

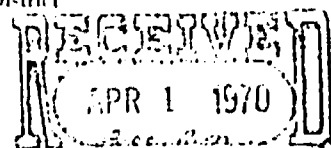
Water Right Number 892-1

1. Considered MAY 30, 19 70
2. Name of Applicant BOB BARTELS
3. Post Office Address NEWELL, S.D.
4. Amount of Water claimed 1.0
5. Source of Water supply BELLE FOURCHE RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 70
7. Water to be diverted and used in BUTTE County
about 2N 2E miles 1 of VALE
ST
8. Proof of Publication
Received 1 ST
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

See 426-1

No. 892-1Map No. _____ Water Division No. 1 BELLE FOURCHE RIVER District _____
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Bob Bartels
Post-office address Newell, S. D., State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & direct labor
3. Name of diversion work Bartels #1
4. Amount of water claimed (cubic feet per second) 1.0
5. Source of water supply Belle Fourche River
6. Location of point of diversion between points N. 42° east, 1777' from the S½ Corner and N 90° east, 132' from the N½ Corner, Section 14, T8N, R5E
County Butte
7. Annual period or periods when water is to be used April thru October
8. Use to be made of water (agriculture, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 70

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.	Land Description	No. Acres Irr.
NW¼ NE¼	31		
SW¼ NE¼	31		
SE¼ NW¼	8		
All in Sec. 14, T8N, R6E			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Valley Irrigator, Newell, S.D.
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
Pump and Motor
- B. Works proposed to transport water to place of use.
Mainline
- C. Works proposed to apply water to beneficial use.
Sprinkler system

Estimated Total Cost \$ _____

Attachments: Attach Form 'A' if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)STATE OF SOUTH DAKOTA)
County of Hughes) ss.I, Bob Bartels the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Robert J. BartelsSubscribed and sworn to before me this 1st day of April, 19 70Betty Westlund
Notary Public (or other qualified officer)
Betty Westlund, Tech. Assistant
Water Resources Commission

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 892-1

BOB BARTELS

(Applicant)

NEVER

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

DIVERSION OF WATER UNDER THIS PERMIT IS CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO PRIOR WATER RIGHTS ON THE BELLE FOURCHE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE BELLE FOURCHE RIVER ARE DEFINITELY AND RECOGNIZABLY 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.

The irrigation of 17 acres in the NW 1/4 SE 1/4, Section 14, T8N, R5E included in this Permit No. 892-1 is also included in Water License No. 506-1. The combination of Diversion rates under these permits cannot exceed the statutory limit of one cubic foot per seventy acres.

Date of first receipt of application APRIL 1 19 70

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

Date of receipt of corrected application — 19 —

Approved MAY 20 19 70 Recorded in Book 11 Page 125

WATER RIGHT PERMIT NO. 892-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 892-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 1 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 72
3. The whole of said work is to be completed on or before MAY 20 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 19 79
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 1.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 20 19 79 said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 22ND day of MAY 19 70

WATER RESOURCES COMMISSION

By:

C. C. O'Brien

Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 18 19 82

Water License Issued JANUARY 18 19 82

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 892-1

(1) WHEREAS, On the 1st day of April A. D. 19 70
Bob Bartels

made Water Right Application No. 892-1 for a permit to use 1.0 cubic feet per second of the waters
of the Belle Fourche River

County of Butte, State of South Dakota for irrigation

purposes; and

(2) WHEREAS, On the 20th day of May A. D. 19 70

Permit No. 892-1, with a date of priority of April 1, 1970

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 20th day of May A. D. 19 75 and for the
application to beneficial use of said water on or before the 20th day of May A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.0 cubic feet
per second of water for beneficial use and,

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

to irrigate the following lands all in Section 14, T0N, R6E

	acres
NW 1/4 NE 1/4 (AB)	31
SW 1/4 NE 1/4 (AC)	31
SE 1/4 NW 1/4 (BD)	8
TOTAL	70 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 Bob Bartels

_____ of Midland, South Dakota

the holder _____ and owner _____ of said permit No. 892-1 a water right, dating from April 1, 1970

_____ to use of 1.0 cubic feet per second of the waters

of the Belle Fourche River

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at between points N 42°E, 1777' from S 1/4 corner and

N 90° east, 132 feet from the N 1/4 corner both from Section 14, T8N, R5E

(DB & AB)

and conducted to and upon portions of land in Section 14, T8N, R6E more fully described
on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 892-1 and subject to the laws of the State of South Dakota.

