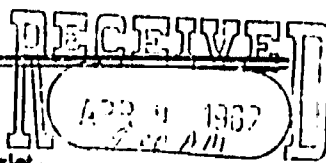


- 648.1
1. Considered 5-9, 1922
 2. Name of Applicant Brown, Papineau
 3. Post Office Address Spokane
 4. Amount of water claimed no additional
 5. Source of water supply Artesian Ground Water
 6. Water to be used for Irrigation
Acres to be irrigated 672
 7. Water to be diverted and used in Lewistown County about
4 N 5 W miles of Spokane
 8. Proof of Publication Received ☒
Not Received ☐
 9. Application Approved ☒
Subject to
Not approved ☐
Action deferred ☐
 10. Remarks:



No. 648-1
 Water Division No. 1 BELLE FOURCHE RIVER District
 (Blanks to be filled by the Engineer for the W. R. C.)
 STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant GEORGE PAPONSKY—MSM Farms, Inc.,
Oberlin
 Postoffice address GREATER—, County LAWRENCE, State Kansas, 67749

I. If a corporation

- (a) Name of came _____
 (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 GEORGE PAPONSKY IRRIGATION PROJECT

3. Amount of water claimed 5.1 cubic feet per second

4. Source of water supply ARTESIAN WELLS

Well #1 N 25°W 320', 1/4 Sec. 19, T.7 N., R.1 E.

5. Location of point of diversion S. 33°12'W. 1560' from NE Cor. S. 29, T.7 N., R.1 E.

Well #3 32°18'W. 1537' from NE Cor. S. 29, T.7 N., R.1 E.

Well #4 Relocation desired to a point N. 45°E. 1188' from _____ County.

the SW Cor. S. 20, T.7 N., R.1 E—BHM Lawrence County.

6. Annual period or periods during which water is to be used May 1st thru Sept. 30th

7. To be used for:

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

(a) Number of acres to be irrigated 532 acres.

(b) Legal subdivisions to be irrigated _____

NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of the application. (Same must also be shown on accompanying map.)

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

Irrigation and livestock watering

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

(a) Nature of use Stockwatering only

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 X X X X

MAP U-308-1

Lot 2-64 Ac., Lot 3-65 ac., Lot 4-22 Ac., SE-SW-26 ac., SW-SE-26 ac.		
SE-SE-27 ac., Sec. 19, T. 7 N., R. 1 E-BWM		230 ac.
SE-NW-28 ac., SW-NE-36 ac., NE-SW-23 ac., SW-SW-29 ac., SE-SW-30 ac.		
NW-SE-22 ac., NE-SE-6 ac., SW-SW-15 ac., SE-SE-30 ac.,		
Sec. 20, T. 7 N., R. 1 E-BHM	Total	219 ac.
NW-NE-23 ac., NE-NE-38 ac., SW-NE-20 ac., NE-SW-28 ac., NW-SE-30 ac.,		
SE-NW-15 ac. Sec. 29, T. 7 N., R. 1 E-BHM	Total	154 ac.
NE-NE-19 ac. Sec. 30, T. 7 N., R. 1 E-BHM	Total	19 ac.
	Grand Total	622 ac.

8. Estimated cost of work:

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

(b) Pumping plant, \$-----

(c) Fluming, \$-----

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

Rock, \$-----

Original application report of costs of work

Total, \$20,000.00

9. Description of diversion works: Redrilling Well #4 (Est)

3,500.00

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

Total

\$3,500.00

Est. Well #4 - 8" X 750' Estimated capacity 750 GPM

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

(c)* Head gate: Width-----feet; height ----- feet; Material -----

(d) Canal: Total length ----- miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 3 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 2 ----- years.

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

Queen City Mail, Spearfish, So. Dak.

STATE OF SOUTH DAKOTA

County of ----- Harding ----- } ss.

