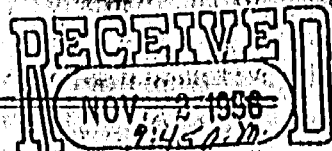


1. Considered Sept. 17, 1957 # 0618-74
2. Name of Applicant Frank H. Rollins and Emma M.
3. Post Office Address 1411 - 1st St. S. Great Falls, Minn.
4. Amount of water claimed 1.50 C.F.S.
5. Source of water supply Spring
6. Water to be used for Irrigation, domestic, fish culture, and recreation
7. Water to be diverted and used in Carlisle County about
_____ miles _____ of _____
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not Approved _____
Action deferred ☒

10. Remarks:

1 - objection from the Great Falls Dept.
(2) The change of standard of measurement
may be of use to them

No. 0615-2AWater Division No. 2 Fall River
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Point and use of water APPLICATION FOR PERMIT *to change diversion* To Appropriate Water within the State of South Dakota

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

1. Name of applicant Ernest T. Oelbrich and Geneva M. Oelbrich
 Postoffice address RR #1, Box 154B, Louisville, Mo. County Fall River State Mo.

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Completed many years ago by former owners

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Larive Lake3. Amount of water claimed 1.5 cubic feet per second4. Source of water supply Cold Branch5. Location of point of diversion NW 1/4, SE 1/4, Sec. 11, T 7 S, R 5 E, B 1 M
on east bank Fall River County.6. Annual period or periods during which water is to be used Continuously

7. To be used for:

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

(a) Number of acres to be irrigated 2 acres.(b) Legal subdivisions to be irrigated Portion of NW 1/4 SE 1/4 SE 1/4 Sec. 11

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) stockwatering, watering
lawn and household use in SE 1/4 SE 1/4, Sec. 11 and SW 1/4, SW 1/4, Sec. 12, T 7 S, R 5 E

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

(a) Nature of use stockwatering, fish culture, public recreation,
ice making, extensive lawn and tree watering.
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream immediately downstreamfrom Larive Lake in SW 1/4, SW 1/4, Sec. 12, T 7 S, R 5 E

8. Estimated cost of work:

(a) Head Gates, \$ 500

(b) Pumping plant, \$ 500

(c) Fluming, \$ 400

(d) Canal-earth, 1000

Rock, \$

(e) Other structures, Larive Dam, Culverts, \$ 10,500

Total, \$ 16,500

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Outlet through Cold Brook Dam built by Corps of Engineers

II. Dimensions of works: Larive Dam

(a) Dam: Height 15 feet; length at bottom 400 feet; length at top 500 feet; thickness at bottom 50 feet; thickness at top 10 feet; slope at front water face 2 1/2 to 1; slope at back face 1 1/2 to 1; material used in construction earth

(b) Reservoir: Capacity when filled 20 acre feet. Surface area at highwater mark 3 acres

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY
15	3 acres	20
10	2 1/2 acres	10
5	1 acre	2

Pipe and valve outlet through Cold Brook Dam with Marshall flume measurement diameter 6 or 8 inches

(c) Head gate: Width 6 feet; height 8 feet

Material steel and cast-iron

(d) Canal: Total length 1/2 miles

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE Feet/Mile
At 0 to 1/2 Mile	2 feet	2 feet	2 1/2 feet	feet
At 1/2 Mile	feet	feet	feet	feet
At 1 Mile	feet	feet	feet	feet
At 1 1/2 Mile	feet	feet	feet	feet
At 2 Mile	feet	feet	feet	feet
At 2 1/2 Mile	feet	feet	feet	feet
At 3 Mile	feet	feet	feet	feet

(Give sections where reductions in size are made)

10. Time required for completion of work Built in 1894 and added to in 1931 years.
11. Time required for complete application of water to the proposed beneficial use completed 1894 years.
12. Choice of newspaper for publication of notice of intention to appropriate Not Springs Star

STATE OF SOUTH DAKOTA

County of Fall River

ss.

X WE, Ernest H. Dellrich and Geneva M. Dellrich, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Ernest H. Dellrich
Geneva M. Dellrich

Subscribed and sworn to before me this 29th day of October 1956

Notary Public (or other qualified officer.)
Floyd A. Trumbull

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Flagler

ss.