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

this 12th day of January A. D.

Nineteen Hundred and Eighty ^{two}

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 892-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Bob Bartels

_____ the holder _____ of
Permit No. 892-1, issued upon Application No. 592-1, bearing date of priority of April 1, 1970
_____ authorizing the diversion of 1.0 cu. ft. per second of the waters of _____
the Belle Fourche River County of Burke, State of South Dakota at _____
between point N 42°E, 1777' from S 1/4 corner, and N 90° east, 132 ft from
the N 1/4 corner, both from Section 14, T8N, R5E (DB & AB)
_____, 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 23.33 cu. ft. per second of water.

Date January 16, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Clarence Woodard hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the 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 Newell

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

April 23, 1970

April 30, 1970

May 7, 1970

MAY 14, 1970

Clarence Woodard
(Signature)

File
(Title)

5/24/70
(Date Signed)

No. 892-1
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
April 2, 1970
Notice is hereby given that Bob
Bartels whose post office address
is Newell, South Dakota, has made
an application in accordance with
the provisions of the water laws
of South Dakota for a permit to
appropriate for beneficial use 1.0
cubic feet of water per second of
time from the Belle Fourche Riv-
er through the Bartels No. 1, the
point of diversion of which is to
be located between points in the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ and in the NW $\frac{1}{4}$ NE $\frac{1}{4}$
of Section 14, Twp. 3N, Range 6E.
Said water to be used for the pur-
pose of providing irrigation on por-
tions of the following described
land: NW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 14, T6N, R6E.

This application No. 892-1 will
be considered by the Water Re-
sources Commission at their office
at Pierre upon the 20th day of
May, 1970, at 2:00 P.M. All inter-
ested persons may appear and be
heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones
Water Rights Specialist

Phone 42-423-30, 5-114

RECEIVED
MAY 22 1970

STATE WATER RESOURCES COM. PI.
PIERRE, SOUTH DAKOTA

Publish first publication, on or before April 23, 1970, 1970

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 2, 1970

Bob Bartels

Notice is hereby given that

whose post office address is Nowell, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.0 cubic feet of water per second of time from the Belle Fourche River through the

Bartels #1, the point of diversion of which is to be located in the between points in the NW 1/4 SE 1/4 and in the NW 1/4 NE 1/4

of Section 14, Twp. 8N, Range 6E. Said water to be used for the purpose of providing irrigation on the following described land:

W 1/2 NE 1/4 and SE 1/4 NW 1/4, Section 14, T8N, R6E

This application No. 892-1 will be considered by the Water Resources Commission at their office at Pierre upon the 20th day of May, 1970, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

**BURTON F. JONES
Water Rights Specialist**

cc: Bob Bartels, Nowell, S.D.

Permit No. 892-1Water Division 1 Belle Fourche River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Bob Bartels
 of Nisland, S. Dak holder
 of Permit No. 892, bearing date of priority of April 1, 1970
 authorizing the diversion of 1.0 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.
Oliver Standard 88 6 cyl diesel Tractor for River Take-off
Pump - Becker - pumps 1500 gpm
Booster pump 400 gpm for sprinkler system
Engine 4 cyl Continental Gasoline pumps 500 gpm
- B. Works used to transport water to place of use,
1000 ft 10" Aluminum
2000 ft 10" Gated Pipe.
Also uses Ditches
- C. Works used to apply water to beneficial use.
Furrows & Corrugations
Hand moved sprinklers - 1/2 mile or 4" to 6" mains

The system is in the following condition. Fair

The point of diversion is located Between Points N42°E 1717' from the NE Cor Sec 14 and
N 90°E 1321' from the NE Cor Sec 14, T8N R5E

The works are capable of diverting and conveying to the place of use 3.33
 cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Sec. 14, T8N R5E
NW 1/4 NE 1/4 - 31 Ac., SW 1/4 NE 1/4 - 31 Ac., SE 1/4 NW 1/4 - 5 Ac.

comprising a total of 70 acres of land.

