

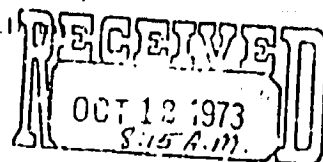
Water Right Number 997-1

1. Considered November 14, 19 73
2. Name of Applicant Daryld M. Williamson
3. Post Office Address Vale, S.D.
4. Amount of Water claimed 3.04
5. Source of Water supply Nine Mile Creek
6. Water to be used for irrigation
- Acres to be irrigated 213
7. Water to be diverted and used in Meade County
about 186E miles of Vale
8. Proof of Publication Received ~~B~~ 11-6-73
- Not Received _____
9. Application Approved _____
- Subject to _____
- Not Approved _____
- Action Deferred _____

10. Remarks:

Map No. 825-1 Water Division No. 1 BELLE FOURCHE RIVER
(Plans to be Filed by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through terms not applicable)

1. Name of Applicant Darryld M. Williamson
Postoffice address Vale State S. Dak. 57788
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 Williamson Irrigation Project

4. Amount of water claimed (cubic feet per second) 3.04 c.f.s.

5. Source of water supply Nine Mile Creek

6. Location of point of diversion 100' S 60° E of NW Cor. Sec. 9, T 7 N, R 7 E, BHM

County Meade County

7. Annual period or periods during which water is to be used April 1st to October 1st

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 213

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Section, T. & R. & Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE 1/4 SW 1/4	40	Sec. 9, T 7 N, R 7 E.	
NW 1/4 SE 1/4	40	NW 1/4 NW 1/4	9
NE 1/4 SE 1/4	40	NE 1/4 NW 1/4	6
SW 1/4 SE 1/4	39		
SE 1/4 SE 1/4	39		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sturgis Tribune

12. Principal Features of the Proposed Water Supply System Pumping tail and flood waters from Nine Mile

A. Works proposed to divert water from its natural source Creek.

Concrete check dam

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

Pipe and ditches

C. Works proposed to apply water to beneficial use

Pump, Pipe and Ditch

Estimated Total Cost \$ 5,000

Attachments: 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 Harding

I Darryld M. Williamson the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Darryld M. Williamson

Subscribed and sworn to before me this 3-18 day of Oct 19 73

Flourence Brangley
Notary Public (or other qualified officer)

1-226 #1004

PLAN OF THE WILLIAMSON IRRIGATION PROJECT

Located in Sections 4 and 9, Township 7 North, Range 7 East of the BHM in Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of Daryld M. Williamson, Vale, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVEYOR'S CERTIFICATE

