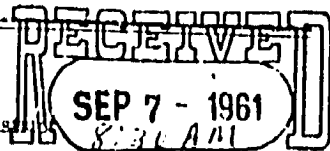


638-1

1. Considered 3-7, 1927
2. Name of Applicant SOLOMON KELL
3. Post Office Address ARPAH
4. Amount of water claimed 2.8
5. Source of water supply Indian Can
6. Water to be used for irrigation
Acres to be irrigated 198
7. Water to be diverted and used in Butte County about
7 1/4 miles of Michigan
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

A - Subject to receipt of plan

No. 638-1Water Division No. 1 BELE FOURCHE RIVER
(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

1. Name of applicant Melvin Delzer
2040 W. Main
Rapid City, SD 57701

C. IE COOL

TRURO.

1-20-64

Postoffice address

County BUTTEState S.D.

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, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work THE KEIL IRRIGATION SYSTEM3. Amount of water claimed 2.8 cubic feet per second4. Source of water supply INDIAN CREEKBeginning at a point S 20°45'E 280' from the W 1/4 cor Sec 10, T 9 N. 4 E5. Location of point of diversion to a point which
N 90°15' W 602' from the SE Cor, S. 3. T. 9 N. 2. 4 E.
on Butte bank both banks Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 30th

7. To be used for:

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

(a) Number of acres to be irrigated 128 acresNW-NW-26 ac., SE-NW-20 ac., NW-SW-22 ac., NE-SW-34 ac., SE-SW-12 ac.,NW-SE-31 Ac., NE-SE-20 ac., SW-SE-12 ac., SE-SE-21 ac., Sec. 10, T 9 N.R. 4 E-RHM

Total 193 ac

Irrigation and stockwater

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

(a) Nature of use Irrigation and stockwater

Name any of the above uses claimed

(b) Amount of power to be generated None horse power.Amount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream XXXXXXX

MAP N° 537-1

DATE RECORDED

Possible purchase of pumping plant (Uncertain)

8. Estimated cost of work:

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

(b) Pumping plant, \$ 1002.00

(c) Fluming, \$.....

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

Rock, \$.....

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

Total, \$.....

9. Description of diversion works: Depending on Great Plains survey.

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

Earth spreader dam (3 or more) approximate height 16 ft.

II. Dimensions of works. with spreader dikes est. 2000.00

(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	LOTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....4.....years.

11. Time required for complete application of water to the proposed beneficial use.....4.....years.

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

Northwest Daily Post, Belle Fourche, So. Dak.

STATE OF SOUTH DAKOTA

County of Butte } ss.

I, SOLOMON KEIL

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

Solomon Keil

Subscribed and sworn to before me this 28th day of August 1911

Carl H. Cornell

Notary Public (or other qualified officer)

*Each diversion must have a headgate or measuring device.

FLAT
OF
THE KEIL IRRIGATION SYSTEM
Section 3, T.9 N., R.4 E-5M
Butte County, South Dakota.

Scale 1 inch = 360 feet.
8 inches = 1 mile.

- SURVEYOR'S CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify, that at the request of Solomon Keil of Arpa, Butte County, South Dakota, I have made a survey and prepared this plat of the irrigable areas embraced in his proposed irrigation and I have prepared this plat for the purpose of showing the irrigable area contained in said project and for the purpose of furnishing the required map which is a part of his Application for Permit to Appropriate Water for Irrigation purposes.

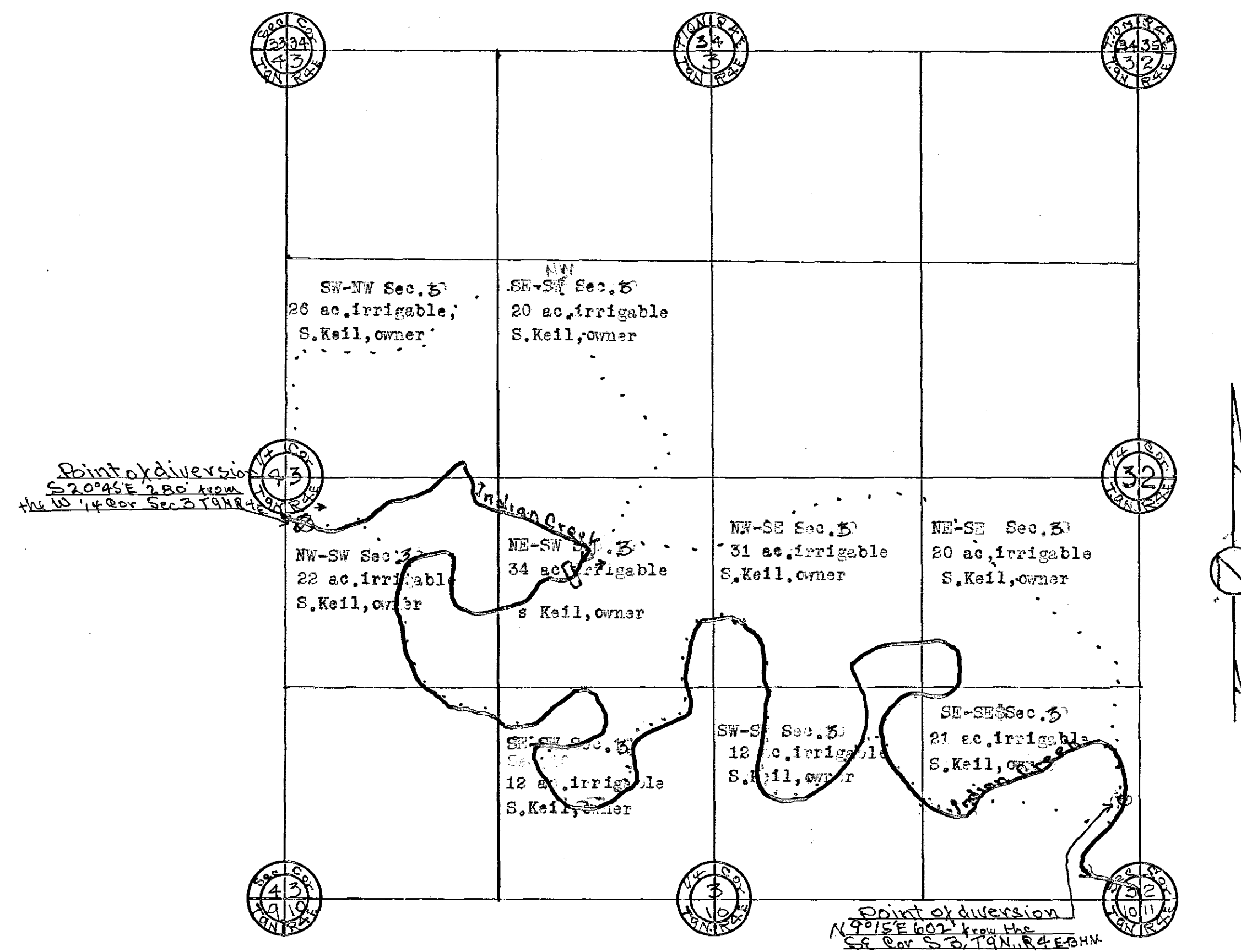
I further certify that the lengths and bearings of the several lines, shown hereon, and their location, with reference to the Government Land Corners, shown hereon, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 30th day of August 1961.

