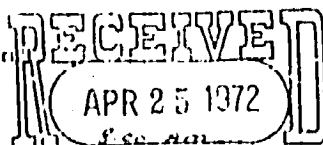


Water Right Number 962-1

1. Considered JULY 12, 19 72
2. Name of Applicant IONE A. SHEVLING
3. Post Office Address NISLAND, S.D.
4. Amount of Water claimed 3.00
5. Source of Water supply BELLE FOURCHE RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 251.00
7. Water to be diverted and used in BUTTE County
about 2W 2S miles of NISLAND
8. Proof of Publication
Received 7-10-72
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 962-1Map No. 793-1 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 COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Leon A. Shoyling
Postoffice address Wichita, State South Dakota
- If corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
3. Name of diversion work Leon A. Shoyling
4. Amount of water claimed (cubic feet per second) 3
5. Source of water supply Belle Fourche River
6. Location of point of diversion No. 1. 1370 ft. on a bearing of North 1° West of W 1/2 corner Sec. 14. (Existing diversion point for Henry water right 200-1). No. 2. In reach of river between points A & B. Point A 2400 ft. on a bearing of North 15° West of S 1/2 corner of Sec. 11. Point B 1200 ft. on a bearing of N 45° West of S 1/2 corner of Sec. 11. Butte County
7. Annual period or periods during which water is to be April through September
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 250-200-251

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>N 1/2 14-8-4</u>	<u>174</u>		
<u>S 1/2 14-8-4 and E 1/2 14-8-4</u>	<u>112</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Belle Fourche Tee
12. Principal Features of the Proposed Water Supply System: High pressure pump
- A. Works proposed to divert water from its natural source:

