIERRE, S. DAK.

Dear Sirs:

I do not feel that Water Rights should be granted as per application of Henry Lasher for water to be taken from Elk Creek of Lawrence County, S. Dak. for irrigation purposes.

First of all, according to conversation with those who already have rights to take water from Elk Creek for irrigation purposes, there has not for several years been sufficient water running in Elk Creek for them to be able to take enough water to do any irrigating.

Secondly, and worst of all, during the hot season of 1961 the Elk Creek has not carried sufficient water thru my place for the watering of Livestock grazing on Forest Service Permitted grazing areas and our Domestic Useage was heavily curtailed, in that our Well for home usage dropped considerably. I feel sure this well is supplied with water thru an underground course which has its origin from the stream bed of Elk Creek.

I feel that granting permission for Henry Lasher to construct the Irrigation Diversion Dam would create another place for the waters of Elk Creek to seep and evaporate away which would take additional water away from those downstream who depend on the waters of Elk Creek for Livestock Watering and other Domestic Uses.

Sincerely,

Ervin J. Thomson
Ervin J. Thomson

Nemo Route
Deadwood, South Dakota
September 8, 1961

State Water Resources Commission
Pierre, South Dakota

Dear Mr. Jones:

We have read the notice given by Henry Lasher, Deadwood, South Dakota, making application for water rights for the purpose of irrigating his farm land, the said water to be obtained from Elk Creek at the rate of 1.5 cubic feet per second.

Our farm lies in Twp 4 North Range 4 East of the Black Hills Meridian South Dakota Sections 28 & 29, through which Elk Creek flows. Cattle raising is our only source of income. Elk Creek supplies the water for our cattle. During the past year Elk Creek has not flowed over half full at any one time, and to grant Mr. Lasher water rights would work a hardship on all land owners below his point designated as Lasher Irrigation Project No. 1.

We are very much in disfavor of the State Water Resources Commission granting Mr. Lasher the water rights asked in his petition and thus depriving us of the rightful water we are entitled to for the purpose of watering our livestock.

Very truly yours,

Oscar Williamson
Oscar Williamson

RECEIVED
SEP 12 1961

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Sept, 11, 1961
Deerwood & Co.

Dear Sirs:

Am writing about the application of Henry Hansen to take water for irrigating. I wish to bring to your attention that there is not enough water in Elk Creek & has not been for many years to be able to take any at all & still leave enough water for stock & domestic use below him. I wish to bring to your attention that at the present time we are short of water without any irrigation by any one. Mr. E. Mergerson below my place has been out of water completely for some

RECEIVED
SEP 12 1961

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Sept, 11, 1961
Deadwood S.D.

Dear Sirs:

Am writing about the application of Harry L. Baker to take water for irrigating, I wish to bring to your attention that there is not enough water in Elk Creek & has not been for many years to be able to take any at all & still leave enough water for stock & domestic use below him. I wish to bring to your attention that at the present time we are short of water without any irrigation by any one. Mrs. E. Mergerson below my place has been out of water completely for some

time & Mr. & Mrs. Thompson is almost out of water. Mr. Sven Hammi has water rights on his place but has not used any for irrigating as there just isn't enough. Hoping you will look into this matter very carefully before granting any water rights to any one person at this time or any time Mr. Thompson will appear in Pierre & represent me & the other people who live below & above Mr. Baker, who have signed the petition, we will present at his hearing.

Yours Sincerely
Albert Hill

Deadwood CO
Sept. 13, 1961

Dear Sir:

I own the land
joining Henry Lacher
and Elk Creek flows
through my land and
I want to protect
the granting of
irrigation rights
to Mr Lacher or any
one else as our
Creek is to small
and will deprive
us of a fishing
nearby.