SIGNED: Carl M. Cornell
Carl M. Cornell, Licensed Surveyor
No. 111 (SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 30th day of August 1961.

M. R. Hann
Notary Public (S. 11)



MAP No 537-1
(APPL No 638-1)

Remarks by State Water Resources Commission:

THIS PERMIT IS GRANTED ALLOWING WITHDRAWALS OF WATER WHENEVER 20 CUBIC FEET PER SECOND OR MORE IS FLOWING PAST YOUR DIVERSION POINT. CONSTRUCTION OF YOUR DAMS AND OUTLET STRUCTURES MUST CONFORM TO THE PLANS SUBMITTED WITH THIS APPLICATION.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JULY 5, 1962

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock A m. upon the 7TH day of SEPTEMBER, 1961.

State Water Resources Commission

By:

Burton J. Jones
Chief Engineer, Executive Officer

Number of permit 638-1

Date of first receipt of application SEPTEMBER 7, 1961

Date of return to applicant for correction, amendments or changes required is follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right SEPTEMBER 7, 1961

Approved MAY 9, 1962, Recorded in Book 7 Page 134

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

MAY 9, 1964

2nd. The whole of said work is to be completed on or before MAY 9, 1966

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

MAY 9, 1970

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 2.8 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 9, 1970; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 30

Witness my hand this 5TH day of JULY, 1962

State Water Resources Commission

By:

Robert J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 4, 1971

Water License Issued OCTOBER 4, 1971

WATER LICENSE NO. 628-1

(1) WHEREAS, On the 7th day of September A. D. 19 61

Solomon Keil

made Water Right Application No. 638-1 for a permit to use 2.8 cubic feet per second of the waters of Indian Creek

County of Butte State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 5th day of July A. D. 19 62

Permit No. 638-1 with a date of priority of September 7, 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 9th day of May A. D. 19 66 and for the application to beneficial use of said water on or before the 9th day of May A. D. 19 70

and, Whereas, on the 20th day of January, 1969, the Permit was transferred to P. J. and Darlyne Cook,

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 2.8 cubic feet per second of water for beneficial use and;

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

for irrigating the following land in Section 3, T9N, R4E:

	<u>Acres</u>
SW $\frac{1}{4}$ NW $\frac{1}{4}$	26
SE $\frac{1}{4}$ NW $\frac{1}{4}$	20
NW $\frac{1}{4}$ SW $\frac{1}{4}$	22
NE $\frac{1}{4}$ SW $\frac{1}{4}$	34
SE $\frac{1}{4}$ SW $\frac{1}{4}$	12
NW $\frac{1}{4}$ SE $\frac{1}{4}$	31
NE $\frac{1}{4}$ SE $\frac{1}{4}$	21
SW $\frac{1}{4}$ SE $\frac{1}{4}$	12
SE $\frac{1}{4}$ SE $\frac{1}{4}$	21
Total	198 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 P. J. and Darlyne Cook

_____ of Belle Fourche, S.D.

the holder _____ and owner _____ of said permit No. 638-1 a water right, dating from September 7, 1961

_____ to use of 2.8 cubic feet per second of the waters

of Indian 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 ~~x~~ between a point South 20° 45' East, 280 feet from the

W¹ Corner, and a point North 9° 15' West, 602 feet from the SE Corner, all in

Section 3, T9N, R4E

and conduct to and upon portions of Section 3, T9N, R4E, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 638-1 and subject to the laws of the State of South Dakota.

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

this 4th day of October A. D.

Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 638-1

Water Diversion No. 1 BELL/FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That P. J. and Darlyne Cook

_____ the holder _____ of
Permit No. 638-1, issued upon Application No. 638-1, bearing date of priority of September 7,
1961 authorizing the diversion of 2.8 cu. ft. per second of the waters of _____
Indian Creek County of Butte, State of South Dakota, at
Between a point S. 20° 45' E., 280 feet from the W¹ Corner, and a point N. 9° 15' W.,
602 ft. from the SE Corner, All in Section 3, T9N, R4E
_____, 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 3.33 cu. ft. per second of water.

Date October 4, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA.

COUNTY OF BUTTE,

ss.

Laurence Taylor of said County and State being first duly sworn, upon his oath says That the

The Daily Belle Fourche Post

is a legal daily newspaper of general circulation, and an official newspaper as required by the Laws of the State of South Dakota, printed, and published in Belle Fourche, in said County and State, by NORTHWEST PUBLISHERS INC., and has been such newspaper during the times herein mentioned, and I, Laurence Taylor

the undersigned am Editor of said newspaper in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and that the advertising headed Appropriation of Water

a printed copy of which is hereto attached, was printed and published in said newspaper for four issues, the first publication being made on Feb 3 19 62
 Date of second publication 10 19 62
 Date of third publication 17 19 62
 Date of fourth publication 24 19 62
 Date of fifth publication _____ 19 _____
 Date of sixth publication _____ 19 _____
 Date of seventh publication _____ 19 _____
 and the last publication on _____ 19 _____

that the full amount of the fees charged for publishing same, to-wit: the sum of \$ _____ inures solely to the benefit of THE DAILY BELLE FOURCHE POST; that no arrangement or understanding or a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this _____ day _____, A. D. 19 62

Bryan Kennedy
 Notary Public, By _____
 My Commission Expires Sept. 27, 1966

Received from _____ \$ _____
 in full of advertising fees in the attached notice.

Publisher.