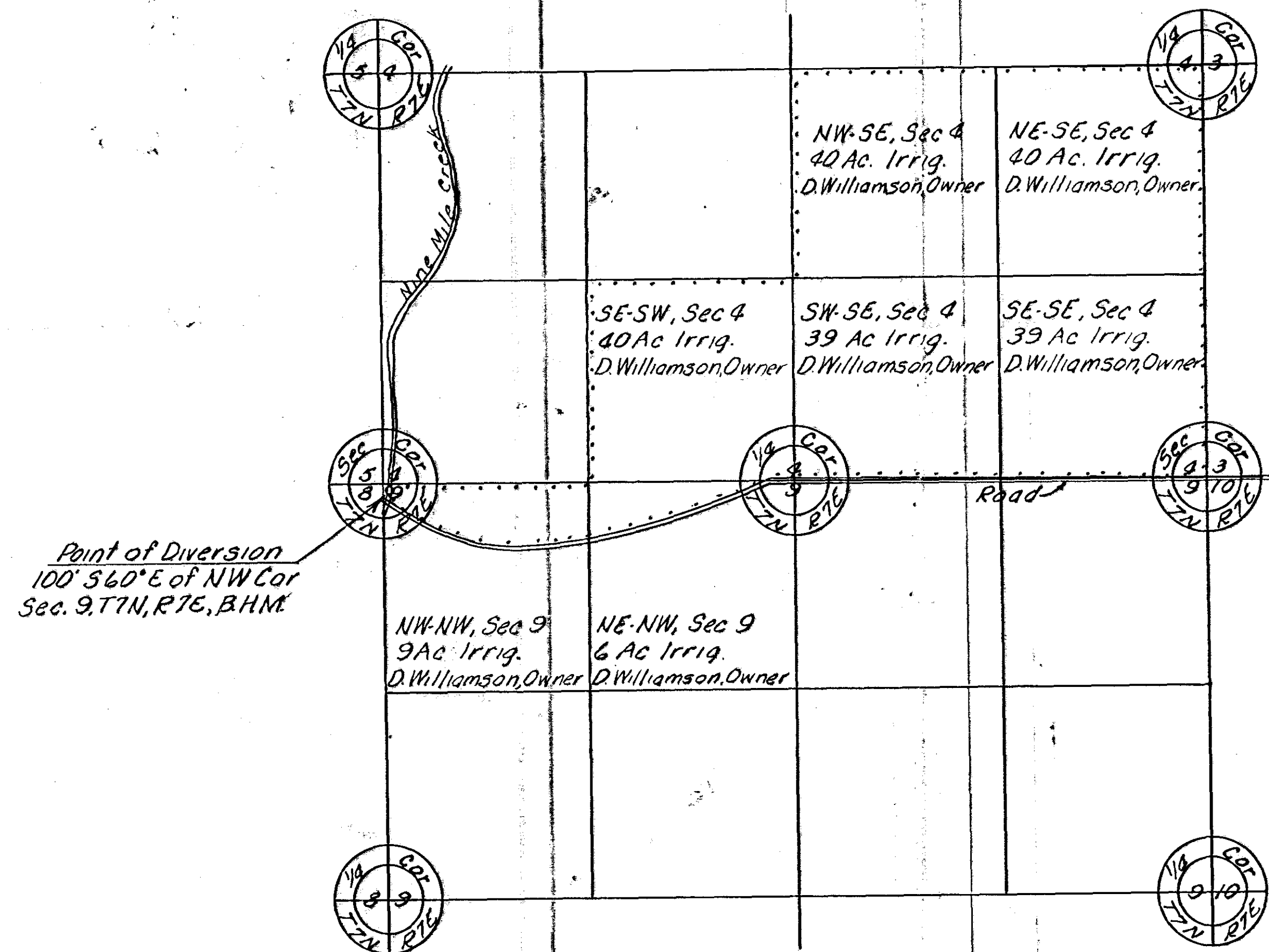
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Daryld M. Williamson, I have made a survey and have prepared this plat as a part of his Application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
William C. Brengle (SEAL)
Registered Land Surveyor #1517

Subscribed and sworn to before me this 18th day of September, 1973.

Florence Brengle
Notary Public (SEAL)

FLORENCE BRENGLE
NOTARY PUBLIC HARDING CO., S. DAK.
My Commission Expires Aug. 1, 1976



WATER RIGHT APPLICATION APPROVAL

The Water ^{Rights} Commission hereby approves Water Right Application No. 997-1
DARYLD M. WILLIAMSON VALE
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

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

Date of first receipt of application OCTOBER 12 19 73
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved NOVEMBER 14 19 73 Recorded in Book 12 Page 264

WATER RIGHT PERMIT NO. 997-1

The Water ^{Rights} Commission hereby grants and issues this Water Right Permit No. 997-1 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 OCTOBER 12 19 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 14 19 76
3. The whole of said work is to be completed on or before NOVEMBER 14 19 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 14 19 80
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 3.04 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 NOVEMBER 14 19 80; said water to be used during the following described annual period: APRIL 1 TO OCTOBER 1

Witness my hand this 15TH day of NOVEMBER 19 73

WATER RIGHTS COMMISSION

By Donald Driscoll
 Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 16 19 81

Water License Issued JANUARY 16 19 81

Permit No. 997-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CO' STRUCTION

This is to Certify, That Daryld M. Williamson

_____ the holder _____ of
Permit No. 997-1, issued upon Application No. 997-1, bearing date of priority of October 12,
1973 authorizing the diversion of 3.04 cu. ft. per second of the waters of Nine
Mile Creek _____ County of Meade, State of South Dakota at a
point 100 ft. south, 60° east of the NW corner, Section 9-T7N-R7E
_____, 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 2.89 cu. ft. per second of water.

Date January 16, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 997-1.