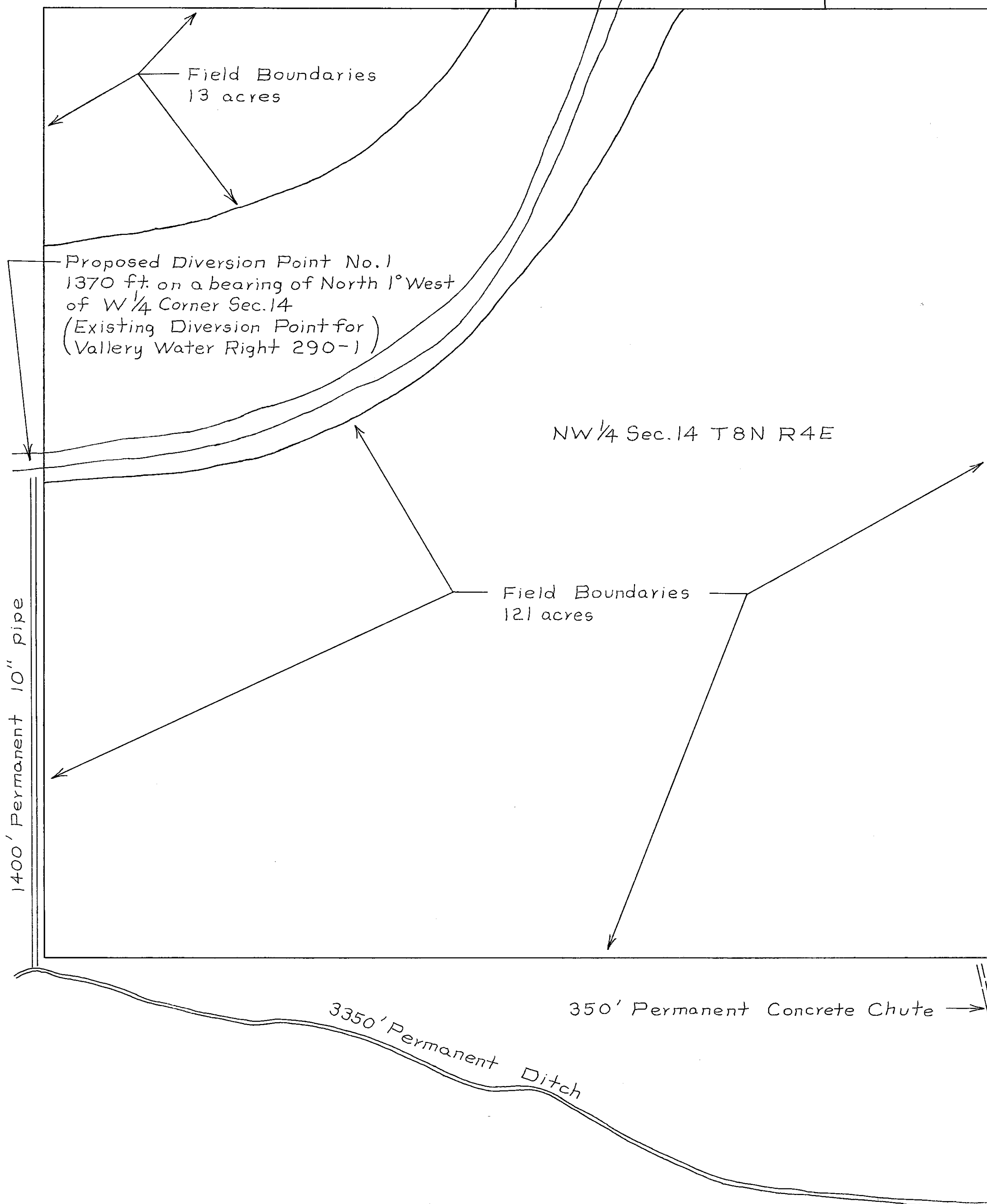
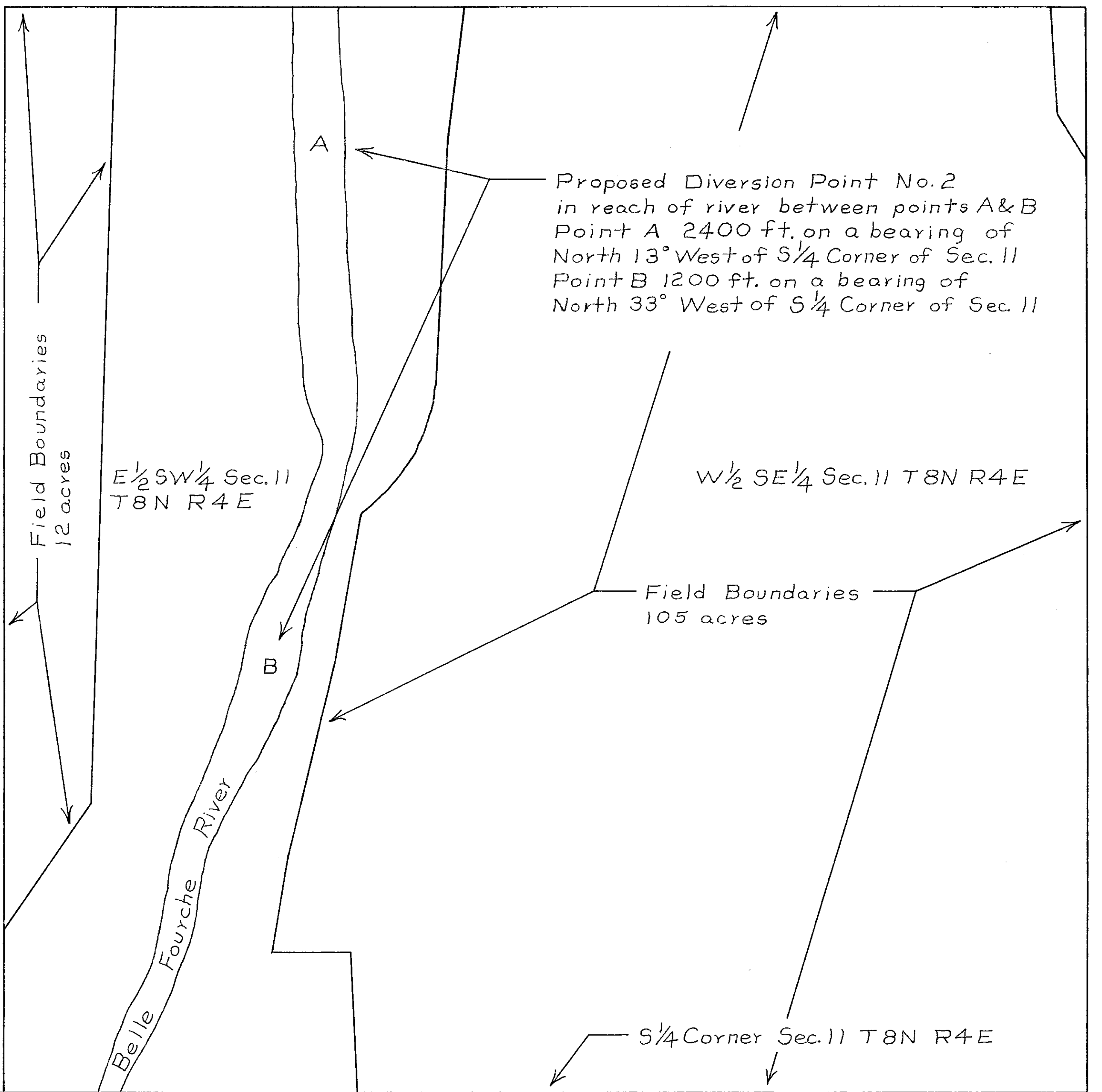
B. Works proposed to transport water to place of use Aluminum pipeC. Works proposed to apply water to beneficial use Sprinkler systemEstimated Total Cost \$ 2000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of ButteI, Leon A. Shoyling, the applicant, certify that I have read the foregoing application and have examined the attached map and that the waters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Leon A. Shoyling
Subscribed and sworn to before me this 24 day of April, 1972My Commission Expires March 5, 1973
Notary Public (or other qualified officer)



Scale: 1 inch = 200 feet



Larry E. Afdahl

Plan for Irrigation
Land belonging to Ione A. Shevling
Nisland, South Dakota
by Larry E. Afdahl, P.E. & L.S.
April 1972

MAP NO 793-1
APP. NO 962-1

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No.

962-1

MR. IONE A. (SHEFFLING)
(Applicant)

NISLAND
(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 the prior water rights on the Belle Fourche River. Flow records show that there are occasional years when the flows of the Belle Fourche River in this area 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.

