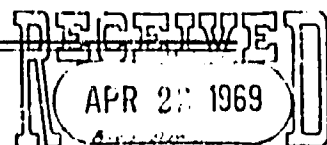


865-1

1. Considered July 16, 1969
2. Name of Applicant Solomon Stark
3. Post Office Address Hiland, S.D.
4. Amount of water claimed 2.14
5. Source of water supply Belle Fourche River
6. Water to be used for Irrigation
Acres to be irrigated 150
7. Water to be diverted and used in Butte county
about _____ miles _____ of _____
8. Proof of Publication
Received 1/21
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 865-1Water Division No. 1 BELLE FOURCHE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

I. Name of applicant SOLOMON STARK Phone 257-2388
Postoffice address HIGHLAND 57762, County BUTTE, State S.D.

1. If a corporation _____
- (a) Name of _____
- (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 STARK PUMPING PROJECT3. Amount of water claimed 2.14 cubic feet per second4. Source of water supply BELLE FOURCHE RIVER
Between a point 1360 ft. N.75° W. from the SE Cor, Sec. 8, T. 8 N., R. 5 E-BM.5. Location of point of diversion and a point 5.330 ft. from the N. 1/4 cor. S. 16, T. 8 N., R. 5 E-BM
on ENTIRE bank ROUTE County.6. Annual period or periods during which water is to be used APRIL THRU OCTOBER

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? COMBINATION.

(a) Number of acres to be irrigated 150 acres.
NE-SE, 14 ac., SE-SE 30 ac., Sec. 8, T. 8 N., R. 5 E- 44 ac.

(b) Legal subdivisions to be irrigated _____
(NOTE--A list of lands to be irrigated, giving each subdivision and acreage thereof, should be written here, or may be appended as a part of this application. Name must also be shown on accompanying map.)

SW-SW- 31 ac. Sec. 9, T. 8 N., R. 5 E-BM 31 ac.

(c) Statement as to domestic use (giving location, etc.)
NW-NW-33 ac., NE-NW-35 ac., SW-NW-2 ac., SE-NW- 5 ac. S. 16, T. 8 N. 5 75 ac

IRRIGATION ONLY AND STOCKWATER 150 ac.

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

(a) Nature of use IRRIGATION AND STOCKWATERING
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 Y V N

MAP No: 720-1

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 Land leveling & clearing ? ? ? Total, \$.....
 (e) Other structures \$.....
 CORNELL PUTAP 6" intake-3" discharge w/ Model 4 RBLH-25.4
 Description of diversion works. Serial # 6547-104

1. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
 25 HP General Electric Motor. Capacity 1300 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	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
 Material.....
 (d) Canal: Total length.....miles. Ditches only

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

THE NEWELL IRRIGATOR, NEWELL, SO. DAK.

STATE OF SOUTH DAKOTA

County of BUTTE ss.

I, SOLOMON STARK, 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

Subscribed and sworn to before me this 24th day of April, 1909 19

Carl M. Cornell

Notary Public (or other qualified officer)

*Each diversion must have a headgate or measuring device.

CARL M. CORNELL

PLAT
OF

THE STARK PUMPING PROJECT IN SECTIONS 8, 9 & 16, T. 8 N., R. 5 E., S. 16 E.,
IN BUTTE COUNTY, SOUTH DAKOTA.

- - SURVEYOR'S CERTIFICATE - -

I, CARL W. CORNELL, LICENSED SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA,
DO HEREBY CERTIFY THAT, AT THE REQUEST OF SOLOMON STARK, OF BURLAND, S.D.,
I HAVE MADE A SURVEY AND PREPARED THIS PLAT, OF THE STARK PUMPING PROJECT,
FOR THE PURPOSE OF SHOWING THE IRRIGABLE AREAS ENCLOSED IN SAID PROJECT.