License for 10 yrs

Date August 6, 1981
L. R. McManis
 (Signature)



**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division (605) 773-3352

June 10, 1981

Bob Bartels
Nisland, SD 57762

Mr. Bartels:

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>
506-1	0.23	17.0	\$14.25
✓892-1	1.00	70.0	\$77.50
TOTAL			\$91.75

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, Chief Engineer
Water Rights Division

JH/JH/gy

Equal Opportunity Employer

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 8264

June 15, 1981

PIERRE,

Robert and Rose H. Bartels, Wisland, SD 57762

RECEIVED OF _____
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 _____	27.50
Fee for _____ water master services on WR# 892-1 (any other work as provided by law)	
TOTAL	27.50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH / C.E.

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayer	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mel Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	00	14.25	12.61
892-1	Bob Bartels	1.00	75.00	27.50	24.00
417-1A	Quinten & Karen Watson	.53	70.00	29.50	26.11
417-1B	Clarence Anderson	1.43	236.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	63.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.00	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.00
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	63.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.80	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Welz	1.65	112.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	86.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acrrage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 105.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	429.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	103.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles H Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
539-1	Ramona McFarland	0.97	63.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Kelch	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jaffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foss	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomon Scark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

STATE OF SOUTH DAKOTA

Do not use this space.

DIRECT VOUCHER

VOUCHER No.

DATE

PAYEE

Bob Bartels
Hisland, SD 57762

DEPT.

DWRR, Water Rights Division
Foss Bldg.
Pierre, SD 57501

AGENCY

ADDRESS

Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		36.95	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						36.95	

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Billed	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			506-1 Bob Bartels	12.61		
			892-1 " "	24.34		
				36.95	36.95	
TOTAL					36.95	

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to non-discrimination in federally assisted programs.

Claimant Signature

Date

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

DIVISION APPROVAL

DATE

APPROVAL SIGNATURE

DATE

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8623

PIERRE,

December 29, 1981

Robert J. Bartels, Hisland SD 57762

RECEIVED OF 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. 892-1)		
Fee for Inspecting Beneficial Use, and issuing Water License No. 892-1)	12	00
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chf. Engineer, Executive Officer

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE



Department of Water & Natural Resources

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

March 23, 1987

BOB BARTELS
BOX 154 SR
NISLAND, SD 57762

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). ~~892-1~~, 506-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 892-1, 506-1 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.

A handwritten signature in cursive script, appearing to read "John Hatch".

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

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

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

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

April 13, 1987

506-1
892-1

Bob Bartels
HC 76 Box 154
Nisland, SD 57762

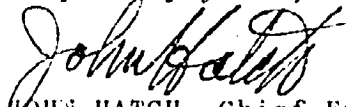
Dear Mr. Bartels:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 506-1 and 892-1 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

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

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

January 29, 1988

POB BARTELS
HC 76 BOX 154
NISLAND, SD 57762

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

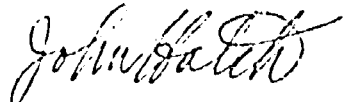
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 506-1, 892-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be 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 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 506-1, 892-1 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 Right Division
605 773-2352

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
525 East Capitol
Pierre, South Dakota 57501-3181

February 16, 1988

506-1
892-1

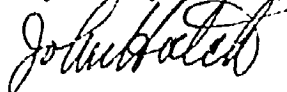
Bob Bartels
HC 76, Box 154
Nisland SD 57762

Dear Mr. Bartels:

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. 506-1 & 892-1 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 has been 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
Water & Natural Resources**

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

February 13, 1990

506-1
892-1

James Sheeler, Jr
PO Box 195
Vale, SD 57788

Dear Mr. Sheeler:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Right Nos. 506-1 and 892-1. Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

