

Considered: _____

V.R.
WATER PERMIT NO. 763A-1

HAP No. Scene 578-3395

Name of Applicant Arlene Cox (Roubine Ranch)

Post Office Address 25 Charles Street, Deadwood SD 57732

Amount of Water Claimed (.44 cfs) Total Acres 80

Source of Water Supply: Elk Creek

Water to be used for irrigation County Lawrence

About 4 miles S of Deadwood

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Sept 26, 1989 Fee \$1500 Remarks This appl

Corrects V.R. No 763-1

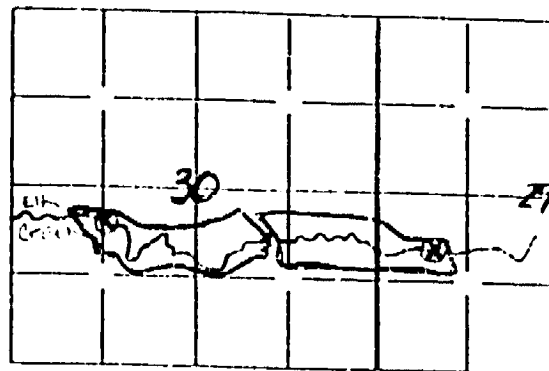
Corrected Application Received _____ Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED not req'd APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point Section 29, 30 - T4N - R4E

Land to be irrigated Sec 29, 30 - T4N - R4E



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Aerial PREPARED BY S. Bowar Reviewed and the Number

assigned on Sept 26, 1989 By Susan Bowar

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 768A-1 FOR IRRIGATION

(1) Arlene Cox (Roubioux Ranch) of 25 Charles Street, Deadwood SD made Application No. 768A-1, September 26, 1989 for validation of a vested right claim to appropriate 0.44 cubic feet of water per second from Elk Creek, Lawrence County, South Dakota for irrigation purposes. Vested Water Right No. 768A-1 was validated December 7, 1989, with a priority date of May 11, 1881. Construction of the described water supply system and application to water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

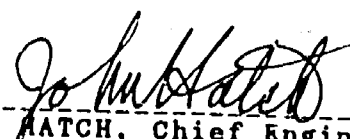
(2) The applicant is entitled to divert 0.44 cubic feet of water per second for beneficial use. The location of the diversion point is between the NW 1/4 SW 1/4 Section 30 and the NW 1/4 SW 1/4 Section 29.

The location of the irrigated acreage is:

T4N, R4E. Section 30 NW 1/4 SE 1/4	22 acres
NE 1/4 SE 1/4	22 "
NE 1/4 SW 1/4	13 "
NW 1/4 SW 1/4	5 "
Section 29 NW 1/4 SW 1/4	12 "

TOTAL 80 acres

(3) Pursuant to Section 46-5-30.1 Arlene Cox (Roubioux Ranch) of 25 Charles Street, Deadwood SD 57732 the holder(s) and/or owners(s) of Vested Water Right No. 768A-1 is issued a license to appropriate 0.44 cubic feet of water per second from Elk Creek with a priority date of May 11, 1881 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Vested Water Right No. 768A-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

MAR 21 1990

(See instructions)

No. 768A-1 Hydrologic Unit 10120922
Basin Belle Fourche R.
Newspaper Leadville, Colo. 80476 Lead 57154

Mail to: Water Rights Div.
525 E. Capitol
Pierre, SD 57501
(605) 773-3352

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☐ New ☒ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Arlene Cox (Roublox Ranch) Phone No. 578-3395
- Post Office Address 25 Charles Street Deadwood State SD 57732
- (Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 0.44 Total acres irrigated 30
3. Source of Water supply Elk Creek
4. Location of point of diversion between points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 and
in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29; all in T4N-R4E
- County Lawrence
5. Counties where water will be used Lawrence
6. Annual period during which water is to be used April 1 - October 31
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 30-T4N-R4E	2
NE $\frac{1}{4}$ SE $\frac{1}{4}$ "	22
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 29-T4N-R4E	12
SW $\frac{1}{4}$	

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 30-T4N-R4E	19
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 30-T4N-R4E	5

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) Pump
9. Crops to be Irrigated: General Hay pasture occasional grain crops
10. Give a description of proposed project. (Attach sheet if more space is needed)
- This application corrects the legal descriptions of both the point of diversion and acres irrigated. (See VR No. 768-1).

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Lawrence)^{ss}

I, Arlene M. Cox, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Arlene M. Cox

Subscribed and sworn to before me this 22 day of Feb 19 89

REPORT ON VESTED RIGHT APPLICATION NO. 768A-1
ROUBAIX RANCH
SEPTEMBER 29, 1989

Application No. 768A-1 requests validation of a Vested Water Right Claim for the appropriation of 0.44 cubic feet of water per second from Elk Creek to irrigate 80 acres. The point of diversion is located between a point in the NW 1/4 SW 1/4 Section 30 and a point in the NW 1/4 SW 1/4 Section 29, T4N, R4E. The irrigated acres are located in the S 1/2 Section 30 and the NW 1/4 SW 1/4 Section 29, T4N, R4E. The claimed priority date is May 11, 1881.