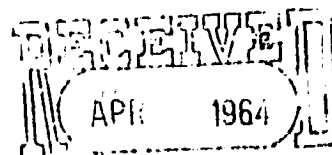
I, George Papousek by Carl M. Cornell, Agent, -----, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge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

Signed

George Papousek
Carl M. Cornell, Agent

Subscribed and sworn to before me this ----- 7th ----- day of ----- April ----- 19. 62

Notary Public (or other qualified officer.)

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

9. (Continued)

III. Well Specifications

(a) Hole and casing 7-7/8" hole 42ft. 8-5/8" steel casing
cemented with 21 sacks regular cement
Size of drill hole or excavation 9-7/8" hole Depth
747 ft. 6-5/8" steel casing cemented with 110 sacks regular cement

Type of casing steel
(42' 8-5/8" (wood, concrete, steel, etc.))

Size of casing (747' - 6-5/8" , Thickness of casing

Length of casing 819' If collection gallery, length, size and depth of
gallery 131'

(b) Screens

Type of perforated screen None

Size of perforated screen (diameter) (length)

Thickness of gravel pack None , length of gravel pack

(c) Water Bearing Materials

30 GPM at 632' cased off (limestone)

Distance to water Character of water bearing materials
700 GPM at 765' Minnelusa (sand and shale)

Bottom hole at 950' in light gray limestone.

Thickness of water bearing material (Gallery 131')

(d) Pump and Motor None

Type of pump (centrifugal, propeller, mixed flow, etc.)

Name of pump size

Kind of motor (gasoline, electric, diesel, etc.)

Horsepower Name of Motor

(e) Complete well

Capacity 700 GPM at drawdown of Estimated cost \$3033.60

(f) Owner of land upon which well is located George F. Papousek (Estate),
(Now the property of Ellen Papousek, widow of George F.
Papousek. Spearfish, Lawrence County, South Dakota.
Address

(g) Distance to nearest existing wells

On same owner's property 222 rods. On property owned by others 400 rods
This well was logged by Dr. Aganue with logging truck.

DRILLER'S LOG OF WELL STATE WATER RESOURCES COM. 1
MERCER COUNTY, OHIO

Remarks by State Water Resources Commission: This is a change in diversion point for well #4 granted under Permit 341-1, and no additional waters are granted by this permit. Priority is based on Permit 341-1. This well must be valued & closed when water is not used for it. This well appears to be in an artesian basin having limited supplies and restrictions as to flow and time of flow may be made by the Commission to protect prior water rights.

STATE OF SOUTH DAKOTA
County of HUGHES

Pierre, South Dakota, MAY 17, 1962

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock a.m. upon the 9th day of APRIL, 1962

State Water Resources Commission

By:

Durston Zinner
Chief Engineer, Executive Officer

Number of permit 648-1

Date of first receipt of application APRIL 9, 1962

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

Date of receipt of corrected application —, 19—

Date from which applicant may claim right AUGUST 18, 1958

Approved MAY 9, 1962, Recorded in Book 7 Page 93

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, 1963

2nd. The whole of said work is to be completed on or before MAY 9, 1964

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

MAY 9, 1964

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 (NO ADDITIONAL) 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, 1964, said water to be used during the following described annual period:

MAY 1 THRU SEPTEMBER 30

Witness my hand this 17th day of MAY, 1962

State Water Resources Commission

By:

Durston Zinner
Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 18, 1964

Water License issued MAY 18, 1964

STATE OF SOUTH DAKOTA

WATER LICENSE No. 648-1

WHEREAS, On the 9th day of August A. D. 1962
George Papoušek

of Spearfish County of Lawrence and State of South Dakota
change the point of
duly made application (No. 648-1) to us for a permit to ~~use~~
diversion for Well #4 as granted under Permit 341-1, and divert no additional waters in the
County of Lawrence, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 17th day of May A. D. 1962
Permit No. 648-1 was issued to said applicant for the change in ~~diversion~~
completion of the works of diversion therein described on or before the 9th day of
May A. D. 1964 and for the application to beneficial use of said
water on or before the 9th day of May A. D. 1964
and,

WHEREAS, On the 1st day of April A. D. 1964
the holder of said permit duly made proof of the completion of adequate works for the diversion of no additional
water than granted under 341-1
dated May 18, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use a portion of the 4.99 granted under Water License
cubic feet per second of water, with date of 341-1
priority of August 18, 1958 and,

WHEREAS, On the 1st day of April A. D. 1964
proof was duly made of the application to beneficial use of the water granted under Water License 341-1
on portions of Sections 19, 20, 29, and 30, T7N, R1E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota.