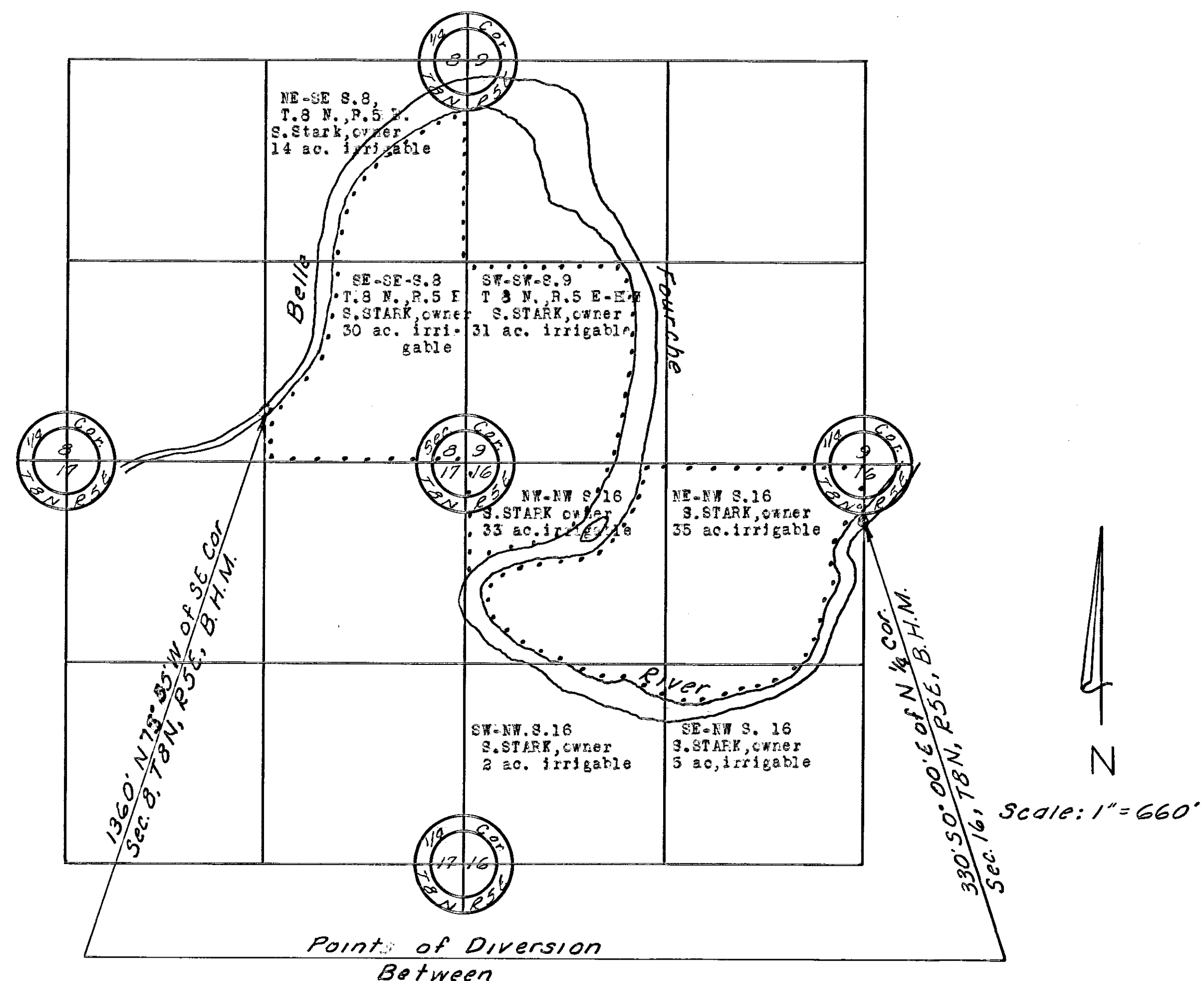
I FURTHER CERTIFY THAT THE BEARINGS AND LENGTHS OF ALL LINES SHOWN AND THEIR
LOCATIONS WITH REFERENCE TO THE GOVERNMENT LAND CORNERS SHOWN ARE CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SUBSCRIBED AND SWORN TO AT BUFFALO, SOUTH DAKOTA THIS 18th DAY OF APRIL 1969.

Carl W. Cornell
(SEAL)
CARL W. CORNELL, BUFFALO, S.D.

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTH DAKOTA THIS 18th DAY OF
APRIL 1969.