Date of first receipt of application APRIL 25 19 72

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

Date of receipt of corrected application _____ 19 _____

Approved JULY 12 19 72 Recorded in Book 12 Page 121

WATER RIGHT PERMIT NO. 961-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 961-1 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 25 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 12 19 73
3. The whole of said work is to be completed on or before JULY 12 19 74
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 12 19 77
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 3.00 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 JULY 12 19 77 said water to be used during the following described annual period: APRIL THRU SEPTEMBER

Witness my hand this 13TH day of JULY 19 72

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued February 26 19 82

Water License Issued February 26 19 82

WATER LICENSE NO. 962-1

(1) WHEREAS, On the 25th day of April A. D. 19 72
Tone A Shewling

made Water Right Application No. 962-1 for a permit to use 3.0 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 12th day of July A. D. 19 72

Permit No. 962-1, with a date of priority of April 25, 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 12th day of July A. D. 19 74 and for the

application to beneficial use of said water on or before the 12th day of July A. D. 19 77

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 3.0 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 land in TEN, R4E

Section 11	NE 1/4 SW 1/4	9 acres	(CA)
	SE 1/4 SW 1/4	37 acres	(CB)
	NW 1/4 SE 1/4	39 acres	(DB)
	SW 1/4 SE 1/4	40 acres	(DC)
Section 14	NW 1/4 NW 1/4	3 acres	(BB)
	NE 1/4 NW 1/4	34 acres	(BA)
	SW 1/4 NW 1/4	37 acres	(BC)
	SE 1/4 NW 1/4	40 acres	(BD)
TOTAL 219 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 Ione A. Shavling

_____ of Midland, South Dakota
the holder _____ and owner _____ of said permit No. 962-1 a water right, dating from April 25, 1982
_____ to use of 2.5 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 No. 1 - 1270 feet N 12W 1/4 corner, Section 14,
No. 2 - between point "A" 2405' N 13W of S 1/4 corner Section 11 and Point "B"
1220' N 33W of S 1/4 corner, Section 11, T3N, R4E

and conducted to and upon portions of Sections 11 and 14, T3N, R4E more fully described
on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 962-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of February A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Patch
Chief Engineer, Executive Officer
JOHN PATCH

Permit No. 962-1

Water Diversion No. 1 Belle Fourche River Water District

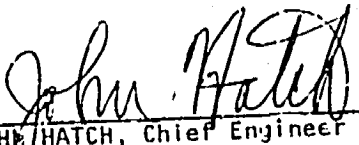
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Ione A Shavling

_____ the holder _____ of
Permit No. 962-1, issued upon Application No. 962-1, bearing date of priority of _____
April 25, 1972 authorizing the diversion of 3.0 cu. ft. per second of the waters of _____
the Belle Fourche River County of Butte, State of South Dakota at _____
No. 1 - 1370 feet N 1°W of W 1/4 corner Section 14, No. 2 - between point "A"
2400'N 13°W of S 1/4 corner Section 11 and Point "B" 1200'N 33°W of S 1/4 corner
Section 11, T8N, R4E for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.78 cu. ft. per second of water.

Date February 26, 1982

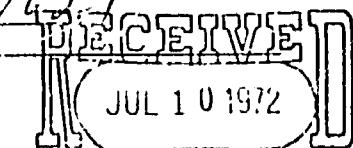

JOHN HATCH, Chief Engineer
Water Rights Division

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

No. 942-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

I, Lawrence Meyer hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Belle Fourche Bee

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

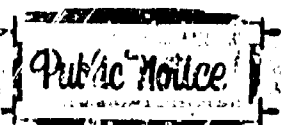
City of Belle Fourche
County of Butte and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

June 2, 1972
June 7, 1972
June 16, 1972
June 23, 1972

x James W. [Signature]
(Signature)

Publisher
(Title)

June 31, 1972
(Date Signed)



INTENT TO APPROPRIATE
WATER
Pierre, South Dakota 57501
May 22, 1972

Notice is hereby given that
Ione A. Shevling whose post
office address is 111 Island, South
Dakota, has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appro-
priate for beneficial use 3.0
cubic feet of water per second
of time from the Belle Fourche
River through the Ione A. Shev-
ling #1, the point of diversion
which is to be located in the
NW 1/4 NW 1/4, Section 14,
and between points in the NE 1/4
SW 1/4 and SE 1/4 SW 1/4,
of Section 11, Twp 2N, Range
4E. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land: W 1/2 SE 1/4,
E 1/2 SW 1/4, Section 11, and
NW 1/4, Section 14, all in T8N,
R4E.

This application No. 982-1
will be considered by the Water
Resources Commission at their
office at Pierre upon the 12th
day of July, 1972, at 2:00 P.M.
All interested persons may ap-
pear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones,
Water Rights Specialist

44L(6)-2-9-16-23

Form 6 - Notice of Intent to Appropriate Water

962-1

Publish first publication, on or before June 15, 19 72

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 22, 19 72

Notice is hereby given that Ione A. Shevling
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 permit to appropriate for beneficial use
3.0 cubic feet of water per second of time from the Belle Fourche River through the
Ione A. Shevling #1, the point of diversion of which is to be located in the
NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, and between points in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$,

of Section 11, Twp. 8N, Range 4E. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:
W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 11, and NW $\frac{1}{4}$, Section 14, all in T8N, R4E

This application No. 962-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of July, 19 72, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

cc: Ione A. Shevling, Nisland, S.D. 57762

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8302

June 22, 1981

PIERRE,

Ione A. Shevling, Star Rt.191, 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.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
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 water master service on WR# 962-1	92.75
(any other work as provided by law)	
TOTAL	92.75

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / CE

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981
Summary of Receipts and Expenditures
June, 1981 - July, 1981

942-1

	<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 Budmayr	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	17.00	14.25	12.61
392-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	73.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	54.00	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	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
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	4.88	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 Wetz	1.65	116.00	49.00	43.37
432-1	Roy Cassteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	155.13
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	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 195.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	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	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M 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 Wernberg	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
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C. Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Akar	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
402-1	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 Reich	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 Jeffrey	1.05	75.70	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 Foos	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	Solomn Stark	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	---

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

Joe Foss Building
Pierre, South Dakota 57501

(605) 773-3352
Water Rights Division

November 13, 1981

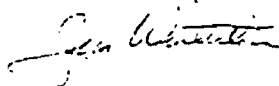
To Water Use Control Area Permit Owners:

Enclosed is a copy of the Financial Report for the Belle Fourche River Water Use Control Area. Based on this closing financial statement, amounts were prorated out and refunds are being sent from the money that was not used by the water master. Persons between the Belle Fourche Diversion Dam and Owl Creek will receive no refunds due to the water master's services being required only in this area.

