

Water Right Number 953-1

1. Considered March 15, 19 72

2. Name of Applicant Spencer and Jean Harper

3. Post Office Address Nisland, S.D.

4. Amount of Water claimed .44

5. Source of Water supply Bidy Creek

6. Water to be used for Irrigation

Acres to be irrigated 31.0

7. Water to be diverted and used in Butte County

about 2 miles West, 6 North of Newell

8. Proof of Publication Received March 6, 1972

Not Received _____

9. Application

Approved _____

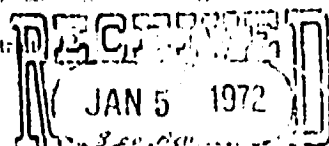
Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

*Per Letter
This Permit does not authorize
con or Ann on B. L.*

No. 953-1Map No. 784-1 Water Division No. 1 BELLE FOURCHE RIVER Dist. 1
(Blanks to be filled by the Engineer for the W. R. C.)STATE OF SOUTH DAKOTA
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Spencer M. & Jean S. Harper
Postoffice address Nisland State So. Dak
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) Two second feet (.4?)
5. Source of water supply Natural drainage + irrigation waste water
6. Location of point of diversion In SW 1/4 Sec. 35, R. 4 E, T. 10 N. 155' on a bearing of North 5° E. from the SW corner of Sec. 35. County BUTTE
7. Annual period or periods during which water is to be used May 1 through Sept. 30
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use. Total number of acres to be irrigated 151.00

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.
<u>SW 1/4 Sec. 35</u>	<u>31.2</u>		
<u>R. 4, T. 10 N.</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication The Belle Fourche Daily Post
12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural _____

Pump

B. Works proposed to transport water to place of use.

A pump with 8" pipe will carry the water 700'. A raised ditch is on to field turn out

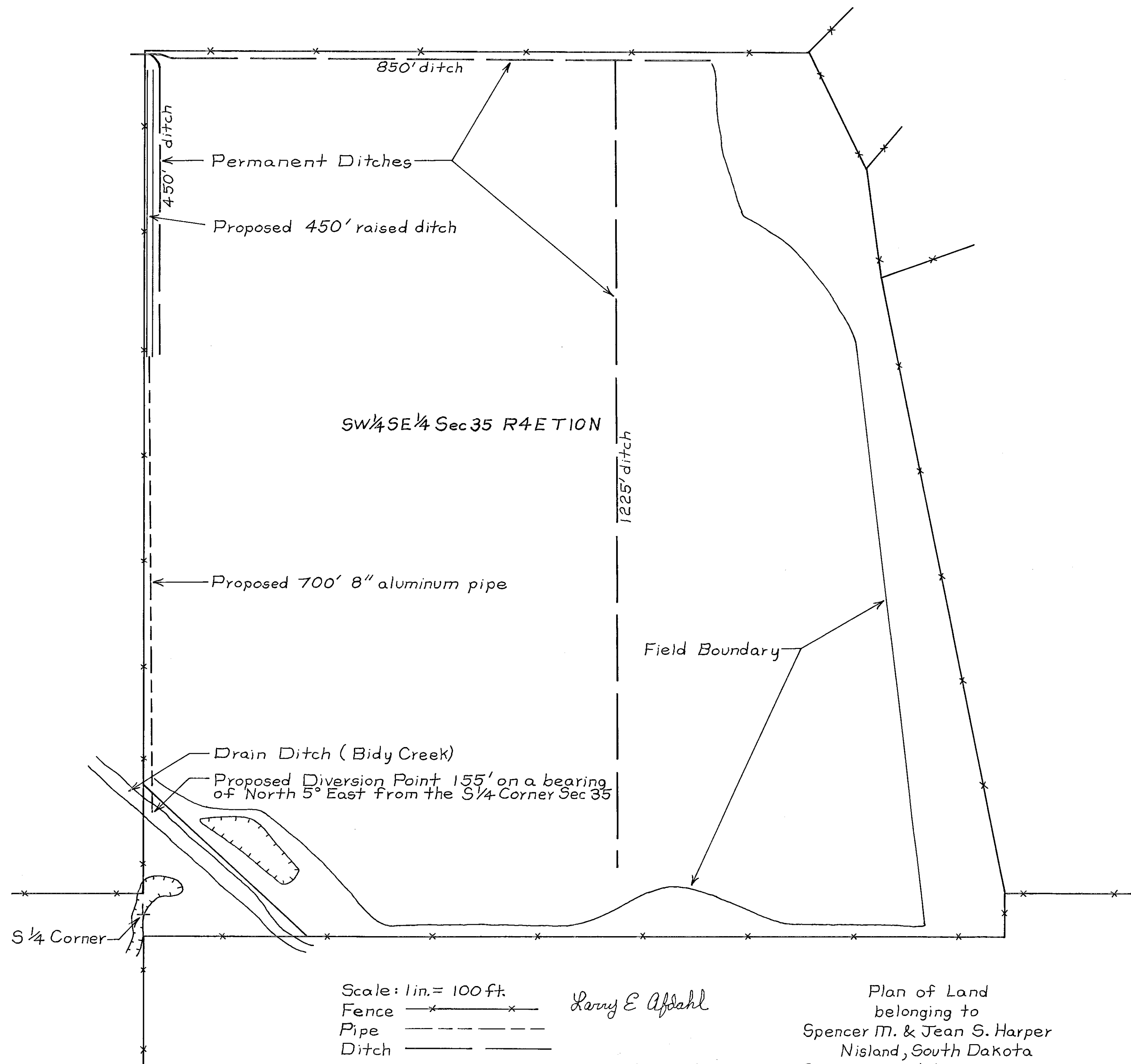
C. Works proposed to apply water to beneficial use.