Glenn L. Liddell
(SEAL)
NOTARY PUBLIC.



Remarks by State Water Resources Commission:

DIVERSION OF WATER UNDER THIS PERMIT IS CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO THE PRIOR WATER RIGHTS ON THE BELLE FOURCHE RIVER. FLOW RECORDS SHOW THAT THERE ARE SEASONAL YEARS WHEN THE FLOWS OF THE BELLE FOURCHE RIVER IN THIS AREA ARE DEFINITELY AND APPRECIABLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST AND SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT, DURING SUCH LOW FLOW PERIODS.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JULY 30, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 22ND day of APRIL, 1969

State Water Resources Commission

By:

Burton
for Chief Engineer, Executive Officer

Number of permit 845-1

Date of first receipt of application APRIL 22, 1969

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 APRIL 22, 1969

Approved JULY 16, 1969 Recorded in Book 11 Page 25

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 _____

JANUARY 16, 1971

2nd. The whole of said work is to be completed on or before JULY 16, 1972

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

JULY 16, 1975

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 2.14 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-seventh (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 JULY 16, 1975; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 30TH day of JULY, 1969.

State Water Resources Commission

By:

Chad
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 4, 1971

Water License Issued OCTOBER 4, 1971

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 865-1

(1) WHEREAS, On the 22nd day of April A. D. 19 69
Solomon Stark

made Water Right Application No. 865-1 for a permit to use 2.14 cubic feet per second of the waters
of Belle Fourche River

County of Butte State of South Dakota, for irrigation

purpose and

(2) WHEREAS, On the 30th day of July A. D. 19 69
Permit No. 865-1 with a date of priority of April 22, 1969

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 16th day of July A. D. 19 72 and for the
application to beneficial use of said water on or before the 16th day of July A. D. 19 75

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 2.14 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 T8N R5E

		Acres
Section 8	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30
Section 9	SW $\frac{1}{4}$ SW $\frac{1}{4}$	31
Section 16	NW $\frac{1}{4}$ NW $\frac{1}{4}$	33
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	2
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	5
Total		150 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 Solomon Stark

_____ of Nisland
the holder _____ and owner _____ of said permit No. 865-1 a water right, dating from April 22, 1969
_____ to use of 2.14 cubic feet per second of the waters
of Belle Fourche River

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted between points North 75°35' West, 1360' of the SE
Corner, Section 8, and South 0°, 330' from the N½ Corner, Section 16. T9N, R5E

and conduct to and upon Sections of Sections 8, 9 and 16, T6N, R5E, more fully described on
the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 865-1 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.
Seventy-one
Nineteen Hundred and _____

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 865-1Water Diversion No. 1 BELLE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Solomon Stark

_____ the holder _____ of
 Permit No. 865-1, issued upon Application No. 865-1, bearing date of priority of April 22,
1969 authorizing the diversion of 2.14 cu. ft. per second of the waters of
Belle Fourche River County of Datte, State of South Dakota at
between points North 75°25' West, 1360' of the SE Corner, Sec. 8 and South 0°330'
from the NE Corner, Section 10, T8N, R3E
 _____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 3.33 cu. ft. per second of water.

Date October 4, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

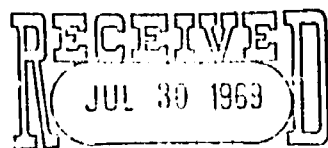
STATE OF SOUTH DAKOTA }
County Butte } ss.Clarence Woodard

being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Valley Irrigator a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Verell County of _____Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:June 19, 1960June 26, 1960July 3, 1960July 10, 1960in each and every issue of the full number thereof, the first publication being made on the 10 day of June1960 and the last publication on the 10 day of July 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.Clarence WoodardSubscribed and sworn to before me this 10 day of July A. D. 1960.Notary Public Butte County, S. D.APPROPRIATION OF WATER
Office of State Water Resources
Commission.Pierre, S. Dak., May 13, 1960
Notice is hereby given that Solomon Stark whose postoffice address is Ni-Jand, 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 2.14 cubic feet of water per second of time from the Belle Fourche River through the Stark Pumping Project, the point of diversion of which is to be located on the either bank of said stream between points in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16 Twp. 8N Range 3E. Said water to be used for the purpose of providing irrigation on portions of the following described land: E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 8; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 9; NW $\frac{1}{4}$, Section 16, all in T8N, R5E.