Discussion

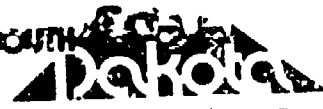
An inspection was made of Vested Right Claim No. 768-1 on June 15, 1989. The original dam and spreader ditches for this project have been replaced with a portable pacer pump. The pump has a maximum capacity of 200 gpm. The location of the diversion point and the land irrigated do not agree with the claim that was filed. The owner, Arlene Cox, stated that the lands irrigated have never been changed. The only change was to replace the dam with the portable pump. Application No. 768A-1 has been filed to make the necessary corrections.

Conclusions

1. The project was inspected and found to exist as described.
2. Water has been put to beneficial use since the system was constructed.
3. Records indicate that the priority date is May 11, 1881.
4. The applicable portions of Vested Water Right Claim No. 768-1 should be incorporated into Vested Water Right Application No. 768A-1, if validated.

Delvin Brosz/ks

DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV



Department of Water & Natural Resources

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

October 24, 1989

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Arlene Cox (Roubaix Ranch)
25 Charles Street
Deadwood SD 57732

Dear Ms. Cox:

Your Application No. 768A-1 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Lead Daily Call printed at Lead SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

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

October 24, 1989

Lead Daily Call
Box 876
Lead SD 57754

ATTENTION: Legal Department

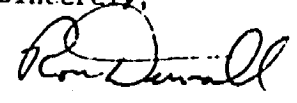
Enclosed is a Notice of Hearing to Validate Vested Right Application No. 768A-1 to be published twice. Please publish the notice on or before October 31, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Arlene Cox (Roubaix Ranch), 25 Charles Street, Deadwood SD 57732.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE
TO: ATTN: Ron Duvall
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Validate A Vested Right Application which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____
Newspaper _____



Instruction to Newspaper - Publish first Notice on or before October 31, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 768A-1 to Appropriate Water

Notice is given that Arlene Cox (Roubaix Ranch), 25 Charles Street, Deadwood SD 57732 has filed an application to validate a vested water right claim to appropriate 0.44 cubic feet of water per second (cfs) from Elk Creek to irrigate 80 acres. The point of diversion is located between points in the NW 1/4 SW 1/4 Section 30 and in the NW 1/4 SW 1/4 Section 29 and the irrigated acres are located in the S 1/2 Section 30 and the NW 1/4 SW 1/4 Section 29; all in T4N-R4E. The water use has a claimed priority date of May 11, 1881.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 768A-1 for 0.44 cfs and that the applicable portions of Vested Water Right Claim No. 768-1 be incorporated into No. 768A-1 and that the abandoned portions of No. 768-1 be cancelled, because 1) water has been appropriated as described for irrigation with a priority date of May 11, 1881, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on December 6, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

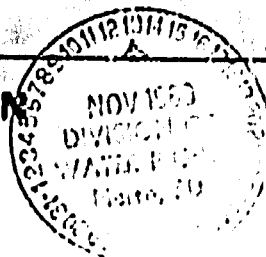
Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 24, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 24, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Lincoln) ss.I, Frank C. Perrycertify that the attached printed Notice was taken
from the Lead Mining NewsA newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the CityCity of LeadCounty of Lincoln and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:October 30, 1989November 6, 1989Frank C. Perry
(Signature)President, Lead Mining News
(Title)November 6, 1989
(Date Signed)Cost of Printing: 44.29

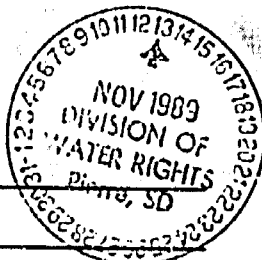
NOTICE OF HEARING

To Validate the
Vested Water Right
Application No. 768A-1
to Appropriate Water

Notice is given that Arlene Cox (Roubals Ranch), 25 Charles Street, Deadwood, SD 57732 has filed an application to validate a vested water right claim of 11 cfs from Elk Creek to irrigate 80 acres. The point of diversion is located between points in the NW 1/4 SW 1/4 Section 30 and in the NW 1/4 SW 1/4 Section 29 and the irrigated acres are located in the S 1/2 Section 30 and the NW 1/4 SW 1/4 Section 29; all in T4N-R4E. The water use has a claimed priority date of May 11, 1881.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 768A-1 for 0.44 cfs and that the applicable portions of Vested Water Right Claim No. 768-1 be incorporated into No. 768A-1 and that the abandoned portions of No. 768-1 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of May 11, 1881; 2) the use has been developed without unlawful impairment of existing rights; 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on December 6, 1989 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearings.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-