No. 638-1 APPROPRIATION OF WATER

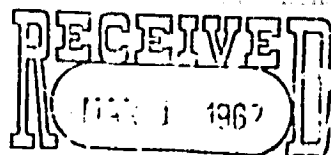
Office of State Water
 Resources Commission,
 Pierre, S. Dak.,
 January 31, 1962

Notice is hereby given that Solomon A. Keil whose postoffice address is Arpan, 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 2.8 cubic feet of water per second of time from Indian Creek through the Keil Irrigation System, the point of diversion of which is to be located on both banks of said stream between a point in the NW 1/4 SW 1/4 and a point in the SE 1/4 of the SE 1/4 of Section 3 Twp. 9 N Range 4 E. Said water to be used for the purpose of providing irrigation on portions of the following described land: S 1/2 NW 1/4, SW 1/4 and SE 1/4, Section 3, T 9 N R 4 E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of March, 1962, at 2 P. M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission.

By: Burton F. Jones
 Water Rights Specialist
 dt 2/3-10-17-24



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Attorney's Affidavit, Ex. Rel.

STATE OF SOUTH DAKOTA.

COUNTY OF BUTTE,

ss.

on his oath says, that I am _____ being first duly sworn; that I directed the publication of annexed notice; that no understanding of any division of the fees therefor has been made with any person whomsoever, and that no part thereof has been refunded or rebated by the party, or parties publishing said notice.

Subscribed and sworn to before me this _____ day of _____

on or before
(First Publication February 10, 1962)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 31, 1962

Notice is hereby given that Solomon Keil whose postoffice address is Arpan 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 2.3 cubic feet of water per second of time from the Indian Creek through the Keil Irrigation System, the point of diversion of which is to be located on the North bank of said stream between a point in the NE 1/4 and a point 1/4 of the SE 1/4 of Section 3 Twp. 9 N Range 4E. Said water to be used for the purpose of providing irrigation on the following described land:

S 1/4 NW 1/4, SW 1/4 and SE 1/4, Section 3, T 9 N, R 4E

~~XXXXXX~~ ~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 21st day of March, 1962, 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

c.c. Laurence Weyler - Publisher
Northwest Daily Post
Belle Fourche, South Dakota

By:

~~Chief Engineer, Executive Officer~~
Water Rights Specialist

Permit No. 638-1Water Division 1 BELLE FOURCHE RIVER 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 P.J. & DARLYNE
COOK of BELLE FOURCHE holder: S
of Permit No. 638-1 bearing date of priority of SEPTEMBER 7, 1961
authorizing the diversion of 2.8 cu. ft. per second of the waters of INDIAN CREEK
for IRRIGATION purposes, in BUTTE 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:

~~RAINMASTER PUMP~~ 8" PUMP, POWERED BY
CONTINENTAL 45 H.P. GAS ENGINE

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

900' OF 10" LINE TO GET WATER TO
ABOUT 1 1/2 MILES OF MAIN DITCHES

C. Works used to apply water to beneficial use.

SERIES OF SPREADER DITCHES TO WATER
FLATS ALONG CREEK

The system is in the following condition: GOOD

The point of diversion is located BETWEEN A POINT S20°45'E, 280 FEET FROM THE
W 1/4 CORNER, AND A POINT N90°15'W, 602 FEET FROM THE SE CORNER,
ALL IN SECTION 3, T9N, R4E

The works are capable of diverting and conveying to the place of use 3.33cu. 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 SECTION 3, T9N, R4E

<u>SW¹ NW¹</u>	<u>26 AC.</u>	<u>SE¹ SW¹</u>	<u>12 AC.</u>	<u>SE¹ SE¹</u>	<u>71 AC.</u>
<u>SE¹ NW¹</u>	<u>20 "</u>	<u>NW¹ SE¹</u>	<u>31 "</u>		
<u>NW¹ SW¹</u>	<u>22 "</u>	<u>NE¹ SE¹</u>	<u>20 "</u>		
<u>NE¹ SW¹</u>	<u>34 "</u>	<u>SW¹ SE¹</u>	<u>12 "</u>		

comprising a total of 198 acres of land.

NOTICE OF TRANSFER OF WATER PERMIT

January 14, 1969

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that Solomon Keil, whose postoffice address is Arpan,
(Butte County, S. Dak.) S. Dak.

who previously owned the land described below has sold his interests to
P.J. Cook & Darlone Cook, husband and wife, of Belle Fourche, Butte
County, South Dakota

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 638-1
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere from Indian Creek through the
Keil Irrigation System (points of diversion as per description contained
in Notice of Intention to appropriate water, dated January 31, 1962), said
water to be used for the purpose of providing irrigation on portions of
the following lands: S $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Sec. 3, T9N, R4E, B.H.M.,
Butte County, South Dakota

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.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Butte } ss.

I, Solomon Keil 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.

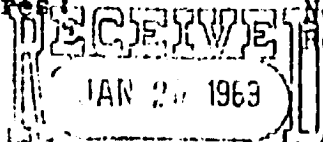
Signed Solomon Keil
Solomon Keil

Subscribed and sworn to before me this 14th day of January 1969

(Seal)

My Commission Expires:
June 11, 1974

William E. Anderson
Notary Public - William E. Anderson
Notary Public - South Dakota
Residing at: Belle Fourche, S. Dak. (P.O.)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8672

PIERRE, January 26, 1982

RECEIVED OF Melvin Delzer, 2040 W Main, Rapid City, SD 57701

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filling Transfer WR # 638-1	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/ES

NO. 638-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

198 acres - S 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4, N 1/2 SE 1/4,

S 1/2 SE 1/4, Section 3, T9N, R4E

formerly owned by P.J./Darlene Cook, Belle Fourche SD

has been transferred to Melvin Delzer, [REDACTED] 2040 W Main, Spearfish, SD 57783

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

Water Right Permit No. 638-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
) ss.
 D.)

County of Pennington

I, Melvin Delzer 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 infor-
mation herein stated is true.

Correction of address

telephoned in, and herein
stated. Melvin Belzer

2040 West Main St.
Rapid City, S.D. 57701

Subscribed and sworn to before me this 22 Day of January, 1982.