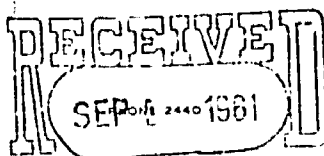
Thanking you I am

Yours Truly

C. T. Larson
Box 70 Home Ate

KELLAR & KELLAR & DRISCOLL
ATTORNEYS AT LAW
LEAD, SOUTH DAKOTA

CHAMBERS KELLAR, 1889-1950
KENNETH C. KELLAR
R. E. DRISCOLL, JR.



SEPTEMBER 2, 1961

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

MR. JOE GRIMES
WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

DEAR JOE,

REFERENCE IS MADE TO AN APPLICATION FOR THE APPROPRIATION OF WATER FOR BENEFICIAL USE IN THE AMOUNT OF 1.5 CUBIC FEET OF WATER PER SECOND FROM ELK CREEK THROUGH THE LASHER IRRIGATION PROJECT NUMBER 1. THE APPLICANT IS HENRY LASHER OF DEADWOOD, SOUTH DAKOTA. THE PURPOSE OF THIS LETTER IS TO APPRISE THE COMMISSION, AND YOURSELF, OF THE FACT THAT THE HOMESTAKE MINING COMPANY HOLDS THE WATER RIGHT ON ELK CREEK DATING BACK TO NOVEMBER 23, 1877 FOR 1,000 INCHES OF WATER TO BE USED FOR MINING, MILLING AND AGRICULTURAL PURPOSES, AND A FURTHER RIGHT DATING TO 1880 OF "ALL SURPLUS WATER OF ELK CREEK FOR MINING AND MILLING PURPOSES". LIKE SO MANY OF THESE EARLY DAY WATER RIGHTS THE ORIGINAL APPLICATIONS WERE RATHER EXTENSIVE IN THE AMOUNT OF WATER CLAIMED: HOWEVER, FOR PRACTICAL PURPOSES FOR MANY YEARS HOMESTAKE HAS BEEN PUTTING TO BENEFICIAL USE AND TAKING FROM ELK CREEK .08 CUBIC FEET PER SECOND, WHICH I BELIEVE FIGURES ABOUT 35.9 GALLONS PER MINUTE. THE POINT OF DIVERSION IN MR. LASHER'S APPLICATION IS BELOW HOMESTAKE DIVERSION POINT ON ELK CREEK. WE KNOW THAT DURING CERTAIN TIMES OF THE YEAR THERE IS A CONSIDERABLE AMOUNT OF WATER FLOWING IN ELK CREEK BELOW OUR INTAKE POINT WHICH WATER, INCIDENTALLY, DISAPPEARS IN THE FRACTURES IN THE LIMESTONE LONG BEFORE IT EVER REACHES THE VALLEY FLOOR IN THE NEIGHBORHOOD OF STURGIS.

WE ARE NOT RAISING ANY OBJECTION TO THE GRANTING OF MR. LASHER'S APPLICATION FOR AN APPROPRIATIVE RIGHT PROVIDED IT DOES NOT INTERFERE WITH OUR PRIOR VESTED RIGHT. WE ASSUME THERE MAY BE WATERS OPEN TO APPROPRIATION FLOWING DOWNSTREAM FROM OUR POINT OF DIVERSION ALTHOUGH THAT IS A MATTER AS TO WHICH WE HAVE NO KNOWLEDGE.

YOURS SINCELY,

A handwritten signature in cursive script, appearing to read "Ken Kellar".

Deadwood S. D.

Sept. 11, 1961.

Dept of Game & Fish

Am bringing your
attention the application

Henry Lash to take water
from Elk Creek for irrigation
purposes. There is not water &
(has not been for many years)
enough to take & still leave
enough for domestic use below
him & for the wild game & fish
that would suffer if his application
is granted & the creek is dried up.
At this time the creek is very
low.

Yours Sincerely

Albert Hill

Box 51

Deadwood S. D.

PETITION OF PROTEST

We, the undersigned Property Owners of land adjoining or encompassing portions of the Water Course of Elk Creek, located in Lawrence County of the State of South Dakota do hereby Petition the State of South Dakota Water Resources Commission to Disallow the application for Appropriation of Water, for land irrigation purposes, by Henry Lasher whose postoffice address is Deadwood, South Dakota.