Pierre, South Dakota,

November 27, 1936

This is to certify that the foregoing application was received by the Commission at 9:45 o'clock

a.m. upon the

2

day of

November

1936

State Water Resources Commission

By:

John Brinner

Chief Engineer, Executive Officer

Number of permit

0618-2A

Date of first receipt of application

November 2

1936

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

February 12

1894

Approved

March 13

1937

Recorded in Book

4

Page

48

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Completed

19

2nd. The whole of said work is to be completed on or before

Completed

19

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

Completed

19

4th. The water appropriated shall be used for the purpose of

irrigation, ice making,

fish culture and public recreation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.10 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventh (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before Completed 19; said water to be used during the following described annual period:

Continuously

Witness my hand this

2

day of

April

1937

State Water Resources Commission

By:

John Brinner

Chief Engineer, Executive Officer

Certificate of Construction issued

19

Water License issued

19

STATE OF SOUTH DAKOTA

WATER LICENSE No. 0618-2A

WHEREAS, On the 2nd day of November A. D. 1956
Errent H. Oellrich and Geneva M. Oallrich

of Hot Springs County of Fall River and State of
South Dakota duly made application (No. 0618-2A) to us for a permit to use of 1.50
cubic feet per second of the waters of Cold Brook
County of Fall River, State of South Dakota, for
irrigation, fish culture, public
recreation and ice making
purposes; and

WHEREAS, On the 2nd day of April A. D. 1957
Permit No. 0618-2A was issued to said applicant for the diversion of said water, and recognizing
completion of the works of diversion therein described on or before the 12th day of
February 1894 and for the application to beneficial use of said
water on or before the 12th day of February A. D. 1894
and,

WHEREAS, On the 15th day of October A. D. 1956
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.10
cubic feet per second of said waters, as evidenced by our Certificate No. letter
dated October 15, 1956 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.10 cubic feet per second of water, with date of
priority of February 12, 1894 and,

WHEREAS, On the 15th day of October A. D. 1956
proof was duly made of the application to beneficial use of 1.10 cubic feet per second of said water;
for irrigation, fish culture, public recreation and ice making in
the NW 1/4, SE 1/4 Sec. 11 and SW 1/4 Sec. 12 all in T 7 S R 5 E

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 Ernest H. Oellrich and Geneva M. Oellrich ^{transfer}

of Hot Springs, South Dakota the holder and owner of said permit No. 0618-2A
a water right dating from February 12, 1894 to the use of 1.10

cubic feet per second of the waters of Cold Brook
in the County of Fall River and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted from in the SW 1/4 Sec. 11,

T 7 S, R 5 E

and conducted to and upon NW 1/4, SE 1/4, Sec. 11 and SW 1/4, Sec. 12, all in T 7 S
R 5 E.

for the purpose of irrigation, fish culture, public recreation and ice
making.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 17th day of June A. D. Nineteen
Hundred and Fifty-Seven

State Water Resources Commission

By:

J. W. GRILLES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acre _____ c.f.s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Water Location Notice:-

Know all men by these Presents, That the Hermosa Ice Company a Corporation, duly organized and existing under and by virtue of the laws of South Dakota, having complied with the laws of said South Dakota, for the location of water rights therein, have located and do hereby claim by right of such location, seventy five inches from the stream, known as Cold Brook taken from a point on the South side of Cold Brook, at or near the North-west corner of the North-east quarter of the South-east quarter of the South-east quarter of Section Eleven, Township Seven South of Range Five East of Black Hills Meridian, in Fall River County, South Dakota, said point being in the Public highway known as the Custer and Hot Springs road.

This water right location is made and taken for the purpose of securing water for the said Corporation its successors and assigns to be used for agricultural and domestic purposes, and for the purpose of irrigation, and to supply water for certain Ice ponds belonging to said Corporation, Feb. 12, 1894.

Witness our hands this, the
Twelfth day of Feb. 1894.

S. E. Wilson

W. H. Wilson.

Hermosa Ice Co.,

by F. P. Heanard.

CERTIFIED COPY

COMPARED.

Sep. 11, 1908.

No. 06182

Water Right Location.

State Engineer.

Hermosa Ice Co.,

B. B. Lea
Deputy.

State of South Dakota, }
County of Fall River } ss.

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was for record in the office of the State Engineer.

Witness my hand and official seal, given at my office in Pierre, State of South Dakota, this 25 day of September 1908.

Samuel H. Lea
B. B. Lea

Filed for record Feb.
13th 1894, at 4 P. M. and
recorded in Book 2 Misc.
Page 503.