The refund checks are being mailed under separate cover thru our Finance Office.

If you have any questions feel free to contact our office.

Sincerely,



JAMES E. WINTERTON
Water Resources Engineer

JW/bt
Enc.

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division (605) 773-3352

Pierre, South Dakota 57501

June 10, 1981

Long A. Shewling
Hiland, SD 57762

Mr. Shewling:

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 forty-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>Acres</u>	<u>Fee</u>
962-1	3.0 cfs	251.0	\$92.75
TOTAL			\$92.75

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/JW/ty

Equal Opportunity Employer

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8625

Iore A Shevling, Nieland SD 57762, PIERRE, December 30, 1932

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. 926-1)	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 926-1)		
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
Chief Engineer, Executive Officer
JOHN HATCH (ks)

Permit No. 962-1Water Division 1 Belle Fourche River Water District
10,202.02REPORT 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 Ione A. Shervling of A Island, S. DAK. 57762 holder of Permit No. 962-1, bearing date of priority of April 25, 1972 authorizing the diversion of 3.0 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:
 North Pump Site - Engine - Chrysler 440 CID - 120 HP. V8 - Propane
 Pump - Berteloy - B3 JRM BM - Pumps 600 gpm.
 South Pump Site - Motor G.E. 76 HP - Model 5K363-KK205.
 Pump - Cornell Model 6XIVF3 - Ser # E253 12 3/4 Imp Dia
 Pumps 2000 gpm. (wst) used also for Permit # 280-1
- B. Works used to transport water to place of use
 1150 ft PE hose.
 2640 ft 6" Alum. Pipe
 1500 ft 10" Alum. Pipe
 2600 ft 12" PVC Pipe
- C. Works used to apply water to beneficial use.
 Exterfrance Traveling Gun with Nelson Guns 4 1/2" Flex Hose
 Gated Pipe from Permit # 280-1 For Flood Irrigation

The system is in the following condition. Good

The point of diversion is located No. 1. 1370 ft N 1/4 W of W 1/2 Cor Sec. 14, No. 2. Between point A:
2400' N 13° W at S 1/2 Cor Sec. 11 and Pt. "B" 1200 ft N 33° W of S 1/2 Cor Sec. 11
TSN R4E

The works are capable of diverting and conveying to the place of use 5.78cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in Sec. 11 - TSN R4E

NE 1/4 SW 1/4 - 9 Ac. SE 1/4 SW 1/4 - 16 Ac. NW 1/4 SE 1/4 - 39 Ac.
SW 1/4 SE 1/4 - 40 Ac. The following in Sec. 14 TSN R4E
NW 1/4 N 1/4 - 3 Ac. NE 1/4 N 1/4 - 34 Ac. SW 1/4 N 1/4 - 37 Ac.
SE 1/4 N 1/4 - 40 Ac.

comprising a total of 219 acres of land. Received for 30 day

Date August 4, 1981
Robert J. Wernaghi
 (Signature)

Diversion Point

Between P.A. N13W
2410' from 22.1
Sec. 11.
Q.A. 11.2 N24W
C.S. 11.2 N
T.S. 11.2

R4E

N.W. 1/4
34A-

S.W. 1/4
40A-

N.W. 1/4
34A-

T
8
N

S.E. 1/4 N.W. 1/4
40A-

37A-

14

Mrs. Lona A. Sherting
Permit # 962-1

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

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

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

March 23, 1987

MRS IONE SHEVLING
836 KINGSBURY
BELLE FOURCHE, SD 57717

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

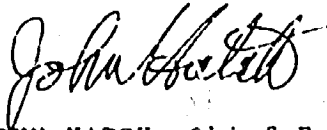
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 962-1. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given 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 1-20. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 962-1 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
605 773-2352

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.

Water Rights Division - DWR
Conversation or File Documentation

File No. 962-1

NAME OF PERMITTEE FILE: Ione A Shevling

ADDRESS: Belle Fourche, SD COUNTY Butte

DATE: September 22, 1987 TELEPHONE

RE: amendment to water right and transfer

COMMENTS:

A Notice was sent to Mrs. Shevling concerning amendment to her water right due to nonreturn of the irrigation questionnaire. Further checking found that Mrs. Shevling was deceased and the water right had not yet been transferred to a new owner(s).

The Butte County Register of Deeds shows ownership of the lands under Water Right No. 962-1 to be 1/2 interest to Harley Shevling (son) and 1/2 interest to Betty Ann Shay (daughter).

Harley Eugene Shay, 1701 S 102, Edwardsville, KS 66111

Betty Ann Shay, 705 14th Ave, Apt 10, Brookings, SD 57006

I called Betty Shay concerning the transfer which needed to be filed, she indicated the lands are still being irrigated. Send her a partially completed form to complete and return.

She indicated that the yearly irrigation questionnaires could be sent to their leasor : Thornton Vallery, HCR 76, Box 188, Nisland, SD 57762

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.