Affidavit of Water Use

No. 768-1

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction of a water use system already constructed is needed, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Ranbair's RanchPost Office Address 35 Charles, Deadwood So. Dak 57732
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording May 11, 1881 at 11:15 AM Recording date May 11, 1881 14 558
Where Book Page

B. Date of start of construction of water supply system _____

C. Date that water was first applied to beneficial use May 11, 1881D. Name of owner of original water supply system Wm. E. DelaneyE. Amount of water originally applied to beneficial use 1.42F. Present Use of Water - Amount of water now being used 0.44Date that this water was first used May 11, 1881

G. Chronological History of Water Use

Water was first diverted by ditch. It is now being used with a pump system with flood or sprinkler

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of LawrenceI, Arlene M. Cox the applicant, certify that I have read the foregoing and that the matters therein stated are true.Signed Arlene M. CoxSubscribed and sworn to before me Sept. 25 1989

My Commission Expires 4-20-95

Arlene M. Cox
Notary Public or other qualified officer

I, the undersigned, do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

SOUTH DAKOTA
VESTED WATER RIGHT NO. 768A-1 FOR IRRIGATION

Date of Receipt of Claim September 26, 1989.

Date of validation December 7, 1939.

The Water Management Board validated Vested Water Right Claim No. 768A-1 for irrigation purposes for Arlene Cox (Roubiav Ranch), 2E Charles Street, Deadwood SD 57732 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 768A-1 appropriates 0.44 cubic feet of water per second from Elk Creek to irrigate 80 acres. The Elk Creek diversion point is located between the NW1/4 SW1/4 section 30 and the NW1/4 SW1/4 section 29 and the irrigated acreage is located in the S1/2 section 30; NW1/4 SW1/4 section 29; all in T4N-R4E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. The water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is May 11, 1881.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of Vested Water Right No. 768A-1 incorporates the applicable portions of Vested Water Right Claim No. 768-1 into No. 768A-1 and cancels the abandoned portions of No. 768-1.
2. That Vested Water Right No. 768A-1 is subject to domestic use rights. Diversion of water under Water Right No. 768A-1 is contingent upon supplies being available first to domestic users.

WATER MANAGEMENT BOARD

By: John H. Hetch
Chief Engineer

MAR 21 1990

date

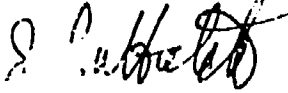
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 768A-1, Arlene Cox (Roubaix Ranch)

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 768A-1, Arlene Cox (Roubaix Ranch), 25 Charles Street, Deadwood SD.

The Chief Engineer is recommending VALIDATION of Application No. 768A-1 for 0.44 cfs because 1) water has been appropriated as described for irrigation use with a priority date of May 11, 1881, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Approval of vested water right No. 768A-1 incorporates the applicable portions of vested water right claim No. 768-1 into No. 768A-1 and cancels the abandoned portions of No. 768-1.
2. That Vested Water Right No. 768A-1 is subject to domestic use rights. Diversion of water under Water Right No. 768A-1 is contingent upon supplies being available first to domestic users.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 23, 1989

SOUTH DAKOTA Department of
Water & Natural Resources

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

November 3, 1989

Arlene Cox
Roubaix Ranch
25 Charles Street
Deadwood SD 57732

Dear Ms. Cox:

Enclosed is your check in the amount of \$15.00. Our records indicate you have already submitted this Vested Right Filing fee and should have received Receipt No. 411922 for that amount.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosure



Department of Water & Natural Resources

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

MAR 21 1990

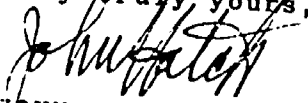
768A-1

Arlene Cox
Roubiax Ranch
25 Charles Street
Deadwood SD 57732

Dear Ms. Cox:

Enclosed are your Validated Vested Water Right and Water License No. 768A-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


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

enclosures



January 30, 1996

NOTICE

768A-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: ARLENE COX, HC 73 BOX 2291, DEADWOOD, SD 57732

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 768A-1. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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 9:45 am, March 6, 1996, 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) 768A-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, 1996 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.

SENDER:

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

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

Consult postmaster for fee.

4a. Article Number 2318318 8334b. Service type: ☒ Certified ☐ Insured☐ Registered ☐ Express Mail☐ Return Receipt for Merchandise ☐ COD7. Date of Delivery 1/31/90

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

5. Received By: (Print Name)

6. Signature: Arlene Cox

2811, December 1994

Thank you for using Return Receipt Service

Domestic Return Receipt

Your RETURN ADDRESS completed on the reverse side?