(1) WHEREAS, On the 12th day of October A. D. 19 73

Daryld H. Williamson

made Water Right Application No. 997-1 for a permit to use 3.04 cubic feet per second of the waters of Nine Mile Creek

County of Mondo, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 14th day of November A. D. 19 73

Permit No. 997-1, with a date of priority of October 12, 1973

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 14th day of November A. D. 19 76 and for the application to beneficial use of said water on or before the 14th day of November A. D. 19 80

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.89 cubic feet per second of water for beneficial use and,

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

to irrigate the following lands all in T7N-R7E

Section 4	acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39
SE $\frac{1}{4}$ SE $\frac{1}{4}$	39
Section 9	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	9
NE $\frac{1}{4}$ NW $\frac{1}{4}$	6
Total	213 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 Daryld M. Williamson

_____ of Vale, SD
the holder _____ and owner _____ of said permit No. 997-1 a water right, dating from October 12, 1973
_____ to use of 2.89 cubic feet per second of the waters
of Nine Mile Creek
in the County of Meads and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 100' south, 60' east of the NW
corner, Section 9-T7N-R7E

and conducted to and upon portions of lands in Sections 4 and 9 T7N-R7E, more
fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 997-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 16th day of January A. D.
Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF MEADE)

Teresa Shoun, of said County and State, being duly sworn on oath says: THE Sturgis Tribune is a weekly newspaper of general circulation, printed and published in STURGIS in said County and State and has been such newspaper during the time hereinafter mentioned; that the said Sturgis Tribune is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am bookkeeper of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Notice Intent to Appropriate Water -- Williamson, a printed copy of which is hereto attached, was printed, and published in said newspaper for two successive issues, the first publication being on the 17 day of October, 1973; and the last publication on the 24 day of October, 1973; that \$10.33 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Teresa Shoun

Subscribed and sworn to before me this 25 day of October, 1973.

Bob Lee Notary Public, Meade County

My Commission Expires April 12, 1973

No. 177-1
NOTICE INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
October 13, 1973
Notice is hereby given that David M. Williamson, whose post office address is Vale, 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 3.04 cubic feet of water per second of time from Nine Mile Creek through the Williamson Irrigation Project, the point of diversion of which is to be located in the NW1/4NW1/4 of Section 9, Twp. 7N, Range 7E, said water to be used for the purpose of providing irrigation on portions of the following described land: SE1/4 SW1/4, Section 9, N1/2 NW1/4, Section 9, T7N, R7E. This application No. 177-1 will be considered by the Water Rights Commission at their office at Pierre upon the 14th day of November, 1973, at 2:30 p.m. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
1415 Dwyer Blvd.
BURTON F. JONES
Water Rights Specialist
Trib. Oct. 17, 24

RECEIVED
NOV 6 1973

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

997-1

Publish first publication, on or before October 25, 1973

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 15 1973

Notice is hereby given that Daryld M. Williamson

whose post office address is Vale, 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

3.04 cubic feet of water per second of time from Nine Mile Creek through the

Williamson Irrigation Project, the point of diversion of which is to be located in the

N $\frac{1}{2}$ NW $\frac{1}{4}$

of Section 9, Twp. 7N, Range 7E. Said water to be used for the purpose of providing irrigation of the following described land:

SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4; N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 9, T7N, R7E

This application No. 997-1 will be considered by the Water ~~Resources~~ ^{Rights} Commission at their office at Pierre upon the 14th day of November, 1973, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFI/bw

cc: Daryld M. Williamson, Vale, S.D. 57788

Permit No. 997-1Water Division 1 Belle Fourche River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Daryld M. Williamson of Box 76, Vale, S. Dak. 57788 holder of Permit No. 997-1, bearing date of priority of October 12, 1973 authorizing the diversion of 3.04 cu. ft. per second of the waters of Nine Mile Creek for Irrigation purposes, in Meade 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:

45 Elec. Motor ID # C5457-00-11-8-74-830039
60 HP, 1775 RPM.
Pump - Gorman Rupp Ser # 543671, Model 86B2-B
Pumping 1300 GPM.

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

4100 ft 10" PVC Pipe with risers at various locations

C. Works used to apply water to beneficial use.

6000 ft of 9" x 10" Gated Pipe.

The system is in the following condition: GoodThe point of diversion is located 100' S 60° E of NW Cor Sec. 9,
T7N R7EThe works are capable of diverting and conveying to the place of use 2.89
cu. 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. 4,

T7N R7E, SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac. NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac. NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 39 Ac. SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 39 Ac.
The following in Sec. 9, T7N R7E, NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 9 Ac.
NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 6 Ac.

comprising a total of 213 acres of land.