4/82

NAME: Henry M. Mark



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 962-1

September 23, 1987

Betty Ann Shay
705 14th Ave, Apt 10
Brookings, SD 57006

Dear Ms. Shay:

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,

GENNY MCMATH
Natural Resources Analyst

gm



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

WATER RIGHTS DIVISION
(605) 773-3352

September 24, 1987

Thornton Vallery
HCR 76, Box 188
Nisland, South Dakota 57762

Dear Mr. Vallery:

The purpose of this letter is to let you know we are adding your name to Water Right No. 962-1 as that of lessor. Water Right No. 962-1, currently listed in the name of Ione Shevling is in the process of being transferred to Betty Ann Shay and Harley Eugene Shevling.

I contacted Betty Shay, September 22, 1987 concerning the transfer of the Water Right. She indicated that the yearly irrigation questionnaires should be sent directly to you since you lease the land and would have the necessary records.

Enclosed is a copy of Water License No. 962-1 for your records. The 1987 irrigation questionnaires will be mailed out in October this year. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

NO. 962-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12/11/87

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

E 1/2 SW 1/4, W 1/2 SE 1/4, Section 11, T8N, R4E; NW 1/4 Section 14, T8N, R4E

formerly owned by Ione A Shevling

has been transferred to Betty Shatt and Gene Shevling <sup>Shatt - 705 14th Ave NW
Brookings, SD 57006</sup>
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 962-1 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, Betty Shatt (Residence - Brookings) 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.

Betty Shatt
(Signed)

Subscribed and sworn to before me this 11 Day of December, 1987.

Jeanne Stratton
(Notary Public)

JEANNE STRATTON
Notary Public, Butte County, SD
My Commission Expires November 14, 1991

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ January 6, 1988, 19____

RECEIVED OF Betty Shay, 705 14th Ave., #10, Brookings, SD 57005
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 <u>962-1</u>	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 (MS)



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

962-1

February 1, 1988

Betty Shay & Gene Shevling
705 14th Avenue #10
Brookings, South Dakota 57006

Dear Mrs. Shay & Mr. Shevling:

Enclosed is receipt No. 411098 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 962-1.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



962-1

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

May 27, 1993

Thernton Vallery
HCR 76 Box 188
Hiland, SD 57762

962-1

Dear Mr. Vallery:

I am writing in regard to the 1992 irrigation questionnaire you submitted for Water Right No. 962-1. The water right is currently listed in the names of Betty Shay and Gene Shevling, with you listed as the operator. You indicated on the questionnaire that no records were kept for 1992.

Water Management Board Rule 74:02:01:14.02 states that all irrigation permit owners except waterspreading permit owners shall submit completed irrigation questionnaires on the forms mailed to them each year by the chief engineer. Future questionnaires marked "no records kept" will be regarded as not completed and will not be accepted.

Enclosed is a copy of the acreage authorized for irrigation under Water Right No. 962-1. Also enclosed is a blank irrigation questionnaire to assist you in keeping records of any irrigation done in 1993. The 1993 irrigation questionnaires will be mailed out in October.

If you have any questions, please contact us.

Very truly yours,

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

enclosures

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 18, 1992

OCTOBER 1992 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

952-1
THORNTON VALLERY, CP
HCR 76 BOX 184
NISLAND
SD 57762

EU/35

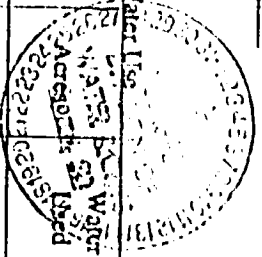
1-296

Shedding

Telephone No. _____

1. SURFACE WATER ✓ GROUNDWATER _____
2. Did you irrigate during 1992? Yes ✓ No _____
3. Number of acres irrigated in 1992 47
4. Has your system been constructed? Yes ✓ No _____
5. Are chemicals, including fertilizer, applied through your irrigation system? Yes _____ No ✓
6. Is acreage covered by this permit in the federal CRP program? Yes _____ No ✓
7. If yes, is ALL irrigated acreage in the program? Yes _____ No ✓
8. If yes, list first full year after CRP program expires 19 _____

Public



Type of Power	No. of acres Irrigated
1. Electric	_____
2. Gravity	_____
3. Gasoline	_____
4. Nat. Gas Pipeline	_____
5. Diesel	_____
6. Propane	<u>47</u>
7. Other	_____
Type of System:	
1. Hand moved sprinklers	_____
2. Portable booms	_____
3. Center pivots or CR	_____
4. Fixed pipes	_____
5. Other	_____
6. Other	_____
7. Other	_____

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Crop	Acres	Water Used	Crop
April							
May							
June							
July							
August							
Sept.							
Oct.							
Other Months							

NO Acreage

12 Acres

COMMENTS

Complete & return to:

Water Rights Division

100 Foss Building

SD State Capitol



762-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 1994

Batty Everrett
2301 Devonshire
Lincoln, NE 68506

Dear Ms. Everrett:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form. Even though you and your brother still own the land, due to the name change, a transfer form must be filed.

Please review the form and make any necessary corrections. 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.

If you have any questions, please contact me.

Sincerely,

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

enclosure

962-1

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 962-1

Date: May 11, 1994

I/We request that Water Right No. 962-1

formerly owned by: Betty Shay and Gene Shevling

be transferred to: Betty Everett, 2301 Devonshire, Lincoln, NE 68503 & Gene Shevling, HC 76 Box 191, Nisland, SD 57762

Telephone No. (Ms. Everett) 402-486-1169 Telephone No. (Mr. Shevling) 605-257-2349

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

219 acres - E 1/2 SW 1/4, W 1/2 SE 1/4 Section 11 and NW 1/4 Section 14, T8N, R4E

I/We understand that the validity of Water Right No. 962-1 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 _____)

I/We Betty Everett being first duly sworn on my oath depose and say that my relation to the above described undertakings 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.