Raised ditch + pump & pipeEstimated Total Cost \$ 2,000.00

Attachments: Attach Form 2A if diversion from a well or dug pit, or if storage of water is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of ButteI, S. M. Harper, 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 constructionSigned S. M. HarperSubscribed and sworn to before me this 4th day of January, 1972W. C. Qualman
Notary Public (or other qualified officer)



Scale: 1 in. = 100 ft.
Fence — x — x —
Pipe — — — — —
Ditch — — — — —

Larry E. Afdahl

Plan of Land
belonging to
Spencer M. & Jean S. Harper
Nisland, South Dakota
Surveyed October 11, 1971
by Larry E. Afdahl, P.E. & L.S.

MAP No 784-1
APPL No 953-1

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 953-1

SPEA

Kenneth E. Bochelmann
10343 Fox Court
Northglenn CO 80211

NISLAND

(Post Office Address)

Following modification-

SOV

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.

APPROVAL OF THIS PERMIT DOES NOT AUTHORIZE CONSTRUCTION OF A DAM OR STORAGE FACILITY ON BIRDY CREEK.

Date of first receipt of application JANUARY 5 19 72
Date of return to applicant for correction, amendments or changes required 19
Date of receipt of corrected application 19
Approved MARCH 15 19 72 Recorded in Book 12 Page 65

WATER RIGHT PERMIT NO. 953-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 953-1 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 JANUARY 5 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 5 19 72
3. The whole of said work is to be completed on or before JANUARY MARCH 15 19 72
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 15 19 72
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 .44 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 MARCH 15 19 72 said water to be used during the following described annual period: MAY THRU SEPTEMBER

Witness my hand this 17TH day of MARCH 19 72

WATER RESOURCES COMMISSION

By:

[Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 3 19 73

Water License Issued DECEMBER 3 19 73

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 953-1

(1) WHEREAS, On the 5th day of January, A. D. 19 72
Spencer M. and Jean S. Harper
made Water Right Application No. 953-1 for a permit to use .44 cubic feet per second of the waters
of Bidy Creek
County of Butte, State of South Dakota, for irrigation
purposes; and
(2) WHEREAS, On the 17th day of March, A. D. 19 72
Permit No. 953-1, with a date of priority of January 5, 1972
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 15th day of March, A. D. 19 73 and for the
application to beneficial use of said water on or before the 15th day of March, A. D. 19 73

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 .44 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 31 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T10N, R4E

(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 Spencer M. and Jean J. Harper

_____ of Nioland, S.D.
the holder s and owner s of said permit No. 953-1 a water right, dating from January 3, 1972
_____ to use of .44 cubic feet per second of the waters
of Bidy Creek

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned to be diverted at a point North 5° East, 133 ft. from the NW
Corner, Section 35, T10N, R4E

and conduct to and upon 31 acres in the SW¼ SE¼, Section 35, R4E

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 953-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of December A. D.
Nineteen Hundred and Seventy-three

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer **DONALD DRISCOLL**

Permit No. 953-1

Water Diversion No. 1 BELLE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Spencer M. and Jean S. Harper

_____ the holder _____ of
Permit No. 953-1, issued upon Application No. 953-1, bearing date of priority of January 5,
1972 authorizing the diversion of .44 cu. ft. per second of the waters of _____
Bidy Creek County of Butte, State of South Dakota at _____
A point North 5° East, 155 ft. from the 8th Corner, Section 35, T10N, R4E
_____, for irrigation

purposes, have 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. 4.0 cu. ft. per second of water.

Date. December 3, 1973

~~_____

_____~~
WATER RIGHTS COMMISSION

By:

DONALD DRISCOLL, Chief Engineer

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 953-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) st.

I, Lawrence Taylor hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Norfolk Daily Bulletin

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

Feb 12, 1972

Feb 19, 1972

Feb 26, 1972

March 4, 1972

Darren Wipf
(Signature)

Publisher
(Title)

March 4, 1972
(Date Signed)

Public Notice

NOTICE
INTENT TO APPROPRIATE
WATER

No. 953-1
Pierre, South Dakota 57501
January 28, 1972

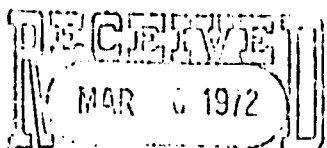
Notice is hereby given that
Spencer M. and Jean S. Harper
whose post office address is
Nisland, South Dakota, has made
an application in accordance
with the provisions of the water
laws of South Dakota for a per-
mit to appropriate for bene-
ficial use .44 cubic feet of
water per second of time from
Bidy Creek through the Harper
#1, the point of diversion of
which is to be located in the
SW 1/4, SE 1/4 of Section
35, Twp. 10N, Range 4E. Said
water to be used for the pur-
pose of providing irrigation on
a portion of the following des-
cribed land: SW 1/4, SE 1/4,
Section 35, T10N, R4E.

This application No. 953-1
will be considered by the Water
Resources Commission at their
office at Pierre upon the 15th
day of March, 1972, at 2:00
P.M. All interested persons
may appear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones,
Water Rights Specialist

4(3)12-19-20(3)4



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Publish first publication on or before February 17, 1972NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 20, 1972Spencer M. and Jean S. Harper

Notice is hereby given that

whose post office address is Nieland, 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 .44 cubic feet of water per second of time from the Bidy Creek through the Harper #1, the point of diversion of which is to be located in the _____

SW 1/4 SE 1/4

of Section 35, Twp. 10N, Range 4E. Said water to be used for the purpose of providing irrigation on a portion of the following described land:
SW 1/4 SE 1/4, Section 35, T10N, R4E

This application No. 953-1 will be considered by the Water Resources Commission at their office at Pierre upon the 15th day of March, 1972, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

DURTON F. JONES, Water Rights Specialist

BJJ/bw

cc: Spencer M. Harper, Nieland, S.D. 57762

Permit No. 953-1Water Division 1 BELLE FOURCHE RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

WATER RIGHTS COMMISSIONTO: ~~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 SPENCER M. & JEAN S. HARPER of NISLAND holder of Permit No. 953-1, bearing date of priority of JANUARY 5, 1972 authorizing the diversion of .44 cu. ft. per second of the waters of BIRDY CREEK for IRRIGATION purposes, in BUTTE County

I have to report on the condition of the same as follows.