E. S. Kelly,
Register.

W. B. Kelly

Water Location Notice:-

Know all men by these Presents, That the Hermosa Ice Company a Corporation, duly organized and existing under and by virtue of the laws of South Dakota, having complied with the laws of said South Dakota, for the location of water rights therein, have located and do hereby claim by right of such location, seventy five inches from the stream, known as Cold Brook taken from a point on the South side of Cold Brook, at or near the North-west corner of the North-east quarter of the South-east quarter of the South-east quarter of Section Eleven, Township Seven South of Range Five East of Black Hills Meridian, in Fall River County, South Dakota, said point being in the Public highway known as the Gustaf and Hot Springs road.

This water right location is made and taken for the purpose of securing water for the said Corporation its successors and assigns to be used for agricultural and domestic purposes, and for the purpose of irrigation, and to supply water for certain Ice ponds belonging to said Corporation, Feb. 12, 1894.

Witness our hands this, the

Hermosa Ice Co.,

Twelfth day of Feb. 1894.

By F. P. Hensard.

S. H. Wilson

W. H. Wilson.

Cold Brook

Fall River

Water Right Location:

No. 0618-2L

Herricks Ice Co.

State of South Dakota,)
County of Fall River) ss.

Filed for record Feb.
12th 1894 at 4 P. M. and
recorded in Book 2 Misc.
Page 505.

E. S. Kelly,
Registrar.

RECEIVED

MAY 18 1908

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

0618-2

First Publication Before December 22, 1956

CHANGE IN POINT OF DIVERSION AND USE OF WATER

Office of the State Water Resources
Commission

Pierre, South Dakota

November 27, 1956

Notice is hereby given that Ernest H. Oellrich and Geneva M. Oellrich whose postoffice address is Hot Springs, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to change the point of diversion of 1.5 cubic feet of water per second from a point on Cold Brook near the NW Cor. of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ to a point on said stream in the S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Sec. 11, T 7 S, R 5 E, and the water use from irrigation and ice making to irrigation, ice making, fish culture, and public recreation.

This application will be taken up by the Water Resources Commission at their office at Pierre for consideration upon the 17th day of January, 1957, at 2:00 P.M. All interested persons may appear and be heard.

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

STATE WATER RESOURCES COMMISSION

By: J. W. Grimes
Chief Engineer and
Executive Officer

AFFIDAVIT OF PUBLICATION

State of South Dakota)
County of Fall River) ss. I, Charles T. Leonard, of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath say that he is the publisher of The Hot Springs Star, a legal weekly newspaper published at Hot Springs, county and state aforesaid; that the advertisement headed--

Change in Point of

Use of Water

Use of Water

a true, printed copy whereof is hereunto annexed, was published in the said Hot Springs Star in the regular and entire issue of said paper,

for successive issues, beginning with

the issue dated

Dec 6 1956

and ending with the issue dated

Dec 27 1956

That the full amount of the fee charged for the publication of said notice is \$12.00 and

that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount inures to the profit of the publishers of said newspaper.

Charles Leonard

Subscribed and sworn to before me this 28 day of Dec 1956

1956

Notary Public

Notary Public

Notary Public

CHANGE IN POINT OF DIVERSION AND USE OF WATER BY THE WATER RESOURCES COMMISSION, Office of the State Engineer, Pierre, South Dakota, November 17, 1956. Notwithstanding that Richard H. Gellrich and Geniva M. O'Brien, whose post-office address is Hot Springs, South Dakota, have made an application in accordance with the provisions of the water laws of South Dakota for a permit to change the point of diversion of 1.5 cubic feet of water per second from the N.Y. Corral Creek, near the N.Y. Corral Creek, in the S. 1, N. 1, 1931, on said stream, in the S. 1, N. 1, 1931, and all in Section 13, T. 1, S. 1, R. 1, and this water use for irrigation and for fish culture and public recreation. This application will be taken up by the Water Resources Commission at their office at Pierre for consideration upon the 17th day of January, 1957, at 5:00 P.M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

STATE WATER RESOURCES COMMISSION
By: J. W. Grimes
Chief Engineer and
Executive Officer
Dec. 6-23-27

RECEIVED
DEC 6 1956

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

NOTICE OF TRANSFER OF WATER PERMIT

RECEIVED
NOV 2 1956
9:45 A.M.