Betty Everett
(Signed)

Subscribed and sworn to before me this 11 day of May, 19 94.



Helen L. Adams
(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 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 Environment and Natural Resources

4141.69

Pierre, May 13, 1994

RECEIVED OF Betty Everett, 2501 Devonshire, Lincoln, NE 68506

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. 962-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John W. Hild

962-1



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

May 18, 1994

No. 962-1

Betty Everett
2301 Devonshire
Lincoln, NE 68506

Dear Ms. Everett:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 962-1.

Our records now show you and Gene Shevling as owners of Water Right No. 962-1.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

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

enclosure

c: Gene Shevling, HC 76, Box 191, Nisland, SD 57762

962-1
Oct 20, 1997

Water Right Program
Joe Jose Building
523 East Capitol
Pierre, SD 57501

re: 962-1



To whom it may concern:

My mother, Dore Sheorling, was the original holder of this water right. She died in September 1985, and my sister, Betty Sheor, and I inherited the farm. I was named as the administrator of my mother's estate in her will. At some later date my sister's name began to appear on water right lists. I do not know where this happened since my sister and I never discussed it and I as administrator should have been the one to request such change. While I have no objection to her name having appeared as she was after all half owner of the property, I am requesting copies of whatever information you received requesting such change.

Also I am requesting copies of whatever information you received changing this water right to my name. "Dore" is a nickname but I am listed in the telephone directory as "Dore" and I also sign checks as "Dore". I am generally known in this part of the country as "Dore" although my full name is Hershey Eugene Sheorling.

My sister Betty has not lived at the Brookings address shown on the most recent list of water right holders for at least 10 years. She also died about two years ago.

At some time in the past I have seen my mother's copy of the subject water right. There were no restrictions as to

time of year it could be used. I am requesting copies of information as to how restrictions against irrigating during crop growing season (July, August and September) the only reasonable time to irrigate came into effect.

Recently it came to my attention that someone (not me) submitted an irrigation questionnaire form for this water right for 1995. I have managed this place since my mother's death and have lived on it since June 1996. The 1995 form is completely inaccurate.

I request that all future correspondence regarding this water right be sent to me and that you not accept information submitted by anyone else.

I also request information identifying the location of the land to which this water right applies.

Thank you,
HARLEY E. SHEPLING
Gene Shepling

- On May 13, 1994, she submitted a signed form transferring the water right to Betty Everett and Gene Shevling. I included a copy of a letter sent to you dated May 18, 1994, letting you know that the water right had been transferred.

In your letter, you requested information on any type of restrictions placed on Water Right No. 962-1 which would prevent you from irrigating during the summer months. Enclosed are copies of the Water Permit and Water License. The only qualification on the permit states that diversion of water under the permit is contingent upon water supplies being first available to the prior water rights on the Belle Fourche River. I have highlighted the entire qualification (see page 2 of the permit) for your review.

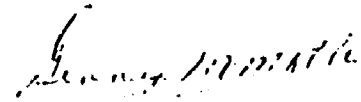
Mr. Shevling, I can understand your frustration concerning the water right and the ongoing correspondence and transfers. At your request, all future correspondence will be directed to your attention.

If you now solely own the land, the water right should be transferred once again. This may seem a bit bureaucratic, but it is a method for us to keep an up-to-date file and will also show that names are not arbitrarily changed.

Enclosed is a partially completed "Notice of Transfer of Ownership" form. Please review the form for accuracy and make any necessary corrections. Upon completion, 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.

Thank you in advance for your assistance. If I can answer any further questions for you, please contact me.

Sincerely,



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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 23, 1997

962-1

Harley E Shevling
P.O. Box 191
Wisland, SD 57762

Dear Mr. Shevling:

I would like to take this opportunity to write and address your concerns regarding Water Right No. 962-1.

I reviewed the file for Water Right No. 962-1 and made several copies of documents which reflect the chronological order events. As you will note, we were never notified that you were the administrator of the estate. Our only contact person was your sister, Betty. The following documents are enclosed:

- A file documentation dated September 27, 1987 showing my contact with the Butte County Register of Deeds. The documentation also includes a brief summary of my telephone conversation with Betty concerning the transfer of the water right. I do not recall the specific reason I contacted her rather than you, but can only assume it was because she lived in South Dakota. She indicated at that time that she wanted the leasor to receive the yearly irrigation questionnaire;
- On September 24, 1987, I wrote a letter to Thornton Vallery and explained to him that Betty requested the yearly irrigation questionnaire be sent to him as the leasor of the property;
- In October, 1987, Betty submitted a transfer of ownership form to transfer the water right from Lone A Shevling to Betty Shay and Gene Shevling. She filled in the names and signed the form.
- In December, 1992, Mr. Vallery submitted a questionnaire stating "No records kept".
- On May 27, 1993, I wrote to Mr. Vallery and explained that this was not acceptable and future questionnaires submitted in this manner would not be accepted.
- On April 7, 1994, after receiving a call from Betty, I sent a transfer form to her to change the names on the water right. This was due to her last name changing and it being necessary to keep records up to date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1998

SECOND NOTICE
Permit No. 962-1

Harley E. Shevling
HCR 76, Box 191
Nisland, SD 57762

Dear Mr. Shevling:

On October 23, 1997, notice was sent to you concerning the transfer of Water Right No. 962-1 in the name of Betty Everett and Gene Shevling. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The Water Right can then be transferred to your name. If you are not the present owner of the land covered under this Water Right, please notify this office. It is very important that ownership records be kept current. 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 Cheryl Frost, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

962-1

Is your RETURN ADDRESS completed on the reverse side?