The application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of July, 1960, at 2:00 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.
Pub. June 19-26 July 3-10STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

on or before **June 19**, 19**69**
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., **May 13, 1969**

Notice is hereby given that **Solomon Stark** whose post-office address is **Nisland** 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 **2.14** cubic feet of water per second of time from the **Bella Fourche River** through the **Stark Pumping Project**, the point of diversion of which is to be located on the **either** bank of said stream **between points in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 8, and NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 16** Twp. **8N** Range **5E** Said water to be used for the purpose of providing irrigation **portions of** the following described land:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 8; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9; NW $\frac{1}{4}$, Section 16, all in T8N, R5E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **16th** day of **July**, 19**69**, at **2:00 P.M.** All interested persons may appear and be heard.

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

State Water Resources Commission

cc: **Solomon Stark, Nisland, S.D.**

By:

~~Chief Engineer, Executive Officer~~
BURTON F. JONES
Water Rights Specialist

Permit No. 865-1Water 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 SOLOMON STARK of NISLAND holder of Permit No. 865-1, bearing date of priority of APRIL 22, 1969 authorizing the diversion of 2.14 cu. ft. per second of the waters of BELLE FOURCHE RIVER 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 MODEL P08DF 10" INLET 8" OUTLET
PUMP, POWERED BY 30HP. LINCOLN ELECTRIC
MOTOR

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

400' OF 10" TO DITCHES
APPROX 2700' OF DITCH IS CONCRETE LINED

C. Works used to apply water to beneficial use.

SYPHON TUBES TO LEVELLED LAND

The system is in the following condition: EXCELLENT

The point of diversion is located BETWEEN POINTS N75°35'W, 1360' & THE SE
CORNER SECTION 8 AND S0° 330' FROM THE N¼ CORNER,
SECTION 16, T8N, R5E

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 T8N, R5E

SECTION 8	SECTION 9	SECTION 16
NE¼SE¼ 14 ACRES	SW¼SW¼ 31 ACRES	NW¼NW¼ 33 ACRES
SE¼SE¼ 30 "		NE¼NW¼ 35 "
		SW¼NW¼ 2 "
		SE¼NW¼ 5 "

comprising a total of 150 acres of land.Date SEPTEMBER 30, 1971

Dwight Jones
(Signature)
WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8262

June 15, 1981

PIERRE,

Soleman Stark, Hisland, SD 57762

RECEIVED CF

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		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		67.50
Fee for water master services on WR#865-1		
Fee for (any other work as provided by law)		
TOTAL		67.50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

SOUTH DAKOTA
Department of
Water & Natural Resources
Water Rights Division (605) 773-3352
Joe Foss Building
Pierre, South Dakota 57501

June 10, 1981

Solomon Stark
Hiland, SD 57762

Mr. Stark:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
865-1	2.14	150.0	\$67.50

TOTAL \$67.50

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gv

Equal Opportunity Employer

11-29-05

DENR:

Please send me a transfer of ownership form for water Rights as I have acquired my father's (Solomon Stark) Farm. PERMIT # 865-1.

THANK You,

Solomon Stark
18761 Stonelake Rd.
NISLAND, S.D.
57762

RECEIVED
NOV 30 2005
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 1, 2005

865-1

Peter Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Mr. Stark:

Thank you for notifying us of the ownership change needed for Water Right No. 865-1.

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.

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

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 865-1

Date: 12-6-05

I/We request that Water Right No. 865-1

formerly owned by: Solomon Stark

be transferred to: (name & address) Peter Stark, 18761 Stonelake Rd, Nisland SD 57762

4 DOROTHY FORTAK

Telephone No. 257-2136

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

150 acres - E 1/2 SE 1/4 Section 8; SW 1/4 SW 1/4 Section 9 and the NW 1/4 Section 16, all in T8N, R5E

I/We understand that the validity of Water Right No. 865-1 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 Peter STARK, 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 leg;
3. For a third violation of a condition of a water permit/right.