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

October 29, 1956

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that

Hermosa Ice Co. and others

who previously owned the land described below has sold his interest to

*Ernest H. Oelrich and
of Hot Springs, S. Dak. Geneva M. Oelrich*

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 12618-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere *for use in the*

*SE 1/4, SE 1/4, Sec. 11 and the SW 1/4, SW 1/4, Sec. 12, T 7 S,
R 5 E, BHM*

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1803 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of *Fall River*

SS.

I, *WE, Ernest H. Oelrich and Geneva M. Oelrich* 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.

Signed

*Ernest H. Oelrich
Geneva M. Oelrich*

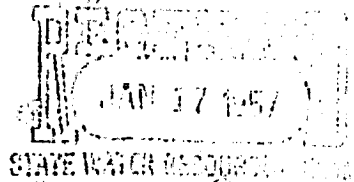
Subscribed and sworn to before me this *29th* day of *October* 19 *56*

Notary Public

Floyd A. Trumbull
Floyd A. Trumbull

RESOLUTION

TO: WATER RESOURCES COMMISSION
STATE OF SOUTH DAKOTA
PIERRE, SOUTH DAKOTA



WHEREAS there is located in Fall River County, South Dakota, within a short distance of the City of Hot Springs, a body of water known as COLD BROOK DAM and

WHEREAS the level of water in said dam is about 3571 feet above sea level and

WHEREAS the recreational facilities of said dam for the public use and enjoyment would be increased if the water level of said dam were raised and

WHEREAS investigation has disclosed that about two thirds of the water now being released from Cold Brook Dam is being lost from a flume and

WHEREAS the repair of said flume would save waters not now being put to beneficial use and would add to the water level of Cold Brook Dam,

THEREFORE BE IT RESOLVED by the President and Board of Directors of the Hot Springs Chamber of Commerce of Hot Springs, South Dakota, that the Water Resources Commission of the State of South Dakota take appropriate action to:

1. Save the water now being lost from said flume and
2. Raise, increase and maintain the water level of Cold Brook Dam at 3585 feet above seal level.

Dated this 16 day of January 1957 at Hot Springs, South Dakota

HOT SPRINGS CHAMBER OF COMMERCE

By R N Phillips
President

EXTRACT

27 AUG 1956

a. According to a letter of 23 March 1955, from the State Engineer, State of South Dakota, copy of which is attached, there are seven permits of record relative to allocated water from Cold Brook Creek. The exact location of some of these rights are unknown and the State Engineer ventured no opinion as to the current validity of such rights. Several of the rights mentioned in the 23 March letter probably are no longer in effect because of non-use. Section 61.0139 of the South Dakota Code of 1939 provides that: "When any person entitled to use of appropriated water fails to use beneficially, all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water." Only through a field survey for this purpose could it be determined which, if any, of the permits to use water are active. Based on information furnished by representatives of this office investigating other matters in connection with Cold Brook, it would appear that at best, only three of these rights are presently active and then possibly only to a portion of their appropriation.

b. The three rights mentioned above all stem from the point of diversion in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 11, Township 7, hereinafter called the point of diversion. Permit No. 0611-2, hereinafter referred to as Right No. 1, was filed by the Black Hills Ice Company on 25 February 1902 for the diversion of 75 miners' inches from the aforementioned point of diversion to be used at the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12, Township 7 for the 40 acres immediately adjacent to the subject tract on the easterly side thereof which has now been platted as a part of the City of Hot Springs, South Dakota but which has not been annexed thereto. Permit No. 0529-2, hereinafter called Right No. 2, was filed by Cold Brook Irrigation and Power Company on 3 October 1903, for the diversion of 75 miners' inches from the aforementioned diversion point to be used on subject tract. Permit No. 0600-2, hereinafter referred to as Right No. 3, was filed by the Cold Brook Irrigation and Power Company on 15 November 1905, for the diversion of all the surplus waters of Cold Brook from the aforementioned diversion point after the riparian proprietors have exercised their riparian rights, such water to be diverted to Hot Springs for stated purposes.

c. Right No. 1 was conveyed by the Cold Brook Irrigation and Power Company to George E. Larive, predecessor in title to the present owner. Although Right No. 1 was originally a Black Hills Ice Company right, it is assumed that the grantors of this right were successors to the Black Hills Ice Company by virtue of reincorporation, merger or other action, inasmuch as it is known the officers of both corporations were identical. This could and should be verified by inquiry with the Secretary of State of South Dakota.