The Water Use System consists of,

A. Works used to divert the water:

BERKELEY 8" INLET 6" OUTLET PUMP, POWERED WITH AN 880 OLIVER DIESEL TRACTOR

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

800' OF 8" PIPE TO A RAISED DITCH WHICH LEADS TO PROJECT DITCHES

C. Works used to apply water to beneficial use.

WATER IS CARRIED IN PROJECT DITCHES TO LEVELLED FIELDS

The system is in the following condition: VERY GOODThe point of diversion is located N 5° E, 155' FROM THE S' 4 CORNER, SECTION 35, T10N, R4EThe works are capable of diverting and conveying to the place of use 4.0cu. 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:

SW 1/4 SE 1/4, SECTION 35, T10N, R4E

comprising a total of 31 acres of land.Date NOVEMBER 26, 1973

(Signature)

WATER RIGHT SPECIALIST

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: January 27, 1978

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

31 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T10N, R4E

formerly owned by Spencer M & Jean S. Harper

has been transferred to Kenneth E. Bochlmann, 10343 Fox Court, North Glenn, CO

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

Water Right Permit No. 953-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF Colo.)
) SS.
 County of Adams)

I, Kenneth E. Bochlmann being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Kenneth E. Bochlmann
 (Signed)

Subscribed and sworn to before me this 2nd day of Feb

1978.

Frederick J. Hulbert
 (Notary Public)
 My Commission expires April 23, 1980



NO. 953-1

WATER RIGHTS DIVISION

(605) 773-3352

April 30, 1982

Kenneth E. Bochelmann
14530 Zuni Street
Broomfield, Colorado 80020

Dear Mr. Bochelmann:

Enclosed please find the 1981 Irrigation Questionnaire pertaining to your Water Right No. 953-1. Water Rights No. 953-1 covers irrigation of the SW1/4, Section 35, T10N, R4E. The data sheet was returned by the post office indicating you had moved. A conversation with the Butte County Treasurers office indicated you had moved to Broomfield. Please complete the questionnaire for our records.

If you no longer irrigate or perhaps have sold the land, please inform this office. If you no longer intend to irrigate, the water right can be cancelled. If the land has been sold, the water right should be transferred to the new owner.

If you have any questions, please contact this office. Your assistance in this matter would be appreciated.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

April 15, 1985

Kenneth E Bechmann
14530 Zuni St
Broomfield CO 80020



Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 953-1. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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.

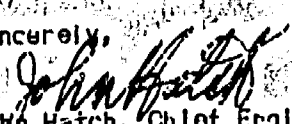
The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 953-1 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

*Note: we no longer own this land
in Spencer Harpers, Belle Fourche S.D.
concerning this matter*

Water Rights Division - DWR
Conversation or File Documentation

File No. 953-1

NAME OF PERSON ~~FILE~~: Jean Harper

ADDRESS: St Rt Box 42, Island SD 57762 COUNTY

DATE: June 6, 1985 TELEPHONE 257-2366

RE: transfer

COMMENTS:
Mrs. Harper indicated the land under 953-1 has
reverted back to them - Mr. Bocheimann no longer
owns. They intend to continue irrigating.

Send transfer form. - lis: under Spencer M and/or
Jean S. Harper

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Jenny McMath



Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 553-1

June 6, 1985

Spencer M. or Jean S. Harper
SR, Box 42
Nisland, South Dakota 57762

Dear Mr. & Mrs. Harper:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

Ms/
Enc.

NO. 953-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

31 Acres - SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, T10N, R4E

formerly owned by Kenneth Bochelmann

has been transferred to Spencer M. or Jean S. Harper, SR, Box 42, Nisland, SD 57762
(please include complete mailing address)
together with any rights to the beneficial use of water therein as evidenced by
Water Right Permit No. 953-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, _____ being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Spencer M. Harper
Jean S. Harper
(Signed)

Subscribed and sworn to before me this 10th day of June, 1985

Ms. Green 6-1-90
(Notary Public)



RECEIPT

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

No 410068

Pierre, June 12, 1985

RECEIVED OF Spencer M./Jean Harper, SR, Box 42, Island, 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 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. _____ alter period of seven years _____		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 953-1 _____	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 John Hatch
Chief Engineer JOHN HATCH

No. _____

953-1

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

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

June 12, 1985

Spencer/Jean Harper
SR Box 42
Hiland, South Dakota 57762

Dear Mr. & Mrs. Harper:

Enclosed is receipt No. 4 10068 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 953-1.

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

Sincerely,

Maxine Stirling
Staff Assistant

Enc.

SOUTH DAKOTA Department of
Water & Natural Resources

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

January 29, 1988

SPENCER/JEAN HARPER
HCR 76 BOX 42
NISLAND, SD 57762

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

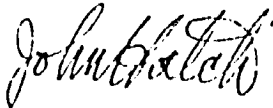
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 953-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given 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). 953-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

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

453-1
Sent - 2-9-88
HARDPAN RANCH

SPENCER M. (BUD) HARPER
PHONE 2602
257-2366
NISLAND, SOUTH DAKOTA

2-8-88



S. B. Dept. of Water, Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181

Dear Sir:

We received to your letter of Jan. 29, 1988,
concerning questionnaire about water permit #953-1.
To my knowledge, we did not receive a
questionnaire from your office in 1987.

Is it possible to send me a questionnaire
for us to fill out at this time? If so, please
do so at your convenience so we can then
see how compl. with the rules and regulations and
return from your agency.

Sincerely,

Spencer M. Harper

DATE MICROFILMED

CAMERA OPERATOR



Department of Water & Natural Resources

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

February 23, 1988

953-1

Spencer & Jean Harper
HCR 76, Box 42
Nisland SD 57762

Dear Mr. & Mrs. Harper:

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. 953-1 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

HARDPAN RANCH

SPENCER H. (SUD) HARPER

PHONE 257-2386

STAR ROUTE BOX 42

NISLAND, SOUTH DAKOTA 57762

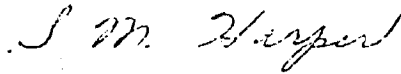
Dec. 13, 1988

Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Dear Sir:

The land to which water right #953-1 pertains has been sold on contract to Jim Schmidt, Belle Fourche, South Dakota. However, he has indicated that he is not interested in the water right. Therefore, I would like to keep said water right until the contract has been fulfilled in case it is necessary to repossess the land.