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

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

February 9, 1990

BOB BARTELS
HC 76 BOX 154
NISLAND, SD 57762

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 892-1, 506-1. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

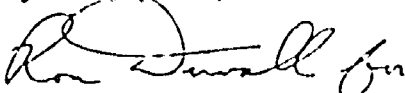
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 892-1, 506-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

South Dakota Department of
Water & Natural Resources

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

February 16, 1990

506-1
892-1

James Sheeler, Jr.
PO Box 195
Vale SD 57788

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 506-1 and 892-1. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, KS

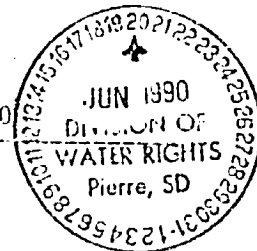
RON DUVAL
Natural Resources Engineer
Water Rights Division

NOTICE OF TRANSFER OF OWNERSHIP

No. 892-1

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

Date: June 19, 1990



I/We request that Water Permit/Right No. 892-1

formerly owned by: Bob Bartels

be transferred to: (name & address) James Sheeler, Jr., P.O. Box 195,

Valle, South Dakota 57788

(telephone No.) 605-456-2333

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

70 acres - W1/4 NE1/4, SE1/4 NW1/4, Section 14, T8N, R5E

I/We understand that the validity of Water Permit/Right No. 892-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of BUTTE)

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

James Sheeler Jr.
(Signed)

Subscribed and sworn to before me this 19th day of June, 1990.

SEAL

My Commission Expires: 2-5-95

M. D. Helmer
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412274

Pierre, June 20, 1990

RECEIVED OF James Sheel Jr., Jr., Box 125, Vale, SD 57788-0195

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Right No. 892-1		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

June 21, 1990

506-1
892-1

James Sheeler, Jr.
Box 195
Vale, SD 57788-0195

Dear Mr. Sheeler:

Enclosed are Receipt Nos. 412274 and 412275 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 506-1 and 892-1.

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

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure

892-1



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

JAMES SHEELER, JR
PO BOX 195
VALE SD 57788

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 506-1, 892-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Amend Permit No(s) 506-1, 892-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

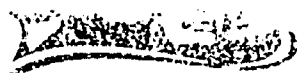
The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

Jacobs Building

523 East Capitol

Pierre, South Dakota 57501-3181

892-1

February 19, 1991

506-1
(892-1)

James Sheeler, Jr
PO Box 195
Vale, SD 57788

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Right Nos. 506-1 and 892-1. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



892-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JAMES SHEELER, JR, RR 3 BOX 10, VALE, SD 57788

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 506 1, 884A-1 & 892-1. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, 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) 506-1, 884A-1 & 892-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, 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:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

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

Consult postmaster for fee.

3. Article Addressed to:

JAMES SHEELER, JR
RR 3 BOX 10
VALE SD 57788

4a. Article Number

2-119141 157

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X James Sheeler Jr.

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

PS Form 3811, December 1994

107 35-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

892-1



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

January 13, 1998

506-1
884A-1
892-1

James Sheeler, Jr
RR 3 Box 10
Vale, SD 57788

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 506-1, 884A-1 and 892-1.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 10, 1998

Sheldon Sheeler
Box 163
Vale, SD 57788

Dear Mr. Sheeler:

I am contacting you with regard to your September 9th telephone conversation with Del Brosz.