Said application for Appropriation of Water from Elk Creek, by Henry Lasher, being advertised and Legal Notice given in Deadwood Pioneer Times Newspaper of Deadwood, South Dakota under date of August 7, 1961.

<u>Signature of Property Owner</u>	<u>Location of Land</u>	<u>Postoffice Address</u>	<u>Date of Signing</u>
1. Edwin J. Thomson	Section 23 & 24 - Township 4 - N of Rge. 4	Deadwood, S. Dak.	Aug. 25, 1961
2. Albert Hill	Sections 23 & 24 Township 4 - N of Rge. 4	Deadwood S. Dak.	Aug 26, 1961
3. Sven Tamm	Township 4 - N of Rge. 4	Deadwood S. Dak.	Aug 28 1961
4. Mrs. Mary Wanhansen	Section 23 Township 4 - N of Rge. 4	Lead S. Dak.	Aug 28-61
5. Howard Larson	Township 4, Range 4	Deadwood S. Dak.	Aug 28-61
6. Harold Larson	Township 4, Range 4	Deadwood So. Dak.	Aug 28-61
7. Alvin Larson	Township 4 Range 4	Deadwood So. Dak.	Aug 28-61
8. Lee C. Hesthaven	Township 4 Range 4	Deadwood So. Dak.	Sept 1-61
9. Arvid Williams	Township 4 Range 4	Deadwood	Sept 3 61
10. Clara R. Morgan	Secs 18 & 19, Township 4 Range 4 N. R. 5 E. B. H. 17	Rapid City, S. D.	Sept 7, 61
11. J. William Anderson	Township 4 Range 4	Sec. 25 Deadwood, S. D.	Sept. 9, 61
12. Johnny Nelson	Township 4 N Range 3 E. Sec 28 R. 11 W. S. D.		Sept 9 1961
13. William E. Nelson	Township 4 N Range 3 E. Sec. 28 R. 11 W. S. D.		Sept 9, 1961
14. Byron B. Hall	Township 4 N Range 3 E. Sec. 26-27-28		Sept 1961
15.			
16.			
17.			
18.			

S. DAK. WATER RESOURCES COMMISSION
STATE OFFICE BLDG.
ITHEBE, S. DAK.

PETITION OF PROTEST

WE, the undersigned property owners and persons directly interested in the waters of Elk Creek located in Lawrence County, do hereby petition the S. Dak. State Water Resources Commission to disallow any appropriation of water from Elk Creek as requested in Water Right Application No. 587-1 by Henry Lasher of Deadwood, S. Dak.

As indicated by the October 12, 1961 investigation and measurement of the water flow of Elk Creek there is very little more water flow than what Mr. Lasher asks for, even in the cooler season. During the period of the year when water for irrigation would be beneficial there would be no water legally available, so why create a troublesome policing problem or place the domestic interests and rights of so many others in jeopardy.