Sincerely yours,



S. M. Harper

SMH:jsh



SOUTH



Department of Water & Natural Resources

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

December 21, 1988

953-1

S M Harper
St Rt Box 12
Nisland, SD 57762

Dear Mr. Harper:

I am writing in response to your letter of December 13, 1988 concerning Water Right No. 953-1. You indicated you had sold the land described in No. 953-1 on a contract for deed and that the new owner was not interested in the water right.

It is acceptable to retain the water right in your name since you are still the contract holder. However, you should be aware that water use is a requirement for keeping a water permit or water right valid. South Dakota Water Law 46-5-37, states that when any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and be regarded as unappropriated water.

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
522 East Capitol
Pierre, South Dakota 57501-3181

February 9, 1990

SPENCER/JEAN HARPER
HCR 76 BOX 42
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). 953-1. 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.

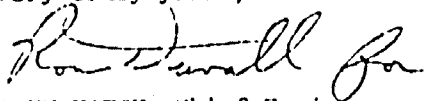
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 953-1 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
605 773-5352

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

March 2, 1990

953-1

Mrs. Jean Harper
318 E Rushmore #301
Spearfish SD 57783

Dear Mrs. Harper:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 953-1. 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



953-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 5, 1994

953-1

Jean Harper
318 E Rushmore, #301
Spearfish, SD 57783

Dear Mrs. Harper:

I am writing to you in regard to Water Right No. 953-1, currently listed under Spencer and Jean Harper. On your 1993 irrigation questionnaire you indicated the land was sold in 1987 to Jim Schmidt, Belle Fourche, SD (copy enclosed).

We were aware of the sale of the land to Mr. Schmidt. You notified our office of this in December, 1988. However, your letter (copy enclosed) requested that the water right not be transferred until the contract had been fulfilled in case it was necessary to repurchase the land.

This is the reason that yearly irrigation questionnaires continue to be mailed to you. If the contract has been paid and Mr. Schmidt now owns the land, we will contact him concerning ownership and status of the water right.

In your letter of December, 1988, you indicated that Mr. Schmidt had no interest in maintaining the water right. If the land has not been irrigated for a period of longer than three years, and no legal excuse exists, the water right will be scheduled for cancellation.

If you would, please contact our office concerning the current ownership and status of the water right.

Sincerely,

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

enclosure

HARDPAN RANCH

ATTENTION: Mr. J. M. Harper

PHONE 257-1234

STAR ROUTE BOX 42

WISLAND, SOUTH DAKOTA 57717

5 . 13, 1984

Water Rights Division
Joe Foss Building
525 East Capitol
Pierre, South Dakota 57501

Dear Sir:

The land to which water right 1955-1 pertains has been sold on contract to Jim Schmidt, Belle Fourche, South Dakota. However, he has indicated that he is not interested in the water right. Therefore, I would like to keep said water right until the contract has been fulfilled in case it is necessary to repossess the land.

Sincerely yours,

J. M. Harper

SMH:jsh

*This land has been sold to
Gardner Lazy Ranch, Inc.,
1107 8th Ave.,
Belle Fourche, SD 57717*

*I do not know if the water right has
been used or not since we moved away from
there in 1989. Hope this is the information you need.
Sincerely,*

James S. Harper (Mrs. S. M.)





953-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 16, 1994

953-1

Edwin Gardner
Gardner Lazy E Ranch
1107 8th Avenue
Belle Fourche, SD 57717

Dear Mr. Gardner:

I am contacting you in regard to the status and ownership of land described in Water Right No. 953-1. The water right is currently listed in the name of Spencer and Jean Harper. Jean Harper has notified our office that you have purchased the land. Enclosed is a copy for your review.

If you have purchased the land, the water right should be transferred to your name. Under South Dakota Water Law, water must be beneficially used for the purpose it was appropriated, at least once every three years or the water reverts back to the public and is regarded as unappropriated water. If legal excuse exists for the non use of water, then the three year period is suspended. Legal excuses, as defined by Board Rule, include (but are not limited too) the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

After reviewing the enclosed copy of Water Right No. 953-1, please contact our office as to the status of the water right and whether or not you wish to file a "Notice of Transfer of Ownership".

If you have any questions, please contact me.

Sincerely,

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

encl



953-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 14, 1994

No. 953-1

Ed Gardner
Gardner Lazy E Ranch
1107 8th Ave.
Beile Fourche, SD 57717

Dear Mr. Gardner:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 953-1. The water right is currently listed in the name of Spencer & Jean S. Harper.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

953-1

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 953-1

Date: 7/26/94

I/We request that Water Right No. 953-1

formerly owned by: Spencer & Jean S Harper

be transferred to: (name & address) GARDNER'S LA ZULI RANCH inc
1107 8th Ave Belle Fourche SD 57717 (Telephone No) 605-892-4782

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

31 acres in the SW 1/4 SE 1/4 Section 35, T10N, R4E

I/We understand that the validity of Water Right No. 953-1 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 Edmund Gardner 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.

Gardner's Ranch inc
Edmund Gardner pres.
(Signed)

Subscribed and sworn to before me this 28 day of July, 1994

Mary A. Lusk
Not (Notary Public) County, S. D.
My commission Expires Sept. 1, 1996

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

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

953-1
U-27
9/29/94
J. R. R. R.
CAMERA OPERATOR SIGNATURE

RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10-04-01 AND 10-04-02 FOR MICROGRAPHIC REPRODUCTIONS.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414231

Pierre, July 29 19 94

RECEIVED OF Edwin Gardner, 1107 8th Ave, Belle Fourche, SD 57717
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>Water Right No. 953-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John H. Haddad
Chief Engineer

THIS IS TO CERTIFY THAT THE MICROGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA COMPILATION LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10:04:01 AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.