We hereby grant and confirm to George Papousek

of Spearfish the holder and owner of said permit No. 648-1

a water right, dating from August 18, 1958 to the use of no additional
waters above the 4.99 granted in Water License 341-1,
~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~

In the County of Lawrence and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at a point N45°E, 1188 feet from the
SW corner, Section 20, T21N, R1E

and conducted to and upon portions of Sections 19, 20, 29, and 30, more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 18th day of May A. D. Nineteen
Sixty Four.
Hundred and _____

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 648-1Water Division No. 1 Belle Fourche River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That George Papousek

of Spearfish, County of Lawrence, and State of South Dakota, the holder of Permit No. 648-1, issued upon Application No. 648-1, bearing date of priority of , authorizing a change in diversion ~~to the original point for Well #5, with no additional water claimed above that granted under Permit 341-1~~

County of Lawrence, State of South Dakota, at a point N45°E, 1188 feet from the SW corner, Section 20, T7N, R1E

for irrigation

purposes, he 8 fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 700 G.P.M. included under amount granted in Water License 341-1

~~and that the lands proposed to be irrigated by the use of said water are described as follows,~~

to-wit: All in T7N, R1E

Section 19	Lot 2	11 acres
	Lot 3	65 "
	Lot 4	22 "
	SE 1/4 SW 1/4	26 "
	SW 1/4 SE 1/4	26 "
	SE 1/4 SE 1/4	22 "
Section 20	SE 1/4 NW 1/4	28 "
	SW 1/4 NE 1/4	36 "
	NE 1/4 SW 1/4	23 "
	SW 1/4 SW 1/4	29 "
	SE 1/4 SW 1/4	30 "
	NW 1/4 SE 1/4	22 "
	NE 1/4 SE 1/4	6 "
	SW 1/4 SE 1/4	15 "
	SE 1/4 SE 1/4	30 "
Section 29	NW 1/4 NE 1/4	23 "
	NE 1/4 NE 1/4	35 "
	SW 1/4 NE 1/4	20 "
	NE 1/4 SW 1/4	28 "
	NW 1/4 SE 1/4	30 "
	SE 1/4 NW 1/4	15 "
Section 30	NE 1/4 NE 1/4	12 "
	Total	564 "

(This is the same land as granted under Water License 341-1)

Witness my hand this 18th day of May A. D. 1964

State Water Resources Commission

By: J. W. ORMES
Chief Engineer, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County LAWRENCE } ss.

Cora Mae Bridges being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the THE QUEEN CITY MAIL a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Spearfish County of

Lawrence and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 12, 1962

April 19, 1962

April 26, 1962

May 3, 1962

in each and every issue of the full number thereof, the first publication being made on the 12 day of April

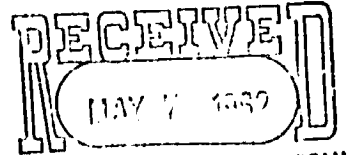
1962 and the last publication on the 3 day of

May 1962, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication ~~he~~ was bookkeeper the ~~printer~~ and publisher of the said newspaper.