SIGNATURE

DATE OF SIGNING

MAILING ADDRESS

Erwin J. Thomson	April 24, 1962	Box 418 - Deadwood, S. Dak.
Clifton L. Larson	April 25, 1962	Box 71, Meno Rte Deadwood SD
Florence E. Larson	April 25, 1962	Box 71 Meno Rte Deadwood S. Dak.
Audrey L. Anderson	April 25, 1962	Box 85 Meno Rte Deadwood, S.D.
J. William Anderson	April 25, 1962	Box 85 Meno Rte. Dead. S.D.
Meno Rantapaa	April 25, 1962	Meno Rte Dead S.D.
Ernest Pakkanen	April 26, 1962	Dead Rte #1, Deadwood
Roger L. Huddleston	April 26, 1962	Box 83 Meno Rte. Deadwood S.D.
E. C. Huddleston	April 26, 1962	Box 81 Meno Rte Deadwood S.D.
Ray W. Himmerson	April 26, 1962	Box 77 Meno Rte Deadwood S.D.
Richard V. Hyle	April 27, 1962	Box 748 Meno Rte Deadwood S.D.
Mary Rantapaa	April 27, 1962	Meno Rte Deadwood S.D.
John J. Nelson	April 27, 1962	Box 111 Lead S. Dak.
Donald E. Ellis	April 27, 1962	Box 86 Meno Rte - Deadwood
Don L. Hagg	April 27, 1962	Box 84 Meno Rte Deadwood
Bjorn Hille	April 27, 1962	Box 85 Meno Rte Dead S.D.
Redmond M. Hagg	April 27, 1962	Box 69 Meno Rte Dead S.D.
Donald M. Hagg	April 27, 1962	Box 71 Meno Rte Dead S.D.
Mrs. George Nelson	April 28, 1962	Box 73 Meno Rte Deadwood S.D.
Charles Larson	April 28, 1962	Box 56 Meno Rte Deadwood S.D.
Howard Larson	April 28, 1962	Box 56 Meno Rte Deadwood S.D.
Arvo Tammi	April 28, 1962	Box 49 Meno Rte Deadwood S.D.
Mrs. Mary Wanhainen	April 28, 1962	Box 112 Lead, S. Dak.
Albert Hill	April 28, 1962	Box 51 Meno Rte Deadwood S.D.
Clara R. Morgan	May 2, 1962	738 No 7th St, Rapid City, S. Dak.

Application No. 589-1

HENRY LASHER

On July 21, 1961, a water right application was received from Henry Lasher to divert 1.5 cubic feet per second of water from Elk Creek to irrigate 103.0 acres of land. The proposed location for this irrigation is about six miles south and one mile east of Deadwood. Mr. Lasher's application, proposes diversion of the water by a combination of gravity flow and a sprinkler system.

This application was considered by the Water Resources Commission on September 13, 1961. At that time a petition signed by 14 landowners and letters by eight persons, all protesting approval of the application were read. A letter calling attention to a prior "Vested" water right of the Homestake Mining Company, located upstream from Mr. Lasher's proposed diversion was also read. The Commission, at this September 13, 1961, meeting deferred action on this application, pending further investigation.

The area was visited on October 12, 1961. The area is within the higher part of the Black Hills. Elk Creek in this area has the appearance of a typical mountain brook. The valley has an average width of about 1/3 mile and consist primarily of open meadows, with very few trees along the creek or in the meadows. Pine covered slopes rise steeply from both sides of the meadow valley. A few homes have been constructed in the area where Highway 385 crosses Elk Creek and the village of Roubaix is located on Elk Creek about 1 1/4 miles downstream from this crossing.

The following estimates of the flows of Elk Creek in this area on October 12, 1961 were made:

1. Three miles upstream from Highway 385 - $1 \frac{1}{2}$ cubic feet per second;
2. One and one half miles upstream from Highway 385, approximately the start of Lasher's proposed project - 2 cubic feet per second;
3. At the highway crossing - 2 cubic feet per second;
4. Roubaix, $1 \frac{1}{2}$ miles below Highway 385 - 2 cubic feet per second;
5. Three miles below Highway 385 - $1 \frac{1}{2}$ cubic feet per second;
6. Five miles below Highway 385 - no flow.

People in the area reported that the flow then, October 12, 1961, was noticeably higher than the flow during most of the summer of 1961.

A resident five miles below Highway 385 said it took a real gully washer to make Elk Creek flow for a short period of time at that location.