RECEIVED
DEC - 8 2005
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 1, 20 05

RECEIVED OF Black Hawk, Peter Stark, 18761 Stonelake Rd., Midland SD 57702-9711

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>86501</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

002011

By

J. D. [Signature]
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 2005

865-1

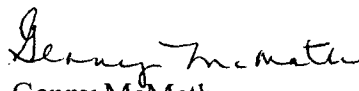
Peter Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Mr. Stark:

Thank you for following up on the ownership change for Water Right No. 865-1. The transfer has been completed. The water right formerly listed in the name of Solomon Stark is now listed in the names of "Peter Stark and Dorothy Fortak".

Enclosed is your Receipt No. 002045 in the amount of \$2.50. 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



865-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: PETER C STARK, 18761 STONELAKE RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 865-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1208-1 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1208-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 865-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 1, 2012

865-1
1208-1

Peter C Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Mr. Stark:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 865-1 and 1208-1. 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
email: genny.mcmath@state.sd.us

865-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 4, 2012

865-1
1208-1

Vicki Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Ms. Stark:

Thank you for contacting us concerning the ownership changes needed for Water Right Nos. 865-1 and 1208-1. I have enclosed a copy of both water rights for your records.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 5, 2012

865-1

Stark Family Trust
Fred Heidrich, Trustee
722 Harding St
Spearfish SD 57783

Dear Mr. Heidrich:

I am writing in regard to Water Right No. 865-1 currently listed in the name of Peter Stark and Dorothy Fortak (copy enclosed). I spoke with Vicki Stark concerning the water right and was told that the land is currently held by the Stark Family Trust.

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 \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure

RECEIVED

SEP 10 2012

WATER RIGHTS
PROGRAM

Hood & Nies, P.C.

ATTORNEYS AT LAW

E. James Hood
Lester Nies*
Eric John Nies*

Coral Mills, PLS, Paralegal
Kristin D. Nies, Secretary

P.O. Box 759, 109 Main Street Spearfish, SD 57783-0759

*Licensed in South Dakota and Wyoming

September 7, 2012

Genny McMath
Water Rights Program
Joe Foss Building
PMB 2020
523 E. Capitol
Pierre, South Dakota 57501-3182

RE: Stark Family Trust

Dear Ms. McMath:

Your letter dated September 5, 2012 addressed to the Stark Family Trust, Fred Heidrich, Trustee was given to me by Mr. Heidrich. Peter Stark is deceased having died March 3, 2012 and enclosed is a copy of his death certificate. Dorothy A. Fortak is deceased having died July 9, 2012 and enclosed is a copy of her death certificate.

I also enclose a copy of the Warranty Deed signed by Dorothy Fortak and recorded on July 9, 2012 the date of her death conveying the property therein described to the Stark Family Trust.

Mr. Heidrich was provided an unsigned copy of the Stark Family Trust enclosed in a letter signed by Dorothy Fortak on the date of her death but not received by Mr. Heidrich until after Dorothy Fortak's death. As of this date, we have been unable to locate a signed copy of the Stark Family Trust agreement.

Until such time as a signed copy is located Mr. Heidrich has no legal authority to act as Trustee of what appears to be a nonexistent trust.

I do note that your Notice of Transfer of Ownership form 865-1 includes the E1/2SE1/4 of Section 8, Township 8 North, Range 5 East of the Black Hills Meridian, Butte County, South Dakota, whereas the deed to the Stark Family Trust described the E1/2NE1/4 of Section 8, Township 8 North, Range 5 East of the Black Hills Meridian, Butte County, South Dakota.

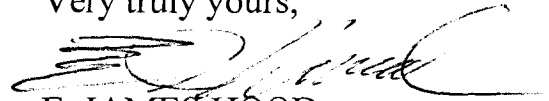
Page 2

This office represents Werner H. Fortak surviving spouse and sole beneficiary of the estate of Dorothy A. Fortak. Werner H. Fortak was appointed Personal Representative of the estate on August 31, 2012. Enclosed is a copy of the Letters of Personal Representative.