d. At entry 22 of an abstract of title on file in this office, covering portions of subject tract, the conveyance of Right No. 1, is reported. It is the opinion of the undersigned that the description of

27 AUG 1956

the land conveyed is in error and that there was conveyed by that instrument Right No. 1 AND the subject tract (and other lands). The other lands presumably included land to which Right No. 1 was attached. This assumption, that the description of the land conveyed is in error, is based on knowledge that Right No. 1 would not benefit the subject tract, but was for the benefit of the 40 acres adjacent thereto on the east. This should be verified or otherwise the deed to the water right would be of no effect. If this assumption be true, then George E. Larive acquired Rights No. 1 and possibly No. 2, which the Cold Brook Irrigation and Power Company probably conveyed with the subject tract which it was to benefit, although the conveyance of Right No. 2 was not definitely stated in the description at entry 22. Again, there arises a question as to the land which Right No. 2 was designed to benefit. It is stated in connection with the ownership data compiled by this office that Right No. 2 was for the benefit of subject tract but at entry 20 of the abstract aforementioned, it is stated the water is to cross subject tract, then to go down to Cold Brook and Cold Springs Addition to the town of Hot Springs for use in irrigating, milling and manufacture. Now if Right No. 2 was for the benefit of subject tract, George E. Larive became entitled to the right by purchase thereof (provided the right was active at that time) for Section 51.1413 of the South Dakota Code of 1939 provides "A transfer of real property passes all easements attached thereto . . .," and by Section 51.0601, the right of taking water is one of the land burdens or servitudes which may be attached to the land as incidents or appurtenances thereto and are called easements. Therefore, any entitlement under Right No. 2 would apparently depend upon the question of what tract was to be benefited thereby.

e. Right No. 3 apparently would not add to the entitlement of the subject tract inasmuch as the records of this office are in harmony that although the water would be carried to subject tract, it would then be diverted beyond.

f. In regard to Rights No. 2 and 3, representatives of this office expressed no knowledge of a known diversion beyond subject tract except for some overflow for the benefit of the 40 acres immediately east of subject tract which is used by two or three individuals to irrigate garden plots. Hence, it would appear that all diversions to Hot Springs have been abandoned.

COLDBROOK WATER SITUATION

FALL RIVER COUNTY

During the June inspection trips in the hills your attention was called to the leakage of water from an old wooden flume carrying water from the Coldbrook Reservoir to Larive Lake. I have made a rough check on this situation.

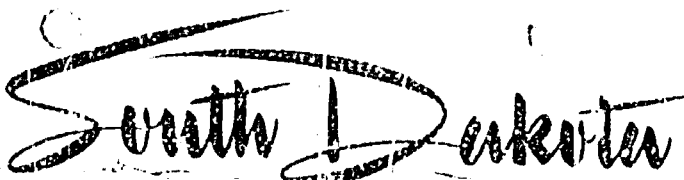
The Corps of Engineers has a Parshall Flume installed at the outlet from the reservoir. A check of the water passing through this flume indicated a flow of about 420 gallons per minute was being let out of the reservoir as of July 20.

A comparison of the amount of water entering the wooden flume and the amount leaving the other end of the same flume indicates that there is a loss of more than half of this flow through leakage of the flume.

This would indicate that Mr. Cellrichs uses approximately 2 acre feet of water per day. Nearly one of which is used to keep his lake fresh and one which is lost through the leaky flume.

I believe he is operating under an old water right issued to the Hermosa Ice Co., which provides for the diversion of up to 75 cubic inches of water (841.5 gal. per minute) to maintain a lake.

If the flume were repaired so the flow out of the reservoir could be cut in half it would result in the lake being about one foot higher at the end of a 30 day operating period.



DEPARTMENT OF GAME, FISH and PARKS

ELMER PETERSON, Director

PIERRE

August 18, 1956

COMMISSIONERS

WALTER H. BURKE	CHAIRMAN	PIERRE
NEWELL E. KRAUSE	VICE CHAIRMAN	LEMMON
HOLDER ANDERSON		BLOOM FALLS
CHRIST CHRISTIAN		MILBANK
CECIL W. DUNCAN		MITCHELL
OLIVER HEISMEYER		ESTELLINE
HARVEY MAHRT		CUSTER
ALEX D. BENSON		COLOMBE

RECEIVED
AUG 20 1956
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Mr. J. W. Grimes
Chief Engineer and Executive Officer
Water Resources Commission
Pierre, South Dakota

Dear Sir:

I am enclosing a portion of my August report to the Game, Fish and Parks Commission. After hearing this report, the Commission voted to refer this matter to your department for further action.