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:

962-1

Harley E. Shevling
HCR 76, Box 191
Nisland, SD 57762

4a. Article Number

7 119 141 536

4b. Service Type

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

7. Date of Delivery

MAY 21 1998

5. Received By: (Print Name)

X HARLEY E. SHEVLING

6. Signature: (Addressee or Agent)

X Harley E. Shevling

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

PS Form 3811, December 1994

102595-97-B-0170

Domestic Return Receipt

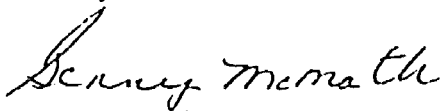
Thank you for using Return Receipt Service.

Page 2
January 27, 2000
Steve & Sylvia Olinger

The issues that we believe would be important to you if you are acquiring a portion of this land are: 1) whether the land has been irrigated when water was available and 2) whether you will have access to the river for the purpose of making diversions. If you have to cross land owned by someone else an easement should be secured to ensure a continuing ability to get water to the land.

I hope I have answered your questions. If after reviewing the above information and enclosed copies, you have further questions, please get in touch with me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath". The signature is written in dark ink and is positioned above the printed name.

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 17, 1998

962-1

Harley E Shevling
HCR 76 Box 191
Nisland, SD 57762

Dear Mr. Shevling:

I am contacting you in regard to ownership of Water Right No. 962-1, currently listed in the names of Betty Everett and Gene Shevling. In October, 1997 you contacted me, expressing concern over ownership of the water right and indicated you are now the sole owner. A transfer form for filing an ownership change was forwarded to you by letter dated October 23, 1997. We didn't receive a response from you and sent a follow-up letter on May 20, 1998.

To date, we have not received the transfer of ownership form from you and the water right remains under both you and your sister's names. Unless we hear from you otherwise, no further notices will be sent regarding this matter.

As we discussed in October of last year, the yearly irrigation questionnaires will be directed to your attention. The 1998 questionnaires will be mailed out to irrigators around the middle of October.

At any time you have any questions or concerns regarding Water Right No. 962-1, please feel free to write or give me a call.

Sincerely,

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



962-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 27 2004

962B-1

Steve & Sylvia Olinger
12241 Vallery Rd
Nisland SD 57762

Dear Mr. & Mrs. Olinger:

Enclosed is Reissued Water License No. 962B-1 authorizing diversion of water from the Belle Fourche River for irrigation purposes. Based on the ownership change you filed July 7, 2004, Water Right No. 962-1 was divided and reissued to reflect separate ownership.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3131
www.state.sd.us/denr

January 27, 2000

962-1

Steve & Sylvia Olinger
Box 368
Newell, SD 57760

Dear Mr. & Mrs. Olinger:

Thank you for calling about Water Right No. 962-1. Enclosed for your review are copies of the water permit, water license, report of examination of works, irrigation questionnaires for the past 10 years and various correspondence.

During our conversation you inquired what it would take to revive the water right. A water right can be subject to cancellation due to three violations of a water permit qualification, non-use of water for a period greater than three years (unless legal excuse exists) or if the project is not constructed within the time frame specified on the permit. I have included a sheet showing excerpts of the South Dakota Water Laws and Water Management Board Rules that deal with this issue.

A review of past irrigation questionnaires shows that some of the land has been irrigated when water is available. It appears that when irrigation has taken place, substantially less acres than the 219 acres authorized by Water Right No. 962-1 were irrigated. However, the submitted forms do not specify which acreage was irrigated, only the number of acres irrigated. Mr. Shevling reports on a couple of the forms that he did not irrigate because of permit restrictions during July, August and September. The qualification (see yellow highlighted area on the copy of the permit I enclosed) means the permit holder of No. 962-1 is not to divert from the river during low flow periods in order to protect senior water rights.

Another issue we discussed is the ownership of the water right. Under South Dakota water law, water rights are appurtenant to the land. In other words the water right goes with the land. It is my understanding that the land described Water Right No. 962-1 may become divided among family members. If this is the case, the water right can be divided and reissued to reflect separate land ownership. This is a common occurrence and does not alter the terms of the water right. The only requirement to transfer a water right is for the owner to fill out a transfer form indicating which land they now own. The cost involved is \$2.50.

continued

Page 2

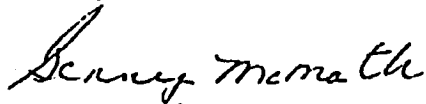
January 27, 2000

Steve & Sylvia Olinger

The issues that we believe would be important to you if you are acquiring a portion of this land are: 1) whether the land has been irrigated when water was available and 2) whether you will have access to the river for the purpose of making diversions. If you have to cross land owned by someone else an easement should be secured to ensure a continuing ability to get water to the land.

I hope I have answered your questions. If after reviewing the above information and enclosed copies, you have further questions, please get in touch with me.

Sincerely,

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

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

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 962-1, Steve and Sylvia Olinger

ADDRESS: COUNTY: Butte

DATE: July 7, 2004 TELEPHONE:

RE: Discussion on Water Right No. 962-1

COMMENTS:

Mr. and Mrs. Olinger stopped in the office to discuss Water Right No. 962-1 from the Belle Fourche River. They had previously stopped in the Water Rights office on August 28, 2001 to discuss this water right.