I would request that any transfer of water rights be held in abeyance until the existence of the Stark Family Trust can be legally established.

Please don't hesitate to contact me if you have any questions regarding this matter.

Very truly yours,



E. JAMES HOOD

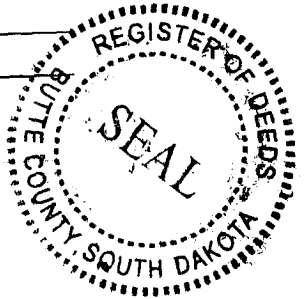
EJH:cdm
Enclosures
cc: Fred Heidrich
Vicki Stark
Werner H. Fortak

2012-1401

BOOK 420 PAGE 907

Register of Deeds

Butte County, South Dakota

Recorded July 9, 2012
at 4:50 PMDoc# 2012-1401Book 420 Page(s) 907Fee 30.00By [Signature]
Register of Deeds

Prepared by
Dorothy Fortak
PO Box 45
Niand SD 57762
605-569-1869

Exempt From Transfer Fee

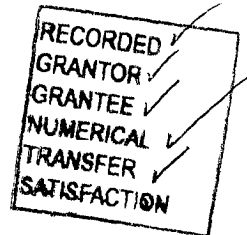
WARRANTY DEED

Dorothy Fortak, grantor, of Niand, and state of South Dakota and in consideration of 1.00 dollars (\$ 1.00) Dollars in hand paid, receipt whereof is hereby acknowledged, CONVEY AND WARRANT TO Stark Family Trust, grantee, of 723 Harding Street Spearfish SD 57783 County and State of South Dakota the following described real estate, situate in Butte County and State of South Dakota, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit:

Sec 8 T8 R5
E 1/2 NE 1/4 (157.41 acre portion)

Sec 9 T8 R5
NW 1/4 SW 1/4 (53.35 acre portion)
SW 1/4 SW 1/4

Sec 16 T8 R5
W 1/2



WITNESS my hand on the 9th day of July, 2012

Exempt From
Transfer Fee
SDCL 43-4-22(15)

Signed, Sealed and Delivered in Presence of

[Signature: Dorothy Fortak]

State of South Dakota

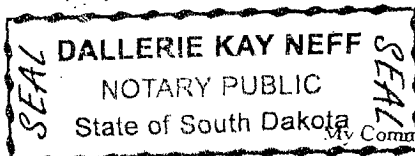
County of Butte

The foregoing instrument was acknowledged before me by

Dorothy Fortak

this 9th day of July, 2012

Witness my hand and official seal.



My Commission Expires
October 9, 2014



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 10, 2012

865-1

E James Hood
Hood & Nies PC
Attorneys at Law
PO Box 759
Spearfish SD 57783-0759

Dear Mr. Hood:

Thank you for your letter of September 7th regarding Water Right No. 865-1, listed in the name of Peter Stark and Dorothy Fortak.

It is my understanding that ownership or establishment of a trust has not yet been determined. It will be fine to hold up on filing an ownership change with the water right until the legal matters have been settled. In the interim, since Vicki Stark leases the land, I will forward the annual irrigation questionnaire to her for completion.

In your letter, you mentioned the discrepancy in the legal description I had typed on the transfer of ownership form and how it differs from the warranty deed. The legal description I included on the transfer form was taken from the water right. I am forwarding you a copy of the map and water license for your review. Please let me know if something needs to be changed.

Also enclosed are the death certificates for Mr. Stark and Ms. Fortak. All documents associated with a water right are scanned and become open to the public in the form of an on-line searchable pdf file. Since the death certificates contain social security numbers, I felt that it was best not to have them in the file.