Sincerely,

E. S. Jacobsen
Edmund S. Jacobsen
Engineer

ESJ:hp

Enc.

0618-2
12-2-1894
11-7-3 E

TABLE 3

PRELIMINARY FREE-FLOW DISCHARGE TABLE
FOR 9-INCH IMPROVED VENTURI FLUME
 (DISCHARGE FLUME TO LARIVE LAKE)

Head in Feet	0.00	0.01	0.02	0.03	0.04	0.05	0.06	0.07	0.08	0.09
	<u>Discharge in C.F.S.</u>									
0.10	0.09	0.10	0.12	0.14	0.15	0.17	0.19	0.20	0.22	0.24
0.20	0.26	0.28	0.30	0.32	0.35	0.37	0.39	0.41	0.44	0.46
0.30	0.49	0.51	0.54	0.56	0.59	0.62	0.64	0.67	0.70	0.73
0.40	0.76	0.78	0.81	0.84	0.87	0.90	0.94	0.97	1.00	1.03
0.50	1.06	1.10	1.13	1.16	1.20	1.23	1.26	1.30	1.33	1.37
0.60	1.40	1.44	1.48	1.51	1.55	1.59	1.63	1.66	1.70	1.74
0.70	1.78	1.82	1.86	1.90	1.94	1.98	2.02	2.06	2.10	2.14
0.80	2.18	2.22	2.27	2.31	2.35	2.39	2.44	2.48	2.52	2.57
0.90	2.61	2.66	2.70	2.75	2.79	2.84	2.88	2.93	2.98	3.02
1.00	3.07	3.12	3.17	3.21	3.26	3.31	3.36	3.40	3.45	3.50
1.10	3.55	3.60	3.65	3.70	3.75	3.80	3.85	3.90	3.95	4.01
1.20	4.06	4.11	4.16	4.22	4.27	4.32	4.37	4.43	4.48	4.53
1.30	4.59	4.64	4.69	4.75	4.80	4.86	4.92	4.97	5.03	5.08
1.40	5.14	5.19	5.25	5.31	5.37	5.42	5.48	5.54	5.59	5.65
1.50	5.71	5.77	5.83	5.89	5.94	6.00	6.06	6.12	6.18	6.24

Form 34-05

U.S. GEOLOGICAL SURVEY

1955

Drainage

Basin

River

LARVIE LAKE DITCH
Below Cold Brook Reservoir

(Station)

S. H. W. feet

S. L. W. feet

Gage Zero feet

1955	January	February	March	April	May	June	July	August	September	October	November	December
1						0.33	0.36	0.43	0.43	0.43	0.40	0.35
2						33	45	43	43	43	40	35
3						33	45	43	43	43	40	35
4						33	45	43	43	43	40	35
5						39	45	43	43	43	40	35
6						39	45	43	43	43	40	35
7						37	45	43	43	40	40	35
8						36	45	43	43	40	40	35
9						36	45	43	43	40	40	35
10						36	45	43	43	40	40	35
11						36	45	43	42	40	40	35
12						37	45	43	42	40	40	35
13						39	45	43	43	40	40	35
14						39	45	43	43	40	40	35
15						39	45	43	43	40	40	35
16						39	45	43	43	40	40	35
17						39	45	43	43	40	40	35
18						39	45	43	43	40	40	35
19						36	45	43	43	40	40	35
20						36	45	43	43	40	40	35
21						36	45	43	43	40	40	35
22						36	45	43	43	40	35	35
23						36	45	43	43	40	35	35
24					0.28	36	45	43	43	40	35	35
25					28	36	45	43	43	40	35	35
26					33	36	45	43	43	40	35	35
27					39	36	45	43	43	40	35	35
28					33	36	45	43	43	40	35	35
29					23	36	43	43	43	40	35	35
30					33	36	43	43	40	40	35	35
31					33		43	43			35	35