They own the land is Section 14 that is authorized for irrigation by this water right. This water right was held by Betty Everett and Gene Shevling. They obtained ownership of the portion of land in Section 14 after a protracted legal battle with other heirs to the property. I believe the ownership was in question from approximately 1997 to 2002. The Olingers took sole title to the land in Section 14 in 2002. Prior to that they indicated they were unable to irrigate because of the legal proceeding.

They are looking at buying pump equipment so they can begin irrigating. Mark Rath and I discussed the forfeiture statutes and under Board rule what constituted legal excuse. They felt legal excuse for non-irrigation existed because they could not access the property until 2002. We told them that we could not speak to the validity of the water right; that only the Water Management Board can determine the status of a water right. We outlined the declaratory ruling process for bringing the matter before the Board.

We stated that if the state proceeds with a cancellation proceeding of any water right, then the state has the burden of proof when the matter comes before the Board. Based on the information we have been provided, we doubted very much that the state would pursue any type of cancellation proceeding because we could not meet the burden necessary to cancel the water right.

However, this would not prohibit someone else from bringing a declaratory ruling on the water rights' status. I told them that Thorton Vallery had inquired about the status of the water right. Mr. Vallery had at one time leased this property and indicated the land was not irrigated. The Olingers indicated they don't know the long term history of irrigation but that they believe Mr. Vallery's comments were "sour grapes" because he no longer had control over the property. The Olinger's also stated that Mr. Vallery had put concrete rubble in the river on there property to provide a backwater pool to his diversion point. They indicated that Mr. Vallery joked to them that

it's amazing what beavers can do to construct a dam. The Olinger's were concerned that they would be held as the responsible party for causing an obstruction of the river.

Water Right No. 962-1 had not yet been split between the owners of the property in Section 11 and 14. The Olingers completed a transfer of ownership form for their land in Section 14. This water right will be designated Water Right No. 962B-1.

NAME: Eric Olinger

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 962B-1
DIVISION OF NO. 962-1 INTO 962A-1 AND 962B-1

(1) Ione A Shevling was issued Water License No. 962-1, February 26, 1982 for a water right to divert 3.00 cubic feet of water per second from the Belle Fourche River, Butte County, South Dakota for irrigation purposes. Water License No. 962-1, with a priority date of April 25, 1972 was issued to the permit holder for diversion of water with construction of the water supply system and the application to beneficial use of water completed.

On July 7, 2004, an ownership change was filed with the water right, transferring a portion of Water Right No. 962-1. The water right is being divided and reissued to reflect separate ownership.

Water Right No. 962B-1 is being issued to Steve and Sylvia Olinger, 12241 Vallery Road, Nisland, SD 57762 for the portion they now own.

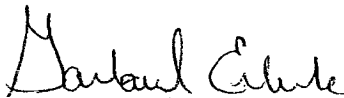
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Steve and Sylvia Olinger the holders and/or owners of Water Right No. 962B-1 are issued a license, bearing a priority date of April 25, 1972 to appropriate 1.56 cubic feet of water per second from the Belle Fourche River to irrigate 114 acres.

The diversion point is located in the NW ¼ NW ¼ Section 14, T8N, R4E. The acres authorized for irrigation are as follows:

Section 14, T8N, R4E	NW ¼ NW ¼	3 acres
	NE ¼ NW ¼	34 acres
	SW ¼ NW ¼	37 acres
	SE ¼ NW ¼	<u>40 acres</u>
	Total	114 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 962-1 including the following qualification:

- Diversion of water under this permit is contingent upon water supplies being first available to the prior water rights on the Belle Fourche River. Flow records show that there are occasional years when the flows of the Belle Fourche River in this area 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.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 27 2004

date



962A-1

962B-1

962-1

FILE DOCUMENTATION WATER RIGHT NO. 962A-1

Water License No. 962-1 was issued to Ione A Shevling for a right to divert 3.00 cfs from the Belle Fourche River to irrigate 219 acres described as follows:

Section 11	NE ¼ SW ¼	9 acres	Section 14	NW ¼ NW ¼	3 acres
	SE ¼ SW ¼	17 acres		NE ¼ NW ¼	34 acres
	NW ¼ SE ¼	39 acres		SW ¼ NW ¼	37 acres
	SW ¼ SE ¼	40 acres		SE ¼ NW ¼	40 acres
Land owned by Susan Porter (representative); Erin Ohler & James Shevling 28271 370 th Ave Geddes SD 57342 (Given number 962A-1)			Transferred July 7, 2004: Steve and Sylvia Olinger 12241 Vallery Rd Nisland SD 57762 (962B-1)		

The land in Section 14 was transferred to Olinger's and a license issued under No. 962B-1 for diversion of 1.56 cfs from the Belle Fourche River to irrigate 114 acres.

Numerous letters were written to Susan Porter requesting they file an ownership change for the portion they owned in Section 11 so that a water license could be issued (962A-1). The license would have been issued for diversion of 1.44 cfs from the Belle Fourche River to irrigate 105 acres. No response was ever received.

The yearly irrigation questionnaires submitted by Ms. Porter indicated the land was not irrigable. Notification was given to Ms. Porter that the water right for the portion of land they own in Section 11 may be subject to cancellation unless legal excuse existed. No response was received and No. 962A-1 was scheduled for cancellation consideration.

On October 11, 2006, the Water Management Board cancelled No. 962A-1 (land in Section 11 described above) due to abandonment and/or forfeiture.