REDUCTION RATIO 25:1 FILE NUMBER U-27 DATE MICROFILMED 7/29/94 CAMERA OPERATOR SIGNATURE John H. Haddad



953-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 4, 1994

No. 953-1

Edwin Gardner
Gardner's La zw Ranch, Inc.
1107 8th Ave.
Belle Fourche, SD 57717

Dear Mr. Gardner:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 953-1.

Our records now show you as the owner of Water Right No. 953-1.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3354

enclosure

REDUCTION RATIO

25:1

ROLL NUMBER

U-27

DATE MICROFILMED

9/29/94

CAMERA OPERATOR SIGNATURE

THIS IS TO CERTIFY THAT THE MICROGRAPHIC REPRODUCTION OF THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SECTION 1-27.4 OF THE SOUTH DAKOTA CODIFIED LAWS. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF ADMINISTRATIVE RULES OF SOUTH DAKOTA 10:04:01 AND 10:04:02 FOR MICROGRAPHIC REPRODUCTIONS.

953-1

BUCKMASTER AND MACY, LLP

ATTORNEYS AT LAW

1501 5th Avenue • P.O. Box 726

BELL E FOURCHE, SD 57717-0726

WESLEY W. BUCKMASTER
RANDALL L. MACY



PHONE (605) 892-2623
FAX (605) 892-6337

June 2, 1997

Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

RE: Notice of Transfer of Ownership
Harper to Gardner
Our File No. 8048.008

To Whom It May Concern:

Enclosed please find the signed Notice of Transfer of Ownership form executed by Jean Harper and a check in the amount of \$2.50 to cover the filing fee. The Harpers sold the land and water rights to the Gardner ranch. Please issue a new certificate of ownership and forward it to my office at your earliest convenience. Thank you for your assistance. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,

WESLEY W. BUCKMASTER

WWB/cap
Enclosure
cc: Ed and Irene Gardner



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

June 4, 1997

Wesley W Buckmaster
BUCKMASTER AND MACY, LLP
PO Box 726
Belle Fourche, SD 57717-0726

Dear Mr. Buckmaster:

Enclosed is the Notice of Transfer of Ownership form and your check in the amount of \$2.50 which you submitted for transferring Water Right No. 953-1. The water right was transferred to Gardner's in July, 1994.

This morning, I called and spoke with Cathy from your office concerning the transfer. I am enclosing copies of the correspondence that took place from May-August, 1994 concerning the ownership change.

If Mr. Gardner was not aware that the transfer had been processed, perhaps our correspondence has not been reaching him. If you have any questions or would like me to send a follow-up letter to him, please let me know.

Sincerely,

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

encl

BUCKMASTER AND MACY, LLP

ATTORNEYS AT LAW

1501 5th Avenue • P.O. Box 726

BELLE FOURCHE, SD 57117-0726

**WESLEY W. BUCKMASTER
RANDALL L. MACY**

**PHONE (605) 892-2823
FAX (605) 892-6337**

June 19, 1997



Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

RE: Notice of Transfer of Ownership
Gardner to Riesland
Our File No. 8048.008

To Whom It May Concern:

Enclosed please find the signed Notice of Transfer of Ownership form executed by Edwin Gardner and a check in the amount of \$2.50 to cover the filing fee. The Gardner Ranch has sold the land and water rights to the Raymond Riesland. Please issue a new certificate of ownership and forward it to my office at your earliest convenience. Thank you for your assistance. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,

/s/ WESLEY W. BUCKMASTER

WESLEY W. BUCKMASTER

WWB/cap
Enclosure
cc: Ed and Irene Gardner



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 23, 1997

Wesley W Buckmaster
BUCKMASTER AND MACY, LLP
PO Box 726
Belle Fourche, SD 57717-0726

Dear Mr. Buckmaster:

Thank you for sending in the "Notice of Transfer of Ownership form for transferring Water Right No. 953-1 from Gardner's Lazy E Ranch, Inc. to Raymond Riesland. Unfortunately, I have to return the form to you to obtain the signature of Mr. Riesland.

I have retyped the form you submitted, leaving out the signature block. Please have Mr. Riesland sign the form in the presence of a notary and return it to our office. The filing fee has already been paid and no further fees are required.

I apologize for the misunderstanding. If you have any questions, please contact me.

Sincerely,

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

encl

BUCKMASTER AND MACY, LLP

LAW FIRM

1501 5th Avenue • P.O. Box 726

BELLE FOURCHE, SD 57717-0726

**WESLEY W. BUCKMASTER
RANDALL L. MACY**

**PHONE (605) 892-2623
FAX (605) 892-6337
e-mail: bmlaw@lw.net**

June 26, 1997



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

RE. Notice of Transfer of Ownership
Gardner to Riesland
Our File No. 8048.008

To Whom It May Concern:

Enclosed please find the signed Notice of Transfer of Ownership form executed by Raymond Riesland. The Gardner Ranch has sold the land and water rights to Raymond Riesland. Please issue a new certificate of ownership and forward it to my office at your earliest convenience. The filing fee was previously paid. Thank you for your assistance. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,

Wesley W. Buckmaster

WESLEY W. BUCKMASTER

WWB/cap
Enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 953-1

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

Date: 6-26-97



I, We request that Water Permit/Right No. 953-1

formerly owned by: Gardner's Lazli Ranch, Inc.

be transferred to: (name & address) Raymond Riesland

HC 76, Box 42, Nisland, SD 57762 (telephone No.) (605) 257-2150

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

31 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, T10N, R4E

I, We understand that the validity of Water Permit/Right No. 953-1 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 Raymond Riesland 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.

Raymond Riesland
(Signed)

Subscribed and sworn to before me this 26th day of June, 19 97.