M. E. [Signature]
(Signed)

(Signed)

James M. Presko
(Notary Public)

(Notary Public)

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

F

South Dakota Department of Water & Natural Resources

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



March 7, 1989

638-1

Daniel McGinnis
Butte County Assessor
839 Fifth Avenue
Belle Fourche, SD 57717

Dear Mr. McGinnis:

I am writing in regard to ownership of the land described in Water Right No. 638-1. The water right, currently listed in the name of Melvin Delzer, authorizes irrigation of 198 acres from Indian Creek. The legal descriptions are as follows:

Section 3, T9N, R4E -	S 1/2 NW 1/4	46 acres
	N 1/2 SW 1/4	56 "
	SE 1/4 SW 1/4	12 "
	SE 1/4	84 "

Any ownership records (including address) you could provide for the above legal descriptions would be helpful.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

Genny - This land is listed under the name of Charles Delzer. all tax statements are sent to Melvin E. Delzer & Marion H. Schmidt. We have no address for Charles Delzer.

Same address as Melvin
PO Box 1045
Spearfish S.Dak 57783

L

 **Department of
Water & Natural Resources**

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

June 8, 1989

638-1

Melvin Delzer
PO Box 1045
Spearfish, SD 57783

Dear Mr. Delzer:

I am contacting you in reference to ownership status of Water Right No. 638-1, currently listed in your name. When returning your 1988 irrigation questionnaires, you indicated you had sold the land authorized for irrigation under this water right.

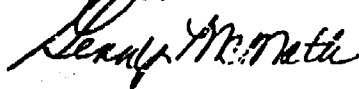
I contacted the Butte County Assessor's Office to obtain the name and address of the new owner(s). They have the land listed under the name of Charles Delzer, with the tax statements sent to you. The legal description of the land is as follows:

Section 3, T9N, R4E S 1/2 NW 1/4
N 1/2 SW 1/4
SE 1/4 SW 1/4
SE 1/4

If Charles Delzer now owns the land, the water right should be transferred to him. If you could provide a mailing address to us, I will forward the necessary forms to him for filing an ownership change.

Your prompt reply will be appreciated. If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 777-3352



 **Department of
Water & Natural Resources**

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

October 16, 1989

638-1

Jim Schmidt
HC 69 Box 46
Belle Fourche, SD 57717

Dear Mr. Schmidt:

I am contacting you in regard to ownership of Water Right No. 638-1, currently listed in the name of Melvin Delzer. Mr. Delzer has indicated that you now own the land described in this water right. Enclosed is a copy Water Right No. 638-1 for your review.

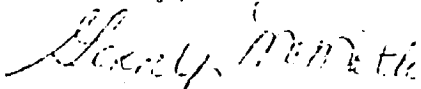
Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 638-1. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50.

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.

Also enclosed is the 1989 irrigation questionnaire and a copy of the cover letter sent to other irrigators. Please complete the questionnaire and return it to our office by December 15, 1989.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

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

March 16, 1990

Second Notice
W Right No. 638-1

Jim Schmidt
HC 69 Box 46
Belle Fourche, SD 57717

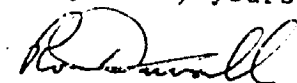
Dear Mr. Schmidt:

On October 16, 1989 notice was sent to you concerning the transfer of Water Right No. 638-1 in the name of Melvin Delzer. 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,



Ron Duvall
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

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



March 22, 1990

638-1

James R Schmidt
HCR 69 Box 46
Belle Fourche, SD 57717

Dear Mr. Schmidt:

This will acknowledge receipt of the "Notice of Transfer" you submitted for use in filing an ownership change on Water Right No. 638-1. The form was completed properly, however the transfer can not be processed without the \$2.50 filing fee.

Please remit the \$2.50 filing fee as soon as possible. Processing of the transfer will continue upon receipt of this fee.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

*Sorry I forgot to put the check
with the other paper!*

NOTICE OF TRANSFER OF OWNERSHIP

No. 638-1

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: March 20, 1990



I/We request that Water Permit/Right No. 638-1

formerly owned by: Melvin Delzer

be transferred to: (name & address) James R Schmidt
HCR 69 BOX 46, Belle Fourche, SD 57717 (telephone No.) 892-3487

Title to the following described land(s)/property has been transferred as described above:
SE 1/4 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4, SE 1/4 Section 3, T9N, R4E

I/We understand that the validity of Water Permit/Right No. 638-1 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 Bottle)

I/We James R Schmidt 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 March, 1990.

Linda K. Burch
(Notary Public)

My Commission Expires April 15, 1993

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 water 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

412170

South Dakota Department of Water and Natural Resources

Pierre, March 27, 1990

RECEIVED OF Schmidt Ranch, HCR 69 Box 46, Belle Fourche, SD 57717
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Right No. 638-1		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

March 28, 1990

No. 638-1

James R. Schmidt
HCR 69, Box 46
Belle Fourche SD 57717

Dear Mr. Schmidt:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 638-1.

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

Sincerely,

Karen Schlaak
KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure



638-1

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

February 7, 1995

JAMES R SCHMIDT
HCR 64 BOX 36
BELLE FOURCHE SD 57717

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 638-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 638-1 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 is received in this office on or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

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: 638-1

JAMES R SCHMIDT
HCR 64 BOX 35
BELLE FOURCHE, SD 57717

4a. Article Number

P 347-158 295

4b. Service Type

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

7. Date of Delivery

DEC - 8 1995

5. Signature (Addressee)

Marianne Schmidt

6. Signature (Agent)

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

Is your RETURN ADDRESS completed on the reverse of this form?

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

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

638-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 16, 1995

638-1

James R Schmidt
HCR 64 Box 36
Belle Fourche, SD 57717

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. The questionnaire was completed for you based on your telephone conversation with Karen Schlaak, of this office. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.**

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

If you have any questions, please contact me.

Sincerely,

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

6 38-1

Fuller, Tellinghuisen, Gordon & Eckrich, P.C.