Continuous flow records of Elk Creek in this area were taken only during the June 13, 1945 to July 31, 1947 period. These measurements were made at Roubaix. From these records, the following summary has been prepared:

<u>Flow in Cubic Feet Per Second</u>				
Month	Year	Maximum Daily Flow	Minimum Daily Flow	Average Monthly Flow
2/3 June	1945	58	21	33.7
July	1945	23	6	12.3
August	1945	11	2.6	4.1
September	1945	12	2.1	3.3
May	1946	219	20	60.4
June	1946	166	23	58.8
July	1946	30	7	14.5
August	1946	7	3.4	4.9
September	1946	18	3.6	6.1
May	1947	30	9	15.8
June	1947	166	6	39.2
July	1947	37	9	17.1

There is no question but that these measurements happened to be taken during a period of time when flows were considerably larger than during the average year. However, the flows as measured and the large increases during certain periods is a strong indication that there would be periods when water could be diverted without detriment to downstream users.

Based on the observations and records as outlined above, the following recommendation is made.

That Permit 589-1 be approved subject to the following conditions:

1. That diversions of water can be made only when sufficient water is flowing in Elk Creek so that at least 3 cubic feet per second will flow past the diversion point after the diversion has been made;
2. That the 3 cubic feet per second as specified may be changed, if conditions indicate the advisability of making such a change.

The intent of the restrictions as contained in the recommendation is to assure that sufficient water will by-pass the proposed diversion point to provide for downstream domestic, livestock and recreational use.

The 3 cubic feet per second has been somewhat arbitrarily set. It is believed this amount will be sufficient to provide for downstream domestic, livestock and recreational use. If this is not the case, the provisions as recommended would allow for a change.

Because of the scarcity of flow records during average flow years, the Commission is not in a good position to evaluate if the cost of the investment for the proposed system is worth while. It would seem that the proposed project could be used primarily for early season irrigation of pasture and hay crops. The Applicant should expect that there would be some months of May and June and many months of July, August and September when irrigation diversions would not be possible.

KELLAR & KELLAR & DRISCOLL

ATTORNEYS AT LAW
LEAD, SOUTH DAKOTA

CHAMBERS KELLAR 1889-1950
KENNETH C. KELLAR
R. E. DRISCOLL, JR.

AREA CODE 605
PHONE 584-2440
[REDACTED]

May 9, 1962

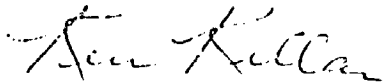
Hon. J. W. Grimes
Chief Engineer and Executive Officer
South Dakota Resources Committee
Pierre, South Dakota

Dear Joe: Re: Water Right Application
 No. 589-1, Henry Lasher

In my previous correspondence and conversations with you relative to the above application, I had in mind only our vested right to the waters of Elk Creek by diversion at the head of the stream. My attention has just been called to the fact that Homestake Mining Company since 1900 has owned the East and West Lodes, N.S. 1302, situated below the Lasher Place adjacent to Highway 385, and through which Elk Creek presently flows for about a mile. Inasmuch as this property is leased for pasture the water supply downstream is also important to us.

We are therefore joining in the protest of other owners along Elk Creek, who we understand are petitioning that the irrigation application be denied, unless it can be shown that it would not interfere with the full rights of the lower owners for domestic and livestock use.

Yours sincerely,



Kenneth C. Kellar
Chief Counsel for
Homestake Mining Company

KCK:S

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: ✓ 8-20-78

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

Portions of Sections 25, 16, 35 and 36, T4N, R3E described in Water

Permit No. 589-1

formerly owned by Henry Lasher

has been transferred to Marshall Eddy, Nemo Rt., Deadwood, SD 57732

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

Water Right Permit No. 589-1 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)
✓) ss.
County of LAURENCE)

I, MARSHALL EDDY 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.

Marshall Eddy
(Signed)

Subscribed and sworn to before me this 17 Day of September 1978.