Cathy A. Pardy
(Notary Public)
Cathy A. Pardy
Notary Public South Dakota
My Commission Expires Feb. 14, 2003

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

415396

Division of Water Rights

South Dakota Department of Environment and Natural Resources

June 23

97

Pierre, _____, 19____

RECEIVED OF Buckmaster & Macy, PO Box 726, Belle Fourche, SD 57717-0726

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. _____		2 50
Fee for Filing Transfer Form <u>Water Right No. 953-1</u>		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 8, 1997

No. 953-1

Wesley W. Buckmaster
Buckmaster & Macy
P.O. Box 726
Belle Fourche, SD 57717-0726

Dear Mr. Buckmaster:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 953-1.

Our records now show Raymond Riesland as the owner of Water Right No. 953-1.

Sincerely,

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

enclosure

c: Raymond Riesland, HC 76, Box 42, Nisland, SD 57762

953-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 14, 1997

953-1

Backmaster and Macy, LLP
PO Box 726
Belle Fourche, SD 57717

Attention: Rhonda

Dear Rhonda:

Enclosed, as you requested, is a copy of Water Right No. 953-1, now listed in the name of Raymond Riesland. As you will note, the original water license was issued to Spencer and Jean Harper. I have included copies of the various transfers filed with this water right.

If you have any questions, or need additional copies of anything, please contact me.

Sincerely,

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

enclosures



January 9, 1998

953-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: RAYMOND RIESLAND, HC 76 BOX 42, NISLAND, SD 57762

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) 953-1. 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) 953-1 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.

is your RETURN ADDRESS indicated on the reverse side?

SENDER:

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

RAYMOND RIESLAND
HC 76 BOX 42
NISLAND SD 57762

4a. Article Number

2119 141 143

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

Raymond Riesland

6. Signature: (Addressee or Agent)

Raymond Riesland

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

PS Form 3811, December 1994

102-95-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



953-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 1998

953-1

Raymond Riesland
HC 76 Box 42
Nisland, SD 57762

Dear Mr. Riesland:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 953-1.

I completed a questionnaire for you based on our January 13th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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



October 17, 2001

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

953-1

Burnell & Helen Gaskins
HC 76 Box 42
Nisland, SD 57762

Dear Mr. & Mrs. Gaskins:

We have been contacted by Raymond Riesland concerning ownership of land described in Water Right No. 953-1. Mr. Riesland indicated he had sold the land to you a couple years ago.

Enclosed is a copy of Water Right No. 953-1. If you now own the land, the water right should be transferred to your names. I have included a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change. Please review the form and complete as needed. Once completed, please sign the form in the presence of a notary public 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.

Mr. Riesland indicated he would pass along the "2001 irrigation questionnaire" to you for completion. If you have any questions when completing the irrigation questionnaire or the transfer form, please get in contact with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 953-1

Date: Nov 28, 2001

I/We request that Water Right No. 953-1

formerly owned by: Raymond Riesland

be transferred to: (name & address) Burnell R and Helen C. Arkins

HC 76 Box 42 Niand, A.D. 57162 Telephone No. 605-257-2419

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

31 acres in the SW 1/4 SE 1/4 Section 35, T10N, R4E, Butte County

I/We understand that the validity of Water Right No. 953-1 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.

STATE OF SOUTH DAKOTA)

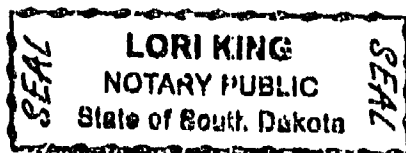
County of Butte)

I/We Helen C. Arkins 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.

Helen C. Arkins

(Signature of new owner), Notary Public
Pennington County, South Dakota
My Commission Expires July 10, 2007

Subscribed and sworn to before me this 28th day of November, 2001.



Lori King
(Notary Public)

LORI KING, Notary Public
Pennington County, South Dakota
My Commission Expires July 10, 2007

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, November 29

416997

20 01

RECEIVED OF Burnell R or Helen C. Gaskins, HC 76 Box 42, Midland SD 57762
the following amount in fees for services rendered as provided for by law: (Raymond Riesland)

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 _____

Fee for Filing Extension Request _____

Fee for _____

2 50

Total

30

(Any Other Work Provided by Law)

By Raymond Riesland
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 30, 2001

953-1

Burnell R or Helen C Gaskins
HC 76 Box 42
Nisland, SD 57762

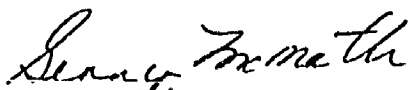
Dear Mr. & Mrs. Gaskins:

Thank you for following up on the ownership change for Water Right No. 953-1. The transfer has been completed and the water right is now listed in your names.

Enclosed is your Receipt No. 416997 in the amount of \$2.50 which you paid for filing the ownership change. You may keep the receipt for your records.

If you have any questions, please get in contact with me.

Sincerely,


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

enclosure



953-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: BURNELL & HELEN C GASKINS, 18075 MAIL RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 953-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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 10:30 am, March 2, 2006, 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) 953-1 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 24, 2006**, 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.



953-1

Track & Confirm

Current Status

You entered 2303 2160 0000 0799 4138

Your item was delivered at 11:51 am on January 25, 2006 in NISLAND, SD 57762. The item was signed for by B GASKIN.

[Shipment Details >](#)

Notification Options

- **Track & Confirm by email** [What is this?](#) [Go >](#)
- **Request Proof of Delivery** [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 4138

BURNELL & HELEN C GASKINS
18075 MAIL RD
NISLAND SD 57762

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**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 6, 2006

953-1

Burnell & Helen C Gaskins
18075 Mail Rd
Nisland SD 57762

Dear Mr. & Mrs. Gaskins:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 953-1.

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

Pumping from the creek to fill your stock dugouts would be considered domestic use. Use of water for domestic purposes does not require a water permit.

If you have any questions, please contact me.