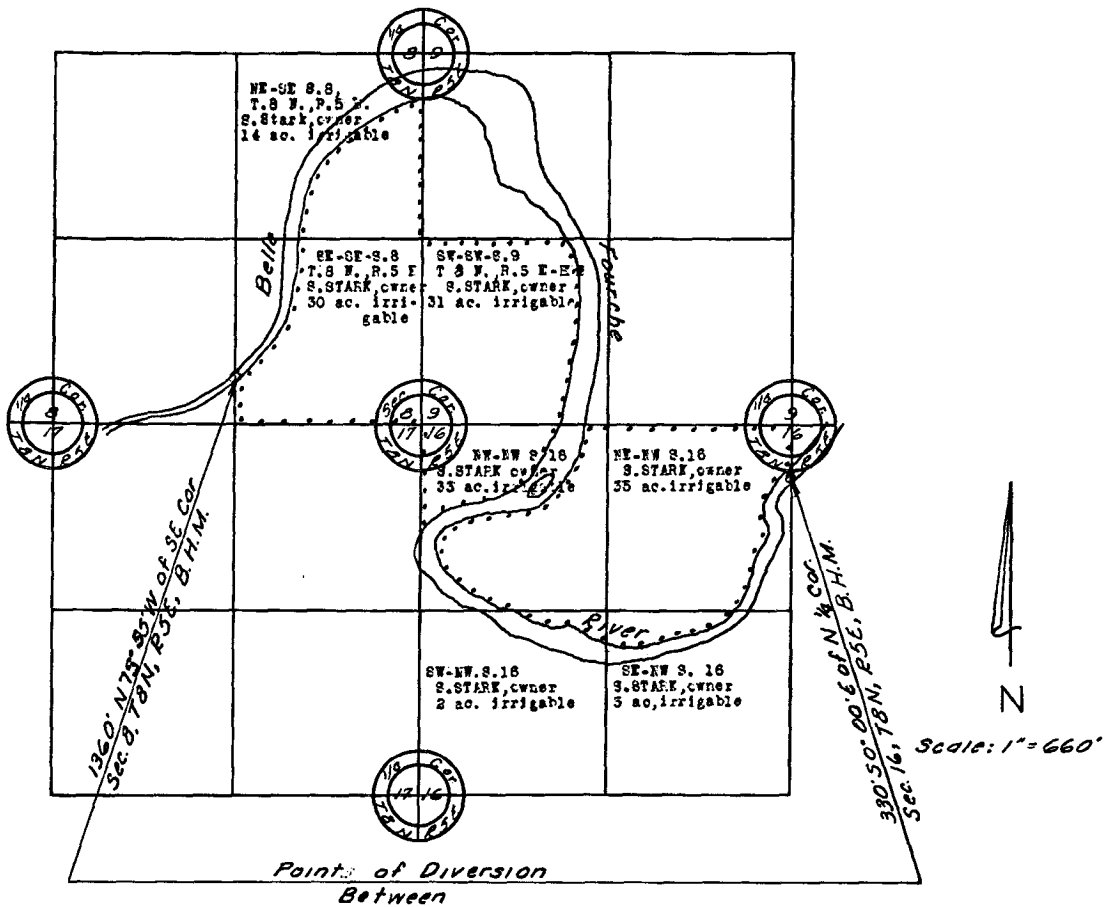
Please keep in touch and let us know when ownership of the property has been determined and the water right can be transferred.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

map of 865-1 (submitted with application)



865-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 19, 2012

865-1
1208-1

Vicki Stark
18761 Stonelake Rd
Nisland SD 57762

Dear Ms. Stark:

I am writing in regard to the irrigation questionnaires you submitted for Water Right Nos. 865-1 and 1208-1. I am returning them to you for completion.

In order for us to calculate how much water is used from a particular source of water, we need to know the pump rate, days per month and average hours per day water was applied. Please take a look at the backside of the enclosed forms and fill in the last three columns.

I am enclosing a postage paid envelope for your convenience in returning the forms. Thank you in advance for your help.