It is my understanding that James Sheeler has passed away and you were inquiring about water rights held in his name. The following is a list of water rights with James Sheeler's name on them. They are as follows:

Water Right No.	Name	C.F.S.	Source of Water	Acres - Description
No. 412-1	Sheeler Farms (%) James Sheeler)	3.30	Cottonwood Creek & the Belle Fourche River	234 acres - NE ¼ NW ¼, S ½ NW ¼, N ½ SW ¼ Sec. 28 & N ½ SE ¼ Sec. 29, T8N, R6E
No. 471-1	A James & Sheldon Sheeler	1.00 cfs	Cottonwood Creek	74 acres - S ½ NE ¼ Sec. 29, T8N, R6E
No. 506-1	James Sheeler, Jr.	0.23 cfs	Belle Fourche River	17 acres - NW ¼ SE ¼ Sec. 14, T8N, R5E
No. 655-1	A James Sheeler	0.35 cfs	ground water (sump hole)	78 acres - NE ¼ Sec. 24, T8N, R5E and W ½ NW ¼ Sec. 19, T8N, R6E
No. 892-1	James Sheeler, Jr.	1.00 cfs	Belle Fourche River	70 acres - W ½ NE ¼, SE ¼ NW ¼ Sec. 14, T8N, R6E

Enclosed, as you requested, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Partial Vested Water Right No. 412-1. No. 471-1 should probably be transferred to your name also. It is currently held in both your names, however in order to have it listed solely in your name, a transfer form is required. Basically, this shows that the permit holder requested the action and the staff didn't arbitrarily cross someone's name off a water right.

Please review the forms and make any necessary corrections or additions. Please complete the portion titled "to be transferred to: (name and address)...". You will need to sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

continued

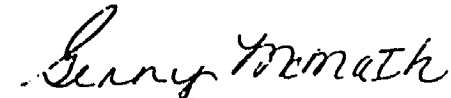
Page 2
September 10, 1998
Sheldon Sheeler

With respect to the water rights held in James' name, who should we be directing transfer forms and correspondence to for those? The reason I ask is because we are getting ready to mail out the 1998 irrigation questionnaires (in October) and I want to be sure I get them to the right person(s).

During your phone conversation with Del, you asked about whether or not the yearly irrigation questionnaires for James' water rights were being returned. I reviewed the past few years and found that we do have them on file.

Thank you Mr. Sheeler for getting in touch with us concerning these water rights. If I can answer any other questions for you, please get in touch with me. The transfer of Partial Vested Water Right No. 412-1 and Water Right No. 471-1 will be effective once we receive the completed forms and filing fees in our office.

Sincerely,



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

enclosures



January 14, 2004

892-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

NOTICE

TO: JAMES SHEELER, JR, RR 3 BOX 10, VALE, SD 57788

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 412-1 & 471-1, 506-1, 884A-1 & 892-1. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 506-1, 884A-1 & 892-1 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) 412-1 & 471-1 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 412-1 & 471-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 506-1, 884A-1 & 892-1 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 questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



892 -1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2004

412-1
471-1
506-1
892-1

James Sheeler Jr
13154 River Loop Rd
Vale SD 57788

Dear Mr. Sheeler:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 412-1, 471-1, 506-1 and 892-1.

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

892-1



**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 10, 2003

James Sheeler
RR 3 Box 10
Vale SD 57788

Dear Mr. Sheeler:

Awhile back, you contacted our office concerning the ownership changes needed for Water Right Nos, 506-1 and 892-1. Enclosed are copies of those water rights.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. The forms should be completed and signed by the new owner(s). Upon completion they need to be returned to our office with a required filing fee of \$2.50 each. The check or money order for the fee can be made payable to the Water Rights Program.

Eric Gronlund spoke with you concerning the water rights and there was some discussion on ownership of Water Right No. 884-1. I have included a copy of the water right for your review. A transfer was filed by Albert Sheeler for a portion of the water right in January, 1990 (SW ¼ SE ¼ Section 29). The other owner at the time (Dale Johnson) would never follow up on the ownership changes.

Our intent was to divide and reissue No. 884-1 into "884A-1" and "884B-1" to reflect separate ownership. I have been mailing irrigation questionnaires to you for No. 884A-1. The records indicate the land was last irrigated in 1992. Mr. Johnson has never filed questionnaires so I am unable to determine if his portion was irrigated or not.

Ownership of water rights are certainly transferable, however changing ownership of a water right that may have been abandoned or forfeited due to nonuse does not revive the water right. I have included excerpts from our water laws dealing with these issues.