Area

High

Form 25-00

K.S. MA. 010

1956

Drainage

Basin

LARUE LAKE DITCH

River

BELOW COOD BROOK RESERVOIR

(Station

B. H. W.

feet

S. L. W.

feet

Gage Zero

feet

	January	February	March	April	May	June	July	August	September	October	November	December
1	0.35	0.35	0.34	0.39	0.39	0.39	0.47	0.45				
2	.35	.35	.34	.39	.39	.39	.47	.45				
3	.35	.35	.34	.39	.39	.39	.47	.45				
4	.35	.35	.34	.39	.39	.39	.47	.45				
5	.35	.35	.34	.39	.39	.39	.47					
6	.35	.35	.34	.39	.39	.39	.47					
7	.35	.35	.34	.39	.39	.39	.47					
8	.35	.35	.34	.39	.39	.39	.47					
9	.35	.35	.34	.39	.39	.39	.47					
10	.35	.43	.34	.39	.39	.39	.47					
11	.35	.43	.34	.39	.39	.39	.47					
12	.35	.43	.34	.39	.39	.39	.47					
13	.35	.43	.34	.39	.39	.49	.47					
14	.35	.43	.34	.39	.39	.49	.47					
15	.35	.43	.34	.39	.39	.49	.47					
16	.35	.43	.34	.39	.39	.49	.47					
17	.35	.43	.34	.39	.39	.49	.47					
18	.35	.43	.39	.39	.39	.49	.47					
19	.35	.43	.39	.39	.39	.49	.47					
20	.35	.43	.39	.39	.39	.49	.47					
21	.35	.43	.39	.39	.39	.49	.47					
22	.35	.43	.39	.39	.39	.49	.45					
23	.35	.34	.39	.39	.39	.49	.45					
24	.35	.34	.39	.39	.39	.49	.45					
25	.35	.34	.39	.39	.39	.47	.45					
26	.35	.34	.39	.39	.39	.47	.45					
27	.35	.34	.39	.39	.39	.47	.45					
28	.35	.34	.39	.39	.39	.47	.45					
29	.35	.34	.39	.39	.39	.47	.45					
30	.35		.39	.39	.39	.47	.45					
31	.35		.39		.39		.45					

Mean

Rgt

100

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

0618-2-

WATER RIGHTS DIVISION (605) 773-3352

June 11, 1982

Mr. Dick Behrens
U.S. Army Corps of Engineers
6014 U.S. Post Office & Courthouse
215 N. 17th Street
Omaha, Nebraska 68102

Dear Mr. Behrens:

Enclosed is a copy of Water Rights No. 0618-2A (Larive Lake). This permit is in the name of Ernest and Geneva Dellrich. They have a priority date of February 12, 1894 for up to 1.1 cfs of water. We do not have any records indicating any storage for Cold Brook Dam. Therefore Larive Lake can divert water from storage in Cold Brook Dam even though there is no inflow into Cold Brook Dam.

Sincerely,

Timothy G. Schaal
Water Resources Engineer

TGS:ms
Enc.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 0618-2A

April 18, 1984

Alan Moffit
PO Box 985
Hot Springs, South Dakota 57747

Dear Mr. Moffit:

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

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 20, 1984

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

2 Acres NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7S, R5E

formerly owned by Ernest & Geneva Gellrich

has been transferred to Alan Moffitt, PO Box 985, Hot Springs, SD 57747

(please include complete mailing address)

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

Water Right Permit No. 0618-2A 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 Hall River) ss.

I, Alan L. Moffitt 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.

Alan L. Moffitt
(Signed)

Subscribed and sworn to before me this 20 Day of April, 1984.

Allen G. Wilson
(Notary Public)



RECEIPT

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

No 4 9645

Pierre, April 23, 1984

RECEIVED OF Alan Moffitt, PO Box 985, Hot Springs, SD 57747
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 0618-2A _____	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 (n.s)

No. 0618-2A

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

April 23, 1984

Alan Moffitt
PO Box 985
Hot Springs SD 57747

Dear Mr. Moffitt:

Enclosed is receipt No. 4 9645 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 0618-2A.

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

Sincerely,

KAREN SCHLAAP
Administrative Aide

enclosure

WNR-821-7/79
Receipt & Notice of filing of Transfer of Water Right

MEMO

filed
0618-28

TO: John Hatch
FROM: Del Brosz *pp8*
DATE: July 27, 1984
RE: Larive Lake Water Right - Hot Springs, South Dakota

I received a call from Craig Rockwell, COE Ranger for Cold Brook Reservoir, on July 10, 1984. Mr. Rockwell was concerned with the water loss that was occurring from the flume that was transporting water from Cold Brook reservoir to Larive Lake. He stated that he had asked the owner of Larive Lake to repair the flume on a number of occasions. The water loss is having a significant effect on the reservoir level of Cold Brook. I informed Mr. Rockwell to submit a letter to the Division of Water Rights stating the problem.