A. P. Fuller • Roger A. Tellinghuisen • Brad P. Gordon • Jerome A. Eckrich

LEAD OFFICE
203 W. MAIN
LEAD, SOUTH DAKOTA 57754

MAILING ADDRESS:
P.O. BOX 698
LEAD, SD 57754
TELEPHONE (605) 584 2440
FAX (605) 584 1279

SPEARFISH OFFICE
132 E. ILLINOIS
SPEARFISH, SOUTH DAKOTA 57783

MAILING ADDRESS:
P.O. BOX 1087
SPEARFISH, SD 57783
TELEPHONE (605) 642 6090
FAX (605) 642 1756

PLEASE REPLY TO THE SPEARFISH OFFICE

March 29, 1995



Mr. John Hatch, Chief Engineer
Water Rights Division
Dept of Environment & Natural Resources
Joe Foss Building
523 E. Capital
Pierre, SD 57501-3181

Re: Homestake Vested Water Rights

Dear Mr. Hatch:

I represent an individual who is contemplating purchasing some property located in Butte County. I would like to know whether or not there are any outstanding water rights associated with the property. The property descriptions I am interested in are as follows:

T9N, R4E, BHM, Butte County, South Dakota:
Section 3: S1/2 NW1/4 and S1/2
Section 9: E1/2 NE1/4
Section 10: N1/2 NW1/4

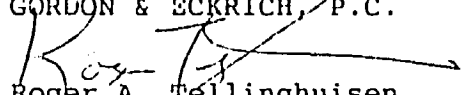
T9N, R4E, BHM, Butte County, South Dakota:
Section 35: E1/2 E1/2, SW1/4 SE1/4
Section ? Tract B S1/2 NW1/4, SW1/4, SE1/4 SW1/4
NE1/4

Mr. Hatch
Page 2

If additional information is needed in order to respond to this request, please don't hesitate to contact me and I will attempt to procure the same.

Sincerely,

FULLER, TELLINGHUISEN,
GORDON & ECKRICH, P.C.


Roger A. Tellinghuisen

RAT/kas

638-1



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

April 3, 1995

Roger A Tellinghuisen
FULLER, TELLINGHUISEN,
GORDON & ECKRICH, P.C.
PO Box 1087
Spearfish, SD 57783

Dear Mr. Tellinghuisen:

Enclosed, as we discussed, is a copy of Water Right No. 638-1, currently listed in the name of James R Schmidt. The water right authorizes irrigation of land in portions of Section 3, T9N, R4E. There have been a few ownership changes recorded with the water right since it was originally filed. The most recent was in 1990 with the water right being transferred from Melvin Delzer to James R Schmidt (copy enclosed).

I reviewed our files pertaining to the other legal descriptions referenced in your March 29th letter (Sections 9, 10, 35 & 36, T9N, R4E) and was unable to find any water permits or rights in those areas. Also enclosed is a list of the water permits or rights we have on file in Township 9 North, Range 4 East.

If you have any questions, please contact me.

Sincerely,

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

enclosures

638-1

Fuller, Tellinghuisen, Gordon & Eckrich, P.C.

A. P. Fuller • Roger A. Tellinghuisen • Brad P. Gordon • Jerome A. Eckrich

LEAD OFFICE
203 W. MAIN
LEAD, SOUTH DAKOTA 57754

MAILING ADDRESS:
P.O. BOX 1067
LEAD, SD 57754
TELEPHONE (605) 584-2440
FAX (605) 584-1970

PLEASE REPLY TO THE SPEARFISH OFFICE

May 10, 1995

SPEARFISH OFFICE
132 E. ILLINOIS
SPEARFISH, SOUTH DAKOTA 57783

MAILING ADDRESS:
P.O. BOX 1067
SPEARFISH, SD 57783
TELEPHONE (605) 642-1080
FAX (605) 642-1750

Mr. John Hatch
Chief Engineer
Water Rights Division
Department of Environment
and Natural Resources
Joe Foss Building
523 E. Capital
Pierre, SD 57501-3181



Re: Transfer of Ownership of Water Right No. 638-1

Dear Mr. Hatch:

Enclosed please find the "Notice of Transfer of Ownership" transferring water right No. 638-1 from James R. Schmidt to Will Lantis. Also enclosed is our check in the amount of \$2.50 to cover the filing fee as required by SDCL 46-2-13.

I trust you will advise if there is something else that needs to be completed in order to complete this transfer of ownership. Thank you.

Sincerely,

FULLER, TELLINGHUISEN,
GORDON & ECKRICH, P.C.

Roger Tellinghuisen
Roger A. Tellinghuisen

RAT/kas

Enc.

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 638-1

Date: 5/10/95

We request that Water Permit/Right No. 638-1

formerly owned by: James R. Schmidt

be transferred to: (name & address) Will Lantis, P.O. Box 699, Spearfish, SD 57783
(605) 642-7736 (Telephone No)

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

S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, SE1/4 Section 3, T9N, R4E

We understand that the validity of Water Permit/Right No. 638-1 has not been determined by this transfer action. If we have any questions on validity, 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 Lawrence)

We Will Lantis 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]
(Signer)

Subscribed and sworn to before me this 4th day of May, 19 95.

[Signature]
(Notary Public)
My Commission Expires - 03-01-97

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

414497

Pierre, May 11, 19 95

RECEIVED OF Fuller, Tellinghuisen, Gordon & Eckrich (Will Lantis) PO Box 1087, Spearfish,
the following amount in fees for services rendered as provided for by law: 5778

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

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

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

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

Fee for Filing Transfer Form Water Right No. 638-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer

John H. [Signature]



638-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 12, 1995

No. 638-1

Roger A. Tellinghuisen
Fuller, Tellinghuisen,
Gordon & Eckrich
P.O. Box 1087
Spearfish, SD 57783

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 638-1.

Our records now show Will Lantis as the owner of Water Right No. 638-1.

Sincerely,

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

enclosure

c: Will Lantis, P.O. Box 699, Spearfish, SD 57783



January 22, 1999

638-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: WILL LANTIS, PO BOX 699, SPEARFISH, SD 57783 0699

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 638-1 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 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

6-38-1

is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- 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:

WILL LANTIS
PO BOX 699
SPEARFISH SD 57783 0699

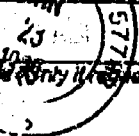
4a. Article Number

378 080 670

4b. Service Type

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

7. Date of Delivery



5. Received By: (Print Name)

Will Lantis

6. Signature: (Addressee or Agent)

X

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

Thank you for using Return Receipt Service.

DENR-Water Rights
523 E Capitol
Pierre, SD 57501
Phone: 605 773-3352
Fax: 605 773-4088

State of South Dakota

Fax

To: Frank Wurnig	From: Genny McMath
Fax: 605 642-8443	Date: February 2, 1999
Phone:	Pages: 4
Re: Water Right No. 638-1	email: genny.mcmath@state.sd.us

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

•Comments:

The following pages are a copy of Water Right No. 638-1. It is issued to Solomon Keil however various transfers have been filed since the permit was licensed (including Mr. Lantis's)

You will note, the water right is for irrigation from Indian Creek to irrigate portions of Section 3, T9N, R4E. You inquired whether or not you would lose the water rights for not irrigating. In South Dakota water must be placed to beneficial use at least once every three years in order to maintain the water right. However, the Water Management Board has rules in place which state that if there is legal excuse for not irrigating, the water right will not be lost.