ARLENE COX

HC 73 BOX 2291

DEADWOOD SD 57732

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10



UNITED STATES POSTAL SERVICE

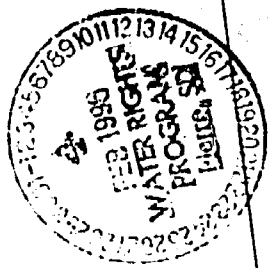
• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES

WATER RIGHTS PROGRAM

JOE FOSS BLDG.

PIERRE, SOUTH DAKOTA 57501





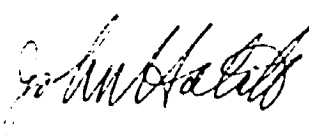
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 1996

NOTICE OF AMENDMENT OF WATER PERMIT

TO: ARLENE COX, HC 73 BOX 2291, DEADWOOD, SD 57732

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352 

SUBJECT: Amendment to Water Permit No. 768A-1

Pursuant to the provisions of the notice dated January 30, 1996, and following the hearing March 6, 1996, the Water Management Board has amended Water Permit No. 768A-1 to add the following qualification:

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

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

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

768A-1

CERTIFICATION

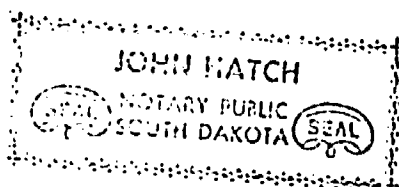
I hereby certify that on March 7, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1996, regarding Notice of Amendment of Water Permit Nos. 1280-2, 1335-3, 2097-3, 136-1, 2453-3, 768A-1, 2534-3, 3255-3, 550-3, 910-2 and 3466-3, addressed as stated below:

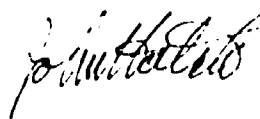
- 1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.
- 1335-3: John M. Casey, RR 1 Box 262, Mitchell, SD 57301.
- 2097-3: Keven L. Christensen, RR 2, Box 220, Bruce, SD 57220.
- 136-1: Cinch Buckle Ranch, RR 2, Box 2660, Belle Fourche, SD 57717.
- 2453-3: Percy Coleman Box 103, Springfield, SD 57062.
- 768A-1: Arlene Cox, HC 73, Box 2291, Deadwood, SD 57732.
- 2534-3: Barry Inslund, RR 2, Box 26, Conde, SD 57434.
- 3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.
- 550-3: Brad Schnabel, RR 4, Box 268, Huron, SD 57350-8915.
- 910-2: Frank W. Schooler, HCR 7, Box 13, Reliance, SD 57569
- 3466-3: I A Schwan, P O. Box 97, Hitchcock, SD 57348-0097


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

RECEIPT

411722

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, September 26, 1980, 1980

RECEIVED OF Roubaix Ranch, 27 Charles Street, Deadwood, SD 57732

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

Fee for Application for Permit No. 7624-1 to Appropriate Water, to construct works and to put water to beneficial use

15 00

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

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

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

Fee for Filing Transfer Form _____

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

15 00

[Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 7, 1996

768A-1

Dennis Anderson
HC 73 Box 1231
Deadwood, SD 57732

Dear Mr. Anderson:

Enclosed, as we discussed, is a copy of Vested Water Right License No. 768A-1 and a "Notice of Transfer of Ownership" form. The vested right is currently listed in the name of Arlene Cox.

You indicated you may be purchasing a portion of the land described in No. 768A-1. The water right can be divided and reissued to reflect separate ownership. This process will not affect the priority date of the original vested right.

When you are ready to file the ownership change, please complete the enclosed transfer form and sign it in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

Sincerely,

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

enclosures

768A-1

Pursuant to the *Notice of Transfer of Ownership* filed March 5, 1997, Water Right 768A-1 was divided and reissued to reflect separate ownership.

Water Right No. 768A-1 was divided and reissued as follows:

No. 768B-1, Dennis or Linda Anderson: irrigation of 40 acres in the NE 1/4 SE 1/4, NE 1/4 SW 1/4, NW 1/4 SW 1/4, Section 30; with diversion of 0.22 cubic feet of water per second from Elk Creek located between the NW 1/4 SW 1/4 Section 30 and the NW 1/4 SW 1/4 Section 29; all in T4N-R4E.

No. 768C-1, Darrell or Carol Iwan: irrigation of 40 acres in the NW 1/4 SE 1/4, NE 1/4 SE 1/4 Section 30 and NW 1/4 NW 1/4 Section 29; with diversion of 0.22 cubic feet of water per second from Elk Creek located between the NW 1/4 SW 1/4 Section 30 and the NW 1/4 SW 1/4 Section 29; all in T4N-R4E.