License for 2.89 cfs

Date October 8, 1980

Leroy J. Hennigh
(Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7922

PIERRE, January 15, 1981

RECEIVED OF Daryld Williamson, Box 76, Vale, SD 57738

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. 997-1		
Fee for inspecting Beneficial Use, and issuing Water License No. 997-1	50	00
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH *gy*

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**



997-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

September 6, 1994

997A-1
997-1

Tom Bowen
PO Box 187
Vale, SD 57788-0187

Dear Mr. Bowen:

Enclosed, as we discussed, are copies of Water Right No 997-1 and Water Permit No. 997A-1. They are currently listed in the name of Daryld Williamson, 9029 N Oxyoke, Sturgis, SD.

If you have any questions, or need additional information, please contact me at (605) 773-8352.

Sincerely,

Genny McMath
Genny McMath
Environmental Scientist

enclosures

997-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 31, 1996

997-1
997A-1

Daryld Williamson
9029 N Oxyoke Rd
Sturgis SD 57785

Dear Mr. Williamson:

Enclosed, as you requested, are two partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes with Water Right No. 997-1 and Water Permit No. 997A-1.

The forms should be reviewed for accuracy prior to completing them. Please fill in the area marked "be transferred to (name and address)". The new owner will need to sign the forms in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions, please contact me.

Sincerely,

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

enclosures

997-1

NOTICE OF TRANSFER OF OWNERSHIP



No. 997-1

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

Date: August 13, 1996

I/We request that Water Right No. 997-1

formerly owned by: Daryld M Williamson, 9029 N Oxyoke Rd., Sturgis, SD 57785

be transferred to: (name & address) Marrs Ranch LLC Rt 2 Box 256

Telephone No. 605-269-2201

White wood SD 57793

Title to the following described land(s)/property has been transferred as described above:
213 acres - SE 1/4 SW 1/4, SE 1/4 Section 4; N 1/2 NW 1/4 Section 9, T7N, R7E

I/We understand that the validity of Water Right No. 997-1 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 attached to cover the filing fees as required under SDCL 46-2-15.

STATE OF SOUTH DAKOTA)

County of Mead) By: Paul

I/We Marrs Ranch LLC 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.

Marrs Ranch LLC By Paul Marrs
(Signed)

Subscribed and sworn to before me this 13 day of August, 1996.

Debra L. Powers
(Notary Public)

My Comm. Exp. 6-10-98

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 water permit/right.

RECEIPT

415056

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

Pierre, _____ August 22 _____, 19 96

RECEIVED OF Harris Ranch LLC, Rt 2, Box 256, Whitewood, SD 57793
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 Water Right No. 997-1

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By

John Hatch
Civil Engineer



997-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 1996

Nos. 997-1
997A-1

Paul Marrs
Marrs Ranch LLC
Rt 2, Box 256
Whitewood, SD 57793

Dear Mr. Marrs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 997-1 and Water Permit No. 997A-1.

Our records now show Marrs Ranch LLC as the owner of Water Right No. 997-1 and Water Permit No. 997A-1.

Sincerely,

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

enclosure



997-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: MARRS RANCH LLC, PAUL MARRS, 19574 APPLE RD, WHITEWOOD, SD 5779?
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaires have not been submitted for Permit Nos. 997A-1, 997-1. The request for the Questionnaires was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 997-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 997A-1 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 997A-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 997-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



997-1

Track & Confirm**Delivery Status**

You entered 2301 0370 0000 7541 4579

Your item was delivered at 2:44 pm on January 18, 2003 in VALE, SD 57788. The item was signed for by P MARRS.

[Request Delivery Record](#)**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:
2301 0370 0000 7541 4579MARRS RANCH LLC
PAUL MARRS
19574 APPLE RD
WHITEWOOD SD 57793Postmark
Here

ore mailing.