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/13, 20 12

RECEIVED OF Werner H Fortak 4250 Hwy 24 Alladin WY 82710

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>865-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 05763

By

Charles J. Erdel
Chief Engineer

RECEIVED
DEC 13 2012
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 865-1

Date:

12/11/12

I/We request that Water Right No. 865-1

formerly owned by: Peter Stark and Dorothy Fortak

be transferred to: (name & address)

Werner H. Fortak
4250 US Hwy 24
Aladdin, WY 82710

Telephone No. 307-896-3007

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

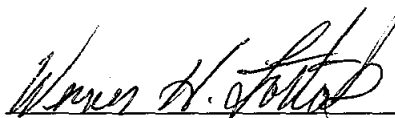
150 acres - E ½ SE ¼ Section 8, SW ¼ SW ¼ Section 9 and NW ¼ Section 16, T8N, R5E

I/We understand that the validity of Water Right No. 865-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Werner H. Fortak, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 2, 2013

865-1

Werner H Fortak
4250 US Hwy 24
Aladdin WY 82710

Dear Mr. Fortak:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for transferring Water Right No. 865-1. The ownership change has been completed. Water Right No. 865-1 formerly held by Peter Stark and Dorothy Fortak is now listed in your name.

For informational purposes, each year in October we mail out an irrigation questionnaire to irrigators for reporting water use for that specific year. I am sending you a sample copy of the form to give you an idea of what type of irrigation records to keep track of during the season. The actual for you will need to complete and return to us will be mailed to you in October, 2013.

Enclosed for your records is Receipt No. 05763 in the amount of \$50.00 which you paid for filing the ownership change. I have also included a copy of the water right for you to keep. If you have any questions, please contact me.

Sincerely,

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

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

MAY 13 2013

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 865-1
Date: 5/8/13

I/We request that Water Right/Permit No. 865-1 formerly owned by:

Dorothy A. Fortak be transferred to:

New Owner Name: JDS Enterprizes, LLC

Address: 1720 Samco Rd

City, State, Zip Rapid City S.D. 57702 Telephone No. 605-391-0086

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

☒ I understand that the validity of Water Right/Permit No. 865-1 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, JDS Enterprizes, LLC, the new owner, certify that the above information is true and correct.

Dale Schmidt managing 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 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 5/13, 20 13

RECEIVED OF Black Hills Title & Abstract PO Box 459 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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>865-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06335**

By

Jeannine Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

May 14, 2013

865-1

Dale Schmidt
JDS Enterprizes LLC
1720 Samco Rd
Rapid City SD 57702

Dear Mr. Schmidt:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership of Water Right No. 865-1.

The area on the transfer form which describes the property to be transferred was not filled in; however it is my understanding from our phone conversation that you purchased the entire 150 acres described in the water right. The ownership change has been completed. Water Right No. 865-1 formerly held by Werner Fortak is now listed in your name. I have included a copy of the water right for your records.

During our phone conversation, you inquired about priority dates for water rights on the Belle Fourche River. Enclosed are two listings for the Belle Fourche River. One is a listing of water permits that are sorted in priority date order (see last column). A water permit authorizes construction of a water use system and placement of water to beneficial use but has not yet been inspected for licensing purposes to determine the extent of development. The second is a list of water rights which are also sorted in priority date order. A water right is a licensed permit meaning someone from our office has went out and conducted an on-site investigation to enable a water license to be issued for the project as developed.

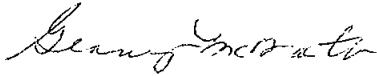
For informational purposes, each year in October we mail out an irrigation questionnaire to irrigators for reporting water use for that specific year. I am sending you a sample copy of the form to give you an idea of what type of irrigation records to keep track of during the season. The actual for you will need to complete and return to us will be mailed to you in October, 2013.

As a new water right holder, I also wanted to let you what the criteria was for maintaining a water right. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Page 2
May 14, 2013
JDS Enterprizes LLC

The receipt for the \$50.00 fee paid for transferring the water right is being forwarded by copy of this letter to the Black Hills Title & Abstract in Spearfish SD. If you have any questions, please contact me.

Sincerely,

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

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

enclosures

c: Black Hills Title & Abstract, PO Box 459, Spearfish SD 57783 0459



865-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: JDS ENTERPRIZES LLC, DALE SCHMIDT, 1720 SAMCO RD, RAPID CITY, SD 57702

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) 865-1 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) 865-1 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>

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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

February 9, 2015

865-1

Dale Schmidt
JDS Enterprizes LLC
1720 Samco Rd
Rapid City SD 57702

Dear Mr. Schmidt:

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

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 865-1. 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