If you have any questions concerning the enclosed information, please get in touch with either myself or Eric Gronlund at (605) 773-3352.

Sincerely,

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

RECEIVED

MAR 04 2004

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 892-1

Date: Feb 27 2004

I/We request that Water Right No. 892-1

formerly owned by: James Sheeler, Jr

be transferred to: (name & address) Marlen + Gayce Larson
18926 Vale Cutoff Rd
Nisland S.D. 57762

Telephone No. 605-574-2326

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

70 acres - W 1/2 NE 1/4, SE 1/4 NW 1/4, Section 14, T8N, R5E

I/We understand that the validity of Water Right No. 892-1 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 Marlen + Gayce Larson the new owner, certify that the above information is true and correct.

Marlen A Larson
(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.

892-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 2004

506-1
892-1

Marlen & Grayce Larson
18926 Vale Cutoff Rd
Nisland SD 57762

Dear Mr. & Mrs. Larson:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fee you submitted for transferring Water Right Nos. 506-1 and 892-1.

Enclosed is your check in the amount of \$5.00. I noticed when processing the transfers that the check was not quite completed or signed. Please complete the check and return it to us. I'm sending along a postage paid envelope for your convenience.

Thanks in advance for your help.

Sincerely,

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 8, 2004

RECEIVED OF Grayce Larson, 18926 Vale Cutoff Rd., Nisland SD 57762

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>892-1</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. _____	2 50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. 001218

By Darland Erbe
Chief Engineer gm



892-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 2004

506-1
892-1

Marlen & Grayce Larson
18926 Vale Cutoff Rd
Nisland SD 57762

Dear Mr. & Mrs. Larson:

Thank you for following up on the ownership change for Water Right Nos. 506-1 and 892-1. The transfers have been completed. The water rights formerly listed in the name of James Sheeler, Jr. are now listed in your names.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a sample copy for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

An additional item I wanted to make you aware of is that in order to maintain water rights, they need to be used. I am including excerpts of our water laws and Water Management Board rules dealing with this issue.

Also enclosed is your Receipt Nos. 001217 and 001218 in the amounts of \$2.50 each. 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

enclosures



892-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 15, 2017

506-1
892-1

Patti Larson
12850 Rivervale Farm Lane
Nisland SD 57762

Dear Ms. Larson:

Thank you for contacting our office concerning the need for ownership changes on Water Right Nos. 506-1 and 892-1. The water rights are currently listed in the name of Marlen and Grayce Larson (copies enclosed).

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change with each water right. Upon completion, please sign and return the forms 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,

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

enclosures: copies of water rights, two transfer forms, postage paid envelope

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED
JUN - 7 2017
WATER RIGHTS
PROGRAM

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

No. 892-1

Date:

6/1/17

I/We request that Water Right No. 892-1

formerly owned by: Marlen & Grayce Larson

be transferred to: (name & address) CRAIG D. HECKERT

12850 Rivervale Farm Ln

Nisland, SD 57762

Telephone No. 605-430-0669

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

70 acres - W 1/2 NE 1/4, SE 1/4 NW 1/4 Section 14, T8N, R5E

I/We understand that the validity of Water Right No. 892-1 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 CRAIG D. HECKERT, the new owner, certify that the above information is true and correct.

Craig Heckert
(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 6/7, 20 17

RECEIVED OF Craig Heckert 12850 Rivervale Farm Ln Nisland SD 57762

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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>892-1</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. **08259**

By James L. Anderson
Chief Engineer



892-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 8, 2017

506-1
892-1

Craig D Heckert
12850 Rivervale Farm Ln
Nisland SD 57762

Dear Mr. Heckert:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 506-1 and 892-1.

The ownership changes have been completed. The water rights formerly held by Marlen and Grayce Larson are now listed in your name.

For informational purposes, each year we mail out an irrigation questionnaire to all water right holders in South Dakota for reporting their annual water use. I am including a copy of one of the reports filed last year for Water Right No. 506-1. This will give you an idea of what type of records to keep during the irrigation season.