Many irrigators in your area purchase water from Orman Dam supplied by the Belle Fourche Irrigation District and have supplemental water rights from the State in the event they can not obtain enough water from Orman. If the land being supplied water from Orman dam includes the land described in No. 638-1, you would have legal excuse for not irrigating.

The annual irrigation questionnaire mailed to you is for reporting irrigation from Indian Creek as described in No. 638-1. Only water users with a mechanism to measure water are required to report annual water use. Irrigators with strictly water spreading systems do not have to report. Our last investigation (dated 1971) for Water Right No. 638-1 found a pump being used to divert water to a spreader system. If a pump must be used to divert water, a questionnaire will need to be submitted each year.

As far as the 1998 irrigation questionnaire, I have completed one for you which states "no irrigation" took place under No. 638-1 in 1998.

Thank you for calling Frank. If you have any additional questions, please get in touch with me.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 1999

638-1

Wii! Lantis
PO Box 699
Spearfish, SD 57783-0699

Dear Mr. Lantis:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 638-1. The information was received in our office (from Frank Wurnig) prior to the Water Management Board meeting and your name has been deleted from the agenda.

As I discussed with Frank, the information we needed was for any irrigation done from Indian Creek as authorized under Water Right No. 638-1 (see enclosed copy).

If you have any questions, please contact me.

Sincerely,

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

enclosure

638-1

PJ & DARLENE COOK
1106 12TH AVE
VALLE FOUCHE
SD 57717

BU. 9F

This is the Water Management Board data
sheet for recording 1980 SURFACE WATER
source irrigation estimates.

November 1980

For Dept. use only

S

1

Please fill out and return at once.

No. Acres irrigated with Surface Water 200

If you did not irrigate during 1980-check this box ☐ No system ☐

Type of Power	No. acres irrigated	Total Energy used-1980
1. Electric	<u>200</u>	_____ kWh
2. Gravity	_____	_____ gal
3. Gasoline	_____	_____ cf
4. Nat. Gas pipeline	_____	_____ gal
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____
Type of System		
1. Hand Moved Sprinklers	_____	_____
2. Portable booms	_____	_____
3. Center pivots (# of)	_____	_____
4. Gated pipes	_____	_____
5. Sidewheel	_____	_____
6. Towlines	_____	_____
7. Gun type	_____	_____
8. Hydraulic	_____	_____
9. Siphons	_____	_____
10. Flood	_____	_____
11. Other	_____	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated		Water Use					
				Crop	Acres	Water Used	Crop	Acres	Water Used		
April											
May	4	24	1250	HAY	200	27.12					
June	5	24	1250	HAY	200	44.19					
July	8	24	1250	HAY	200	55.24					
August	10	24	1250	HAY	200	66.29					
Sept.	8	24	1250								
Oct.											
Other Month											

Season Static Water Level: beginning _____ end _____

Comments: WATER LEVELS WERE SO LOW Complete and return to: WATER MANAGEMENT BOARD

during 1980 VERY LITTLE IRRIGATION
WITH SYSTEM.

Water Rights Division
Joe Foss Building
Pierre SD 57501

Owner or address change, if any:

Please complete front and back.

The South Dakota Office of Energy has requested your cooperation in completing the following:

1979

Type of Power	No. Acres Irrigated	Total Energy Used
1. Electric	_____	_____ kwh
2. Gravity	_____	
3. Gasoline	_____	_____ gal
4. Nat. Gas pipeline	_____	_____ cf
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____

1978

Type of Power	No. Acres Irrigated	Total Energy Used
1. Electric	_____	_____ kwh
2. Gravity	_____	
3. Gasoline	_____	_____ gal
4. Nat. Gas pipeline	_____	_____ cf
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____ gal

- What is your on-farm storage capacity for gasoline _____ gallons
diesel _____ gallons
- What are your present plans for acres under irrigation for 1981?
 _____ an increase in acres
 _____ irrigate same acres
☒ a decrease in acres
- A. Has your regular fuel supplier been able to meet your fuel needs for irrigation this past year?
☒ yes
 _____ no
 B. If no, were you able to buy from other sources?
 _____ yes
 _____ no
- Would you continue irrigating the same number of acres in 1981 if the price of fuel increased-
 10% yes _____ no _____
 15% yes ☒ no _____
 20% yes _____ no ☒
 over 20% yes _____ no ☒
- At what price for fuel would you cut back on irrigation activities? _____
- What is your best estimate of your fuel needs for irrigation in 1981, if we experience a
 Dry summer: _____ gallons.
 Wet summer: _____ gallons.

638-1



638-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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www.state.sd.us/denr

January 17, 2003

NOTICE

TO: WILL LANTIS, PO BOX 699, SPEARFISH, SD 57783 0699

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 8:30 am, March 5, 2003, 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) 638-1 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 February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



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Delivery Status

You entered 2301 0370 0000 7540 6024

Your item was delivered at 10:16 am on January 21, 2003 in
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WILL LANTIS
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January 22, 2003

638-1

Will Lantis
PO Box 699
Spearfish SD 57783-0699

Dear Mr. Lantis:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 638-1.

I completed a questionnaire for you based on my January 22nd telephone conversation with Scott Grubb. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



638-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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January 14, 2004

NOTICE

TO: WILL LANTIS, PO BOX 699, SPEARFISH, SD 57783 0699

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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 8:30 am, March 3, 2004, 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) 638-1 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 **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

638-1



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Current Status

You entered 2301 3460 0000 8515 8626

Your item was delivered at 12:21 pm on January 15, 2004 in SPEARFISH, SD 57783. The item was signed for by D CULVER.

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WILL LANTIS
PO BOX 699
SPEARFISH SD 57783 0699

Waiver of Signature ☐ YES ☐ NO

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January 30, 2004

638-1

Will Lantis
PO Box 699
Spearfish SD 57783-0699

Dear Mr. Lantis:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. I completed a questionnaire for you based on our January 29th telephone conversation. The questionnaire reflects that you did not irrigate with water from Indian Creek however you did flood irrigate land from Orman Dam.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 638-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
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April 11, 2007

638-1

Mary Ellen Lantis
PO Box 699
Spearfish SD 57783

Dear Ms. Lantis:

I am contacting you in regard to Water Right No. 638-1 currently listed in the name of Will Lantis. The water right authorizes diversion of water from Indian Creek to irrigate 198 acres in portions of Section 3, T98N, R4E. The purpose for writing to you is to find out what you would like to do with the water right as far as ownership records and also if you wish to maintain the water right.