Sincerely,

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



953-1
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: BURNELL & HELEN C GASKINS, 18075 MAIL RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 953-1. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 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 10:30 am, March 7, 2007, 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) 953-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V5-IQ.pdf>

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

953-1

[Home](#) | [Help](#)

Track & Confirm

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6576
Status: **Delivered**

Your item was delivered at 11:55 AM on January 29, 2007 in NISLAND, SD 57762. The item was signed for by B GASKIN.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. Terms of Use Privacy Policy

United States Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 6576

BURNELL & HELEN C GASKINS
18075 MAIL RD
NISLAND SD 57762

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 159, May 2002

(See Reverse)



**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 1, 2007

953-1

Burnell & Helen Gaskins
18075 Mail Rd
Nisland SD 57762

Dear Mr. & Mrs. Gaskins:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 953-1.

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



953-1
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 23, 2009

NOTICE

TO: BURNELL & HELEN C GASKINS, 18075 MAIL RD, NISLAND, SD 57762

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 953-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2009**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 953-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

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

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 5541**
Status: **Delivered**

Your item was delivered at 12:06 PM on January 24, 2009 in NISLAND, SD 57762. The item was signed for by H GASKINS.

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5541

BURNELL & HELEN C GASKINS
18075 MAIL RD
NISLAND SD 57762

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2009

953-1

Burnell & Helen C Gaskins
18075 Mail Rd
Nisland SD 57762

Dear Mr. & Mrs. Gaskins:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 953-1.

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

If you have any questions, please contact me.

Sincerely,

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

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

953-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 22, 2012

953-1

Helen Gaskins
821 Fox Run Dr Apt 124
Rapid City SD 57702 2374

Dear Ms. Gaskins:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaire.

The notice was originally mailed to 18075 Mail Rd, Nisland SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have sold the land or have an operator on the property that I need to contact, please let me know.

Sincerely,

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

enclosures



953-1

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 18, 2013

NOTICE

TO: BURNELL & HELEN C GASKINS, 821 FOX RUN RD APT 124, RAPID CITY, SD 57701
2374

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 953-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, 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) 953-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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.

953-1

English

Customer

USPS Mobile

Register / Sign In

Service



Search USPS.com or Track Package

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

Track & Confirm

GET EMAIL UPDATES

PRINT DETAILS

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
2303216000008021888		Delivered	January 19, 2013, 2:43 pm	RAPID CITY, SD 57701	Signature Confirmation™ Proof of Delivery
		Out for Delivery	January 19, 2013, 7:58 am	RAPID CITY, SD 57701	
		Sorting Complete	January 19, 2013, 7:48 am	RAPID CITY, SD 57701	
		Arrival at Post Office	January 19, 2013, 4:57 am	RAPID CITY, SD 57701	

Check on Another Item

What's your label (or receipt) number?

Find

U.S. Postal Service® Signature Confirmation® Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 1888

BURNELL & HELEN C GASKINS
821 FOX RUN RD APT 124
RAPID CITY SD 57701 2374

Waiver of Signature ☐ YES ☐ NOPostmark
Here

Delivered
1-19-13

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

USPS.COM

Home >

Updates >
Locations >

OTHER USPS SITES

Business Customer Gateway >
Postal Inspectors >
Inspector General >
Postal Explorer >

PS Form 3800, May 2002

(SEE REVERSE)



953-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

March 8, 2013

NOTICE OF AMENDMENT OF WATER RIGHT

TO: BURNELL & HELEN C GASKINS, 821 FOX RUN RD APT 124, RAPID CITY, SD 57701 2374

FROM: Garland Erbele, Chief Engineer,
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 953-1

On March 7, 2013, the Water Management Board amended Water Right No. 953-1 to add the following qualification:

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

This action was taken for failure to return the 2012 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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

CERTIFICATION

I hereby certify that on March 8, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2013 regarding cancellations addressed as stated below:

Edward Patrick Henry, PO Box 11, White Clay NE 69365 #672-2
Richard Will, 1104 Vista Dr, Milbank SD 57252 #4084A-3
Lane Tekrony, 47840 180th St, Clear Lake SD 57226 #2954-3
Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783 # 508A-1
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536 #6168-3
Cabbage Patch Ranch, Pete Reinert, 19153 Vista Pl, Howes SD 57748 #'s 1921-1 & 1922-1
Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231 #3937-3
Duane Rogers, 13575 383rd Ave, Aberdeen SD 57401 #2943-3
Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278 #'s 2696-3A & 4414-3
Bruce Weyrich, 20080 145th Ave, Sturgis SD 57785 #996-1
Burnell & Helen Gaskins, 821 Fox Run Rd, #124, Rapid City SD 57701 #953-1
Samuel & Angela Fousek, 29972 396th Ave, Wagner SD 57380 #2323A-3
Brink Bros, Todd Brink, 5825 7th Ave SW, Watertown SD 57201 #2717-3A

Lail Jacobson

Gail Jacobson
Secretary/Water Rights

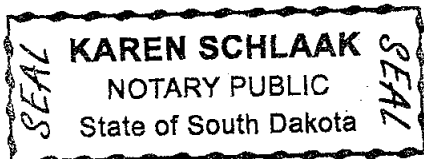
[illegible]

Sworn to, before me, this 8th day of March, 2013.

Kares, Alaska

Karen Schlaak
Notary Public

My Commission expires April 1, 2013





DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

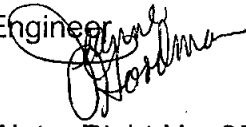
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



March 7, 2014

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Helen C Gaskins, 821 Fox Run Rd Apt 124, Rapid City SD 57701 2374

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 953-1

On March 6, 2014, the Water Management Board ordered:

Effective April 6, 2014, Water Right No. 953-1 be suspended for the 2014 irrigation season for failure to submit the 2013 irrigation questionnaire.

If the 2013 irrigation questionnaire is received prior to April 6, 2014 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2014 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2014 unless the irrigation questionnaire is submitted by April 6th.

After April 6th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2013 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 7-8, 2014 in Pierre, SD. The letter should include your reasons for not completing the 2013 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

English

Customer

USPS Mobile

Register / Sign In



Search USPS.com or Track Package

Quick Tools

Track

Enter up to 10 Tracking #Find

Find USPS Locations

Buy Stamps

Schedule Pickup

Calculate Postage

Look Up a ZIP Code™

Hold Mail

Change of Address

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

USPS Tracking™



Customer Service ›

Have questions? We're here to help.