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)

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- Priority Mail
-
- ☐
- Package Services

PS Form 155, February 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2003

997-1
997A-1

Paul Marrs
Marrs Ranch LLC
19574 Apple Rd
Whitewood SD 57793

Dear Mr. Marrs:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit or Right Nos. 997-1 and 997A-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

997-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 26, 2016

NOTICE OF CANCELLATION

TO: Paul Marrs, Marrs Ranch LLC, 19574 Apple Rd., Whitewood SD 57793

FROM: Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Cancellation of portions of Water Right No. 997-1

Water Right No. 997-1 appropriates 2.89 cubic feet of water per second (cfs) from Nine Mile Creek for irrigation of 213 acres in portions of the S ½ Section 4 and N ½ NW ¼ Section 9, T7N, R7E in Meade County. A licensing investigation was conducted September 21, 2016 of a storage dam authorized under Water Permit No. 997A-1 used in conjunction with Water Right No. 997-1. The investigation found 82 acres originally licensed are no longer irrigated due to the change from flood irrigation to a center pivot system.

The Chief Engineer of the Water Rights Program is recommending cancellation of 82 acres located within the S ½ Section 4 and N ½ NW ¼ Section 9, T7N, R7E and a diversion authority of 0.89 cfs described in Water Right No. 997-1 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of portions of Water Right No. 997-1 at 10:30 am, Thursday, December 1, 2016 (Central Time) at the Pierre Chamber of Commerce Building, 800 W Dakota Ave., Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on the portions of Water Right No. 997-1 described above based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 21, 2016. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

October 26, 2016
Paul Marrs
Page 2

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 21, 2016.

Prior to November 21, 2016, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 7, 2016.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

RECOMMENDATION OF CHIEF ENGINEER

FOR PORTIONS OF WATER RIGHT NO. 997-1, MARRS RANCH LLC

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 997-1.

The Chief Engineer is recommending cancellation of 82 acres located within the S $\frac{1}{2}$ Section 4 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9, T7N, R7E and a diversion authority of 0.89 cubic feet per second from Nine Mile Creek due to abandonment and/or forfeiture.

Water Right No. 997-1 appropriates 2.89 cubic feet of water per second (cfs) from Nine Mile Creek for irrigation of 213 acres in portions of the S $\frac{1}{2}$ Section 4 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9, T7N, R7E in Meade County. A field investigation conducted September 21, 2016 of the storage dam authorized under No. 997A-1, found 82 acres originally licensed under Water Right No. 997-1 were no longer irrigated due to the change from flood irrigation to a center pivot system.

A handwritten signature in black ink, appearing to read "Ron Duvall".

RON DUVALL, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
October 26, 2016

Note:

Cancellation consideration of the 82 acre area described in the water right does not pertain to the 131 acre pivot still being operated in the S $\frac{1}{2}$ Section 4, T7N, R7E. Issuance of a water license is pending for diversion of 2.00 cfs of water from Nine Mile Creek to irrigate 131 acres and will include the storage dam authorized under Water Permit No. 997A-1.

CERTIFICATION

I hereby certify that on October 26, 2016, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated October 26, 2016 regarding cancellations addressed as stated below:

Water Permit No. 1582A-1

David Ciani, Bear Butte Wildlife LLC, PO Box 1150, Spearfish SD 57783

Water Right No. 997-1

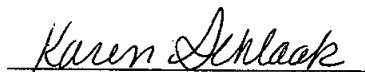
Paul Marrs, Marrs Ranch LLC, 19574 Apple Rd, Whitewood SD 57793



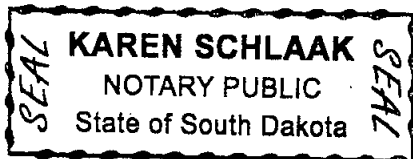
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of October, 20 16.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 7, 2016

997-1

NOTICE OF ENTRY OF ORDER

Paul Marrs
Marrs Ranch LLC
19574 Apple Rd
Whitewood SD 57793

Dear Mr. Marrs:

This will notify you that the Water Management Board cancelled portions of Water Right No. 997-1 on December 1, 2016. Cancellation included 82 acres and a diversion authority of 0.89 cubic feet of water per second (cfs). A field investigation conducted in September 2016 found the 82 acres originally licensed were no longer irrigated due to the change from flood irrigation to a center pivot system. This action was taken under the conditions outlined in our notice to you dated October 26, 2016.