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

We did not receive the irrigation questionnaire for last year from you. I have included an irrigation questionnaire for last year for you to complete. If no irrigation was done, just check the box and return the form along with the above "Notice of Transfer of Ownership" form and filing fee.

If you have any questions concerning the water right, completion of the enclosed forms or if you have decided not to maintain the water right, please let me know.

Sincerely,

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

enclosures

RECEIVED

APR 19 2007

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 638-1

Date: 4/16/07

I/We request that Water Right No. 638-1

formerly owned by: Will Lantis

be transferred to: (name & address) R-Pan Ranches, LLC P.O. Box 699,
Spearfish, SD 57783

Telephone No. (605) 642-7736

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

S ½ NW ¼, SW ¼ and SE ¼ Section 3, T9N, R4E

I/We understand that the validity of Water Right No. 638-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We R-Pan Ranches, LLC., the new owner, certify that the above information is true and correct.

Maureen Lantis, Manager
(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 4/19, 20 07

RECEIVED OF LANTIS RANCH PO BOX 699 SPEARFISH SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
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>638-1</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

03037

By

[Signature]
Chief Engineer

[Signature]



DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

April 20, 2007

638-1

Mary Ellen Lantis
R-Pan Ranches, LLC
PO Box 699
Spearfish SD 57783-699

Dear Ms. Lantis:

I am writing to acknowledge receipt of the transfer of ownership form and filing fee for Water Right No. 638-1. The transfer has been completed. The water right, formerly held by Will Lantis, is now listed in the name of R-Pan Ranches LLC.

Enclosed is your Receipt No. 03037 in the amount of \$2.50. You may keep this for your records.

Thank you for including the 2006 irrigation questionnaire pertaining to the water right. I will add the information to the file. The 2007 irrigation questionnaire for this land will be forwarded to you in October.

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



638-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: R PAN RANCHES LLC, MARY ELLEN LANTIS, PO BOX 699, SPEARFISH, SD 57783 0699

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 11, 2008**, 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) 638-1 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, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

638-1

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 4346

R PAN RANCHES LLC
MARY ELLEN LANTIS
PO BOX 699
SPEARFISH SD 57783 0699

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

January 29, 2008

638-1

Mary Ellen Lantis
R Pan Ranches LLC
PO Box 699
Spearfish SD 57783

Dear Ms. Lantis:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 638-1.

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

If you have any questions, please contact me.

Sincerely,

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



6381
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www.state.sd.us/denr

January 23, 2009

NOTICE

TO: R PAN RANCHES LLC, MARY ELLEN LANTIS, PO BOX 699, SPEARFISH, SD 57783 0699

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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 11, 2009**, 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) 638-1 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 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

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

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5831

R PAN RANCHES LLC
MARY ELLEN LANTIS
PO BOX 699
SPEARFISH SD 57783 0699

Waiver of Signature ☐ YES ☐ NO

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www.state.sd.us/denr

February 11, 2009

638-1

Brent Vavra
Lantis Ranch
17541 Arpan Rd
Nisland SD 57762

RE: R Pan Ranches LLC

Dear Mr. Vavra:

I am writing to acknowledge receipt of the 2008 irrigation questionnaire for R Pan Ranches LLC. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 638-1.

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

If you have any questions, please contact me.

Sincerely,

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

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



638-1
DEPARTMENT of ENVIRONMENT
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January 16, 2015

NOTICE

TO: R PAN RANCHES LLC, BRENT VAVRA, 17541 ARPAN RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1 as required by administrative rule 74:02:01:14.02. 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 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 638-1 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 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>

c: MARY ELLEN LANTIS, PO BOX 699, SPEARFISH SD 57783

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
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January 21, 2015

638-1

Brent Vavra
R Pan Ranches LLC
17541 Arpan Rd
Nisland SD 57762

Dear Mr. Vavra:

I am writing to acknowledge receipt of the 2014 irrigation questionnaire for Water Right No. 638-1, listed in the name of Mary Ellen Lantis.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 638-1. 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

c: Mary Ellen Lantis, PO Box 699, Spearfish SD 57783



638-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 26, 2018

NOTICE

TO: R PAN RANCHES LLC, 17541 ARPAN RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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 7, 2018 at 10:00 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 638-1 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 7, 2018** 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>

MARY ELLEN LANTIS, PO BOX 699, SPEARFISH SD 57783

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
www.denr.sd.gov

January 30, 2018

638-1

R Pan Ranches LLC
Lantis Enterprises
PO Box 699
Spearfish SD 57783-0699

Dear Sirs:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 638-1. 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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: R PAN RANCHES LLC, PO BOX 699, SPEARFISH, SD 57783 0699

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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 3, 2021 at 10:00 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 638-1 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 3, 2021** 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://denr.sd.gov/iq> using this password: GBNTFB**

C: MARY ELLEN LANTIS, PO BOX 699, SPEARFISH SD 57783

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.

638-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2021

638-1

R Pan Ranches LLC
PO Box 699
Spearfish SD 57783 0699

Dear Sirs:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 638-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

638-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: R PAN RANCHES LLC, PO BOX 699, SPEARFISH, SD 57783 0699

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 638-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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 2, 2022 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) 638-1 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 2, 2022** 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: KWFFYK**

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.

638-1



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

March 2, 2022

638-1

R Pan Ranches LLC
PO Box 699
Spearfish SD 57783-0699

Dear Sir:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 638-1. 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

638-1



**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: R PAN RANCHES LLC, PO BOX 699, SPEARFISH, SD 57783 0699

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) 638-1 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) 638-1 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: BZNDJJ**

c: MARY ELLEN LANTIS, PO BOX 699, SPEARFISH SD 57783

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 AGRICULTURE
and NATURAL RESOURCES**

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

January 30, 2023

638-1

(emailed letter to Mike Konstant)

R Pan Ranches LLC
PO Box 699
Spearfish SD 57783

Dear Mr. Konstant:

I am writing to acknowledge receipt of the information for the 2022 irrigation questionnaire for R Pan Ranches. It is our understanding the land has been sold and the new owner will be filing an ownership change soon.