Tracking Number: 7013060000197481801

Product & Tracking Information

Postal Product:

Features:

Certified Mail™

Available Actions

Email Updates

March 10, 2014, 3:49 pm	Delivered	RAPID CITY, SD 57701
March 10, 2014	Depart USPS Sort Facility	RAPID CITY, SD 57701
March 9, 2014, 3:42 am	Processed at USPS Origin Sort Facility	RAPID CITY, SD 57701
March 8, 2014, 11:50 pm	Processed at USPS Origin Sort Facility	RAPID CITY, SD 57701
March 8, 2014	Depart USPS Sort Facility	HURON, SD 57399
March 7, 2014, 10:04 pm	Processed at USPS Origin Sort Facility	HURON, SD 57399
March 7, 2014, 6:04 pm	Dispatched to Sort Facility	PIERRE, SD 57501
March 7, 2014, 1:42 pm	Acceptance	PIERRE, SD 57501

Track Another Package

What's your tracking (or receipt) number?

LEGAL

Privacy Policy ›

Terms of Use ›

FOIA ›

No FEAR Act EEO Data ›

ON USPS.COM

Government Services ›

Buy Stamps & Shop ›

Print a Label with Postage ›

Customer Service ›

Delivering Solutions to the Last Mile ›

Site Index ›

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

1 HELEN C GASKINS
821 FOX RUN RD APT 124
RAPID CITY SD 57701 2374

7013 0600 0001 9748 1801
Se
St
or
City



953-1
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, 2014

NOTICE

TO: HELEN C GASKINS, 821 FOX RUN RD APT 124, RAPID CITY, SD 57701 2374

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 953-1. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 953-1 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** 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) 953-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, 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.

English

Customer

USPS Mobile

Register / Sign In



Search USPS.com or Track Package

Quick Tools

Track

Enter up to 10 Tracking #Find

Find USPS Locations

Buy Stamps

Schedule Pickup

Calculate Postage

Look Up a ZIP Code™

Hold Mail

Change of Address

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

USPS Tracking™



Customer Service ›

Have questions? We're here to help.

Tracking Number: 70130600000197480255

Requested label is archived.

Restore Archived Details ›

Product & Tracking Information

Available Actions

Postal Product:

Features:

Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
January 27, 2014, 3:15 pm	Delivered	RAPID CITY, SD 57701

Track Another Package

What's your tracking (or receipt) number?

LEGAL

Privacy Policy ›

Terms of Use ›

FOIA ›

No FEAR Act EEO Data ›

ON USPS.COM

Government Services ›

Buy Stamps & Shop ›

Print a Label with Postage ›

Customer Service ›

Delivering Solutions to the Last Mile ›



Copyright © 2014 USPS. All Rights Reserved.



Postage \$

Delivered
1-27-14

HELEN C GASKINS
821 FOX RUN RD APT 124
RAPID CITY SD 57701 2374

Sent To
Street, Apt. No., or PO Box No.
City, State, ZIP+4
PS Form 3800, August 2006

See Reverse for Instructions

7013 0600 0001 9748 0255

McMath, Genny

From: Gronlund, Eric
Sent: Friday, March 28, 2014 1:28 PM
To: McMath, Genny
Subject: 953-1

This water right is in the name of Burnell and Helen Gaskins. The water right was suspended in March and is within the 30 day period to get the IQ submitted or the WR is suspended for the 2014 season.

Received a call from Josh Kitzan. He purchased the land – I am not sure how long ago.

- Will submit the irrigation questionnaire but they did not irrigate from Bitty Creek in 2013. The land receives water from BFID and only would irrigate from the creek if they didn't get their full allotment and flows in the creek were sufficient.
- Will submit a transfer of ownership to the WR in his name.
- When we get that send a copy of the water license with the standard letter you send acknowledging the transfer.

Thanks you.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/2, 20 12

RECEIVED OF Joshua J Kitzman 18075 Mail 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	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>953-1</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. **06809**

By Jeanne Goodman
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

APR - 2 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 953-1Date: 3/28/2014

I/We request that Water Right/Permit No. 953-1 formerly owned by:
Burnell and Helen Gaskins be transferred to:

New Owner Name: Joshua or Heather KitzanAddress: 18075 Mail RdCity, State, Zip Nisland, SD 57762Nisland, SD 57 Telephone No. 605-257-2105

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

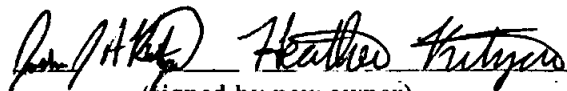
sec 35-T010N-R04E, SW1/4SE1/4 - 31 acres

☒ I understand that the validity of Water Right/Permit No. 953-1 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, Joshua or Heather Kitzan, 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



April 2, 2014

953-1

Joshua or Heather Kitzan
18075 Mail Rd
Nisland SD 57762

Dear Mr. & Mrs. Kitzan:

Thank you for sending in the 2013 irrigation questionnaire and the transfer of ownership form for Water Right No. 953-1.

The ownership change has been completed. Water Right No. 953-1, formerly held by Burnell and Helen Gaskins is now listed in your names. Enclosed for your records is Receipt No. 06809 in the amount of \$50 which you paid for filing the ownership change.

At the March 7, 2014 hearing, the Water Management Board suspended Water Right No. 953-1 for one year due to non-return of the 2013 irrigation questionnaire. The Board action included a statement that if the questionnaire was received by April 6th, no suspension would occur. Everything is up to date as far as submission of the irrigation questionnaire and the filing of the ownership change.

Included with this correspondence is a copy of the water right, past ownership changes filed and also a copy of the notice sent to Gaskins amending the water right to include the irrigation questionnaire qualification. The questionnaires are sent out each October and are due back by the first week in December.

If you have any questions concerning any of the above information or enclosed copies, please contact me.

Sincerely,

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

enclosures