Water License No. 997A-1 can now be issued incorporating the applicable portions of Water Right No. 997-1. The license will reflect the system as it now exists for diversion of 2.00 cfs from Nine Mile Creek and a storage dam for irrigation of 131 acres. The license will be finalized and sent to you under separate cover within the next couple weeks.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on December 7, 2016 I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated December 7, 2016 regarding cancellations addressed as stated below:

Water Permit No. 1873-1

Darrell Vig, 125 Pine Cone Circle, Spearfish SD 57783

Water Permit No. 1532-1

Kurt Fjelland, Karst Canyon LLC, 12760 Bethlehem Rd., Piedmont SD 57769

Chad Fjelland, Registered Agent, Karst Canyon LLC, PO Box 212, Clark SD 57225

Water Permit Nos. 7891-3 and 7892-3

Arne Svarstad, 13797 392nd Ave., Aberdeen SD 57401

Water Permit No. 1866-1

Kristi Chamley, Environmental Coordinator, Croell Redi-Mix, PO Box 1352, Sundance WY 82729

Melvin Pittman, 18898 Vale Cut Off Rd., Nisland SD 57762

Water Permit No. 1582A-1

David Ciani, Bear Butte Wildlife LLC, PO Box 1150, Spearfish SD 57783

Water Right No. 997-1

Paul Marrs, Marrs Ranch LLC, 19574 Apple Rd, Whitewood SD 57793

Water Permit No. 4978-3

Todd Worrell, 810 Simmons Ave, St Louis, MO 63122

Todd Worrell, Firesteel Hunting Lodge, 2466 US Hwy 281, Plankinton SD 57368

David Estabrook, 24305 398th Ave, Mt Vernon SD 57363



Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)

) SS

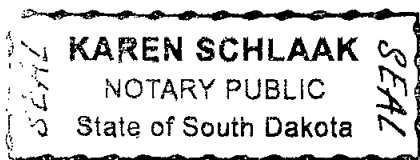
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of December, 2016.



Karen Schlaak
Notary Public

My Commission expires April 1, 2019



997-1

McMath, Genny

From: Gronlund, Eric
Sent: Monday, October 03, 2016 4:20 PM
To: McMath, Genny; Beck, Lynn; Quissell, Steve
Cc: Duvall, Ron; Rath, Mark
Subject: RE: Paul Marrs, Whitewood SD

I called Mr. Marrs after Lynn, Genny and I met with Jeanne. He conceded that only the acreage under the pivot has been irrigated for an extended period of time. He doesn't think that irrigation of the entire 213 acres ever occurred under the flood system designed by Williamson. What he wants is just the corners of the pivot but he understood we need to follow state law.

I explained that he could apply for additional acres but I could not speculate whether it would be approved. He said with improvement to the BFID there is now significantly more flow in Nine Mile Creek than there was back in mid 1980's when 997A-1 for a storage dam was requested. In the summer his dam is nearly always full and spilling. I also said he could contest the cancellation of the 82 acres but I sensed he didn't want to go there.

He did inquire why it took so long (30 years) to conduct the licensing inspection.

From: McMath, Genny
Sent: Friday, September 30, 2016 9:05 AM
To: Beck, Lynn; Quissell, Steve; Gronlund, Eric
Cc: Duvall, Ron
Subject: Paul Marrs, Whitewood SD

Mr. Marrs called this morning concerned he would be losing acreage on his water right.

He has 997-1 (licensed) for 213 acres from Nine Mile Creek. He obtained No. 997A-1 at a later date to add a storage dam to irrigate the same acreage. Steve was out and did an inspection concerning 997A-1. Since it authorizes irrigation of land under the originating water right, they need to be incorporated. Steve figured out the acreage now being irrigated and it is a total of 131 acres as compared with the 213 originally licensed. Since the first permit was licensed, in order to reduce it, it needs to be brought before the board. Our plan was to schedule a portion of No. 997-1 for cancellation consideration and then incorporate the acreage still irrigated into 997A-1.

Mr. Marrs wants to retain all of the acres. I explained legal excuse to him and he indicated Nine Mile Creek didn't always have enough water to flood irrigate. It will now come down to his intent on whether he made a business decision to stop irrigating a part of the land when he put up a pivot or whether he still wanted to flood irrigate the rest of the acreage but water was not available. He wanted to know his options.

I told him that I would discuss it with staff and someone would call him back early next week.

His cell phone # is 605 645-2269.



997-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

AUG 03 2017

997-1
997A-1

Paul Marrs
Marrs Ranch LLC
19574 Apple Rd
Whitewood SD 57793

Dear Mr. Marrs:

Enclosed is Water License No. 997A-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 997-1 were incorporated into Water License No. 997A-1.