Cora Mae Bridges

Subscribed and sworn to before me this 5 day of May A. D. 19 62

Notary Public Lawrence County, S. D.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 648-1
(First publication on or before April 12, 1962)
APPROPRIATION OF WATER
Office of State Water Resources
Commissioner,
Pierre, S. Dak., April 9, 1962
Notice is hereby given that George E. Papousek, whose post-office address is Spearfish, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to change the point of diversion of well No. 4 as granted in Permit 241-1 and to appropriate no additional water than previously granted Papousek Irrigation Project, the new point of diversion of which is to be located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 20, T 20 N, R 10 W, Range 10. Said water to be used for the purpose of providing irrigation on a portion of the following described land: S 4 SW $\frac{1}{4}$, NE 4 SW $\frac{1}{4}$, SE 4 SW $\frac{1}{4}$, NE 4 and SE 4 NW $\frac{1}{4}$, Sec. 20, T 20 N, R 10 W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 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
Commissioner
By: BURTON F. JONES,
Water Rights Specialist
(782 - 41, A 12-19-26, M 3)

APPROPRIATION OF WATER

Pierre, S. Dak., April 9, 1962

address is Spearfish S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to ~~divert water from the~~ change the point of diversion of well #4 as granted through the in Form-

XXXXXX new
Papousek Irrigation Project, the point of diversion of which is to be located XXXX
XXXXXX in the SW 1/4 of the SW 1/4 of Section 20
Twp. 7N Range 1E. Said water to be used for the purpose of providing irrigation of the fol-
lowing described land:
Sec 20, T7N, R1E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of May, 1962, at 2 P. 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:

CC: Mr. Mike Heinbaugh,
Publisher
Queen City Mail
Spearfish, S. Dak.

By: ~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

APPLICATION FOR CHANGE OF DIVERSION POINT
AND
REQUEST FOR PERMISSION TO DRILL AN IRRIGATION WELL.

I, the undersigned, George Papousek (Permit # 341-1), of Spearfish, South Dakota do hereby request a change of the point of diversion which was set up for well #4 of the above described application as a point in the ~~XXXXXX~~ SW-NW, Sec. 19, T.7 N., R.1 E-BHM which lies N 45°E 100 feet from the W 1/4 Cor., Sec. 19, T.7 N., R.1 E-BHM, to a point in the SW-SW Sec. 20, T.7 N., R.1 E-BHM which lies N 45°E 1188 feet from the SW corner of said Sec. 20, T.7 N., R.1 E-BHM and I also request a permit to drill an artesian irrigation well at the last described point for the following reasons.

The well No. 4, when drilled, furnished only 1/2 gal. per minute and is therefore only of use as a domestic or stockwater well and as a further reason for the above requests; the Army Engineers have located a missile site in the SE-SE of Sec. 19, T.7 N., R.1 E-BHM and have excavated to a depth of about 25 feet at a point which cuts off 500 feet of the ditch or canal leading to 183 acres of irrigable land in the S 1/2-SW, NE-SW, W 1/2-SE, E 1/2-SE and the SW-NE, & SE-NW of Sec. 20, T.7 N., R.1 E-BHM.

The proposed well, should it prove satisfactory for irrigation, would serve to water the above described 183 acres, as set up in the original Application #341-1.

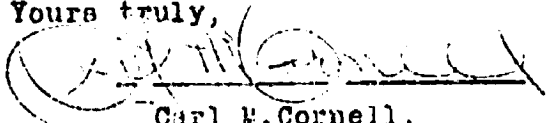
This proposed change is the one which I told you about at the time of the Spearfish hearing before Mr. Grimes, Mr. Jones and Mr. Driskill and which, I gathered, you gave favorable consideration at that time.

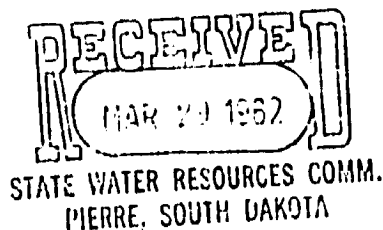
Dated and signed at Spearfish, South Dakota this 27th day of March, 1962.


Carl H. Cornell, authorized agent for
George Papousek,
Spearfish

Mr. Papousek was obliged to leave, after the above application was composed and before it could be typed for presentation and he authorized me to sign as his agent in order to expedite its processing by your office and because his driller had indicated that he would be ready to drill within a few days.

Yours truly,


Carl H. Cornell,
Buffalo So. Dak.



OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

No. 648--1

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

Date: January 9, 1978

The same area as listed in Permit No. 341-1

has been transferred to MSM Farms, Inc. , Oberlin, Kansas 67740

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

Kansas
STATE OF SOUTH DAKOTA)
~~ss. ss.~~) SS.
County of Decatur)

(Signed) John H. Hines President,
MSM Farms, Inc.

19 78 .

Marian J. Votavka
(Notary Public)



648-1

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1988

BRUCE MILLER- MSM FARMS
BOX 187
SPEARFISH, SD 57783

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

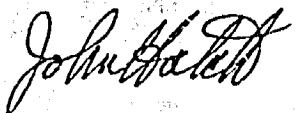
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 648-1, 341-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 43-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 648-1, 341-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

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

South Dakota Department of
Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3101

March 9, 1988

341-1

648-1

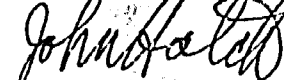
Bruce Miller
MSM Farms
Box 187
Spearfish SD 57783

Dear Mr. Miller:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 341-1, 648-1 and the hearing date before the Water Management Board.

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

Very truly yours,



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



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

July 12, 1991

341-1
648-1

Ray Rezek
Century 21 Spearfish Realty
PO Box 310
Spearfish, SD 57783

Dear Mr. Rezek:

Enclosed, as you requested, are copies of Water Right Nos. 341-1
and 648-1, MSM Farms.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

DATE MICROFILMED

CAMERA OPERATOR



648-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1992

A. P. Fuller, Attorney
Fuller and Tellinghuisen
203 W Main - PO Box 898
Lead, SD 57754

Dear Mr. Fuller:

I am writing in response to your letter dated July 24, 1992, concerning a water right transfer and change of water use involving Paul M. Miller, Cris D. Miller, and Dianne K. Miller.

The transfer of ownership of Water Right Nos. 341-1 and 648-1 can be accomplished administratively without a hearing. The document included in your correspondence is sufficient, but a \$2.50 filing fee is needed to complete the ownership transfer.

A change of water use to the uses mentioned in your correspondence may not be possible pursuant to SDCL 46-5-34.1. This statute allows transfers (changes in use) from irrigation only to domestic uses or uses within water distribution systems (defined by SDCL 46-1-6(17)). Pursuing this transfer will require a permit application. However, water use will be restricted to the annual period specified on the original irrigation permit (May to September); and commercial and recreational uses can not be included on the application since irrigation use can not be transferred to those types of water use.

The greatest benefit of applying for a transfer (change in use) is retention of the priority dates assigned to Water Right Nos. 341-1 and 648-1. However, the proposed dams are not covered by the existing water rights and the original priority dates would not apply to the dams. A new application for the dams will be necessary.

August 5, 1992
A. P. Fuller
Page 2 of 2

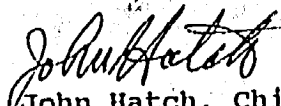
A second option is to apply for a new water permit for the proposed uses. Approval of a permit could: 1) allow water to be used year round, and 2) be for any beneficial use. The proposed dams could also be included on the application. Any dam constructed on a dry draw holding 25 acre-feet or less of surface runoff, stored for in place water uses, with no water diverted from or to the dam does not need to be included on the permit application. A location notice can be filed for a dam meeting these criteria.

Section No. 13 on the Application for Transfer and Change of Beneficial Use notes a desire to "change the diversion point of the wells." I am not certain of the meaning of this section. If the actual well locations are to be changed, then the change may or may not need to be authorized on the permit application depending on the distance moved. The wells may be located up to 660 feet from the existing wells with permission from this office. A change in location of over 660 feet from the existing wells needs to be included as part of a permit application. If the intent of this section is to not relocate the wells, then please clarify.

Enclosed are application forms with an instruction sheet. The procedure to be followed for a new permit application or for an application to change uses is identical. A report and recommendation will be prepared and a notice of hearing will be published in a local paper. If the recommendation is for approval and no one contests the application, then no hearing is needed. If the recommendation is contested, the application will be considered by the Water Management Board.

Please contact Eric Gronlund, Natural Resources Engineer, at (605) 773-3352 if you have any questions.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division

encl