Rose D. Siler
(Notary Public)

My commission expires November 17, 1985

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**



589-1

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

MARSHALL A EDDY
HCR 73 BOX 1220
DEADWOOD SD 57732

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) 589-1. 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) 589-1 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

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



PENALTY FOR PRIVATE
USE, \$300

SENDER INSTRUCTIONS

Print your name, address and ZIP Code
in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

RETURN

TO



DEPARTMENT OF WATER & NATURAL RESOURCES
WATER RIGHTS DIVISION
523 E CAPITOL JOE FOSS BLDG
PIERRE SD 57501-3181



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 8, 1991

589-1

Marshall A Eddy
HCR 73 Box 1220
Deadwood, SD 57732

Dear Mr. Eddy:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 589-1. 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,

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

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 22, 2001

589-1

Mary Ann Eddy
11734 Brownsville Rd
Deadwood, SD 57732

Dear Ms. Eddy:

Thank you for the prompt return of the irrigation questionnaire for Water Right No. 589-1.

You mentioned on the questionnaire that the land is now held under a family trust. In order to change the name on the water right, a transfer of ownership will need to be filed. I am enclosing a partially completed form. Please review it for accuracy 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. The check or money order for the fee can be made payable to the "Water Rights Program".

Thanks again for helping keep the water right ownership up to date. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 589-1

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

Date: 11-15-01

I/We request that Water Right No. 589-1

formerly owned by: Marshall A Eddy

be transferred to: (name & address) Mary Ann Eddy Family Trust, 11734 Brownsville Rd, Deadwood, SD 57732

Telephone No. 605 578-2492

Title to the following described land(s)/property has been transferred as described above:
103 acres - S 1/4 SW 1/4, NE 1/4 SW 1/4, W 1/4 SE 1/4 Sec 25; SE 1/4 SW 1/4, S 1/4 SE 1/4 Sec 26; NE 1/4 NE 1/4 Sec 35; N 1/4 NW 1/4 & SW 1/4 NW 1/4 Section 36 all in T4N, R3E

I/We understand that the validity of Water Right No. 589-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Lawrence)

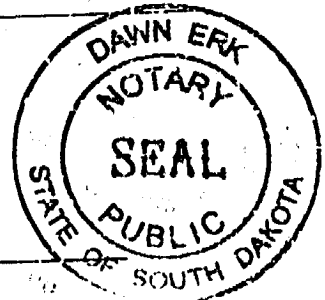
I/We Mary Ann Eddy being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Mary Ann Eddy
(Signature of new owner)

Subscribed and sworn to before me this 15 day of November, 2001.

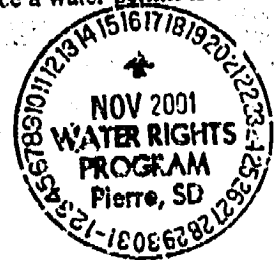
Dawn Erk
(Notary Public)

My Commission Expires 7-5-2007



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

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



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No. 416875

Pierre, NOVEMBER 16

2001

RECEIVED OF Mary Ann Eddy, 11734 Brownsville Rd., Deadwood, SD 57732
the following amount in fees for services rendered as provided for by law: (Marshall A. Eddy)

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 589-1

Fee for filing extension request _____

Fee for _____

Total

2 50

(Any Other Work Provided by Law)

By _____
Chief Engineer

Harland Eiche
gme



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 2001

589-1

Mary Ann Eddy
11734 Brownsville Rd
Deadwood, SD 57732

Dear Ms. Eddy:

Thank you for following up on the ownership change for Water Right No. 589-1. The water right formerly listed in the name of Marshall A Eddy is now listed in the name of Mary Ann Eddy Family Trust.

Enclosed is your Receipt No. 416975 in the amount of \$2.50. You may keep this for your records.

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

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 7, 2023

589-1

Richard Eddy
Mary Ann Eddy Family Trust
11734 Brownsville Rd
Deadwood SD 57732

Dear Mr. Eddy:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 589-1. 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
Genny.mcmath@state.sd.us



589-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: MARY ANN EDDY FAMILY TRUST, RICHARD EDDY, 11734 BROWNSVILLE RD,
DEADWOOD, SD 57732

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 589-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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 **Wednesday, March 8, 2023 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 589-1 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 8, 2023** 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: <https://danr.sd.gov/iq> using this password: BKSTIP**

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.