Enclosed for your records are Receipt Nos. 08258 and 08259 in the amounts of \$50 each. These are fees you paid for filing the ownership changes. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

506-1 + 892-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 11, 2024

506-1
892-1

J & M Rivervale Farm LLC
c/o James Nelson & Michael Neel
2333 Elk Rd
Sturgis SD 57785

Dear Sirs:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed are copies of the original water rights and a receipt of payment for your records.

Water Right Nos. 506-1 & 892-1 previously owned by Craig D Heckert are now listed under J & M Rivervale Farm LLC. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the rights will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 506-1+892-1

Date: 1-2-2024

I/We request that Water Right/Permit No. 506-1+892-1 formerly owned by:

Craig D. Heckert

be transferred to:

New Owner Name:

J+M Riverdale Farm, LLC

Address:

2333 Elk Rd

mobile: _____

City, State, Zip

Sturgis, SD 57785

email: _____

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

township 8 North, Range 5 East of the Black Hills
Meridian, Butte County, SD
Section 14: W 1/2 NE 1/4, S 1/2 NW 1/4, NW 1/4 SE 1/4,
except Tract A as shown in Plat Book 10 on Page 116

☒ I understand that the validity of Water Right/Permit No. 506-1+892-1 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, James Nelson and Michael A. Neel, the new owner, certify that the above information is true and correct.

J+M Riverdale Farm, LLC, a limited liability company

James Nelson, Michael Neel
(signed by new owner)

James Nelson, Member and Michael A. Neel, Member

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

PAID

JAN 05 2024
Ck# 9220166
Rec't# 170/24

RECEIVED

JAN 05 2024

OFFICE OF
WATER

506-1 + 892-1

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date January 5, 2024RECEIVED OF SoDak Title for J&M Rivervale Farm, LLC 2333 Elk Rd., Sturgis SD 57785

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>506-1 + 892-1</u>	<u>\$100.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$100.00</u>

By

Eric Ironlund
Chief Engineer
Em



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 22, 2024

506-1
892-1

J&M Rivervale Farm LLC
c/o James Nelson
2333 Elk Rd
Sturgis SD 57785

Dear Mr. Nelson:

I am writing you today in hope of clearing the up question surrounding two checks that were received by our office.

The first check, Check No. 32566, was sent by SoDak Title for J&M Rivervale Farm LLC, in the amount of \$100.00 for the transfer of Water Right Nos. 506-1 and 892-1. Those transfers were processed January 11, 2024, and a letter of confirmation was mailed to the above address.

The second check, Check No. 3798, was sent by you, in the amount of \$100.00. No paperwork accompanied the check. Was this an accidental double payment, or was it intended for additional transfers, and simply sent without the paperwork?

Please review your records and let me know how you would like to proceed. If it was a double payment, the State will refund your \$100.00 payment.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: There was no phone number or email address listed as contact for J&M Rivervale Farm LLC. Please complete the enclosed "supplemental information" form and return it in the prepaid envelope.

enclosure

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 5, 2024

RECEIVED OF SoDak Title for J&M Rivervale Farm, LLC 2333 Elk Rd., Sturgis SD 57785

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>506-1 + 892-1</u>	\$ <u>100.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>100.00</u>

PAID

JAN 24 2024

Ck# 5798

Rec't# 12464

By

Eric Ironlund

Chief Engineer

zm

RECEIVED

JAN 24 2024

OFFICE OF
WATER

RECEIVED

APR 05 2024

OFFICE OF
WATER

Water Right Nos. 506-1 & 892-1

J & M Rivervale Farm, LLC – 2333 Elk Rd, Sturgis SD 57785

c/o Jim Nelson phone: 605 490 2906 email: jimnelson779@gmail.com
c/o Michael Neel phone: 605 499 8908 email: _____

Please provide the above contact information to ensure that contact can be made with you for future questions and correspondence in regard to water rights held by J & M Rivervale Farm LLC.

Amanda,

I must of thought the letter of conformation was a bill so, I sent the \$100 dollar check. If you could refund it that would be great,

Jim Nelson

J & M Rivervale Farm, LLC