Let them know they can disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 638-1. 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,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

638-1

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Agriculture and Natural Resources

Date March 6, 2023

RECEIVED OF 4 R Lnad & Cattle LLC 17541 Arpan 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	\$ _____
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>638-1</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

MAR 6 2023

Ck# 1001

Rec't# _____

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 638-1

Date: 2/21/2023

I/We request that Water Right/Permit No. 638-1

formerly owned by: R Pan Ranches LLC - Mary Ellen Lantis

X be transferred to: (name & address) David & Morgan Hargrove
1450 Harrington Rd
Waxahachie, 75165 Telephone No. _____

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

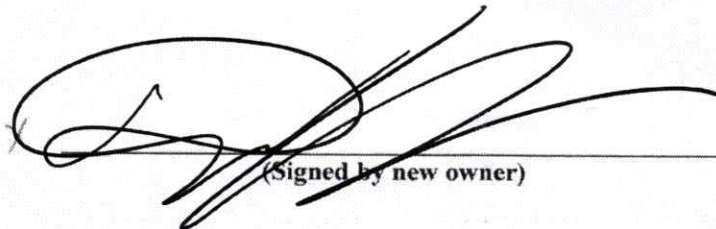
198 acres - S 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4, SE 1/4 Section 3-T9N-R4E

I/We understand that the validity of Water Right/Permit No. 638-1 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. Please make checks payable to Water Rights Program.

I/We David & Morgan Hargove, 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.

RECEIVED

MAR 06 2023

OFFICE OF
WATER

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845
corpinfo@state.sd.us

**APPLICATION FOR AMENDED
ARTICLES OF ORGANIZATION
DOMESTIC LIMITED LIABILITY COMPANY**
SDCL 47-34A-204

FILING FEE: \$60

Make check payable to SECRETARY OF STATE

The Limited Liability Company named below, adopts the following Amended Articles of Organization pursuant SDCL 47-34A-204.

1. The Name and Business ID of the company is:

4R Land and Cattle, LLC

DL238596

Name (Note: This must be the exact limited liability company name as registered.)

Business ID

2. The date of filing the original Articles of Organization 11/14/2022

3. The amendment to the Articles is:

The name of the Company is changed
FROM 4R Land and Cattle, LLC
TO 4R Land & Cattle, LLC.

Article I - Entity Name and Type is amended as follows:

The name and type of filing entity being formed is: 4R LAND & CATTLE, LLC a South Dakota limited liability company (hereinafter "Company").

The application must be signed by a member if the company is a member-managed company or by a manager if it's a manager managed company or in accordance with SDCL 47-34A-205.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).

Dated 2/23/23

Email David@4rland.com
(Optional)


Signature of an authorized person

David Hargrove

Printed Name

CEO

Title

B0249-8273 02/27/2023 10:15AM Rec'd by SD SOS



South Dakota Secretary of State

Monae L. Johnson
Secretary of State

Thomas J. Deadrick
Deputy Secretary of State

4R Land & Cattle, LLC
17541 ARPAN RD.
NISLAND, SD 57762

February 27, 2023

Filing Acknowledgment

Please review the filing information below and notify our office immediately of any discrepancies.

Business ID : DL238596
Status: Good Standing
Filing Type: Limited Liability Company - Domestic
Amendment Type: Articles of Amendment
Filed Date: 02/27/2023 10:15 AM

Monae L. Johnson
Secretary of State
State of South Dakota

Field Name	Changed From	Changed To
Filing Name	4R LAND AND CATTLE, LLC	4R Land & Cattle, LLC

State of South Dakota

Office of the Secretary of State

Certificate of Amendment

Domestic Limited Liability Company

I, **Monae L. Johnson**, Secretary of State of the State of South Dakota, hereby certify that the Application for Articles of Amendment to the Articles of Organization for

4R LAND AND CATTLE, LLC changing its name to

4R Land & Cattle, LLC

BUSINESS ID# DL238596

with an effective date of: February 27, 2023, duly signed and verified, pursuant to the provisions of the South Dakota Limited Liability Company Act, has been received in this office and is found to conform to law.

ACCORDINGLY, and by virtue of the authority vested in me by law, I hereby issue this Certificate of Amendment and attach hereto a duplicate of the Application for Articles of Amendment to the Articles of Organization.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of South Dakota, in Pierre, the Capital City, this day, February 27, 2023.

Monae L. Johnson

Monae L. Johnson
Secretary of State



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 7, 2023

638-1

David & Morgan Hargrove
17541 Arpan Rd
Nisland SD 57762

Dear Mr. & Ms. Hargrove:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 638-1.

The ownership change has been completed. The water right formerly held by R Pan Ranches LLC, Mary Ellen Lantis is now listed under your names.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. The actual form that will need to be completed and returned to us will be mailed to you in October.

The land described in Water Right No. 638-1 is within the Belle Fourche Irrigation District. If you purchase water from the district, you do not need to keep track of that for the irrigation questionnaire. You would still need to complete the form but instead of reporting water use, just make a notation that you used District water. If you use water as authorized under the water right, please keep track of the water pumped from Indian Creek to report on the questionnaire.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

encl

638-1

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 638-1Date: 8-5-2025I/We request that Water Right/Permit No. 638-1 formerly owned by:David & Morgan Hargrove

be transferred to:

New Owner Name: Indian Creek Ranch LLCAddress: 46034 265th St mobile: 605-268-4343City, State, Zip Hartford, SD 57033 email: opitzangus@goldenwest.net

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

All Land in Section 3, T9N, R4E

NW 1/4 SW 1/4 - 22 acres

NE 1/4 SW 1/4 - 34 acres

SE 1/4 SW 1/4 - 12 acres

NW 1/4 SE 1/4 - 31 acres

NE 1/4 SE 1/4 - 20 acres (AD)

SW 1/4 SE 1/4 - 12 acres

SE 1/4 SE 1/4 - 21 acres

Total - 153 acres

☒ I understand that the validity of Water Right/Permit No. 638-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

I, Indian Creek Ranch LLC, the new owner, certify that the above information is true and correct.

Thomas Opitz member
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date August 6th, 2025

RECEIVED OF Indian Creek Ranch LLC C/O Barbara Opitz 46034 265th St Hartford SD 57033

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 #638	<u>\$50.00</u>
Fee for <u>Service Fee for CC Payment</u>	\$1.25
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$51.25</u>

By Mark Mayer
Chief Engineer