On July 17, 1984, I visited with Mr. Bill Warner, owner and operator of Larive Lake Resort. I had tried to look at the flume from the road before I visited with Mr. Warner. The flume is surrounded by a lot of brush and trees. I did see one section of the flume that was leaking out the bottom. The amount of leakage didn't seem excessive. Mr. Warner stated that he plans to fix the flume as soon as he finishes mowing weeds around the resort grounds. He showed me the flume from the outlet end. He pointed out the leakage that I observed from the road. He indicated that he would fix this as soon as possible. We could not see the inlet end of the flume due to brush and trees. He did not mention any leakage in that area.

0618-2A
The water right for 1.1 cfs is in the name of Alan Moffitt. Mr. Moffitt owns some lots next to the lake and uses some of the water for irrigating lawns and gardens. Mr. Moffitt does assist Mr. Warner with maintenance expenses on the flume. There is another water right for home owners below Larive Lake for 0.03 cfs on 2 acres. This water is used for lawns and gardens and is diverted from Larive Lake. These people are not contributing to maintenance expenses.

Mr. Warner stated that he would like to replace the entire canal and flume with pipe. He insists that the COE share in this expense. He wants the COE to pay for the pipe that would replace the canal on COE property. This would be approximately 1000 feet. The COE has refused to do this. It seems that Mr. Warner is upset with the COE because the Cold Brook campgrounds compete with his campground.

I visited with Craig Rockwell, COE, on July 20, 1984. Mr. Rockwell stated that Mr. Warner has promised for three years to fix the flume and it still isn't fixed. I then found out from Mr. Rockwell that the major problem is near the flume inlet. We inspected this section of the flume and I would estimate that over half of the flow is being lost. The flume has settled and is twisted allowing water to flow over the top of the side wall. Mr. Rockwell stated that he realizes Mr. Warner is entitled to 1.1 cfs but if the flume was fixed he could get by with about 1/2 of this flow.

Cold Brook reservoir has a surface area of 36 acres and stores 520 AF of water at the top of the conservation pool, elevation 3585 msl. The reservoir does have an inflow from some springs. Mr. Rockwell stated that many times this flow is less than the 1.1 cfs to 1.2 cfs they have to release for Larive Lake. He maintains that this release is having a significant effect on the reservoir elevation of Cold Brook. Elimination of the water loss from the flume would be beneficial to Cold Brook reservoir. Between elevations 3585 and 3581, Cold Brook reservoir has a lot of flat area. A small water surface elevation drop results in exposing large flats which has a significant effect on the fishery. The canal for Larive Lake is approximately at elevation 3550 msl.

MEMO

Page 2

John Hatch

July 27, 1984

Mr. Rockwell would like us to order Mr. Warner to repair the flume. In addition, he would like to know if the COE has to release water from storage for Larive Lake. There is no water right on Cold Brook Reservoir. I again requested Mr. Rockwell to submit his complaint in a letter to you.

cc: Jim Winterton

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

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

WATER RIGHTS DIVISION
(605) 773-3352

0618-2A

June 24, 1987

Calvin and Mary Lowe
P.O. Box 33
Hot Springs, South Dakota 57747

Dear Mr. & Mrs. Lowe:

I am contacting you in regard to Water Right Filing No. 0618-2A currently listed under the names of Ernest and Geneva Oellrich. A review of this file found a discrepancy still exists as to the correct ownership of the water right filing.

I have been in contact with Ralph Bashor, Belen, New Mexico concerning this matter. Mr. Bashor forwarded copies of warranty deeds to our office. The first deed showed the property was transferred from Ernest H. Oellrich and Geneva H. Oellrich to Ralph F. Bashor and Anna Mae Bashor. The second deed showed a transfer from Bashor's to Calvin C. Lowe and Mary L. Lowe.

If these were the last deeds filed and you do own the land covered under Water Right Filing No. 0618-2A, the filing should be transferred to you. I have enclosed a partially completed "Notice of Transfer". Please complete the transfer form and return it to our office with a required filing fee of \$2.50. Upon receipt of the completed form and \$2.50 filing fee, Water Right Filing No. 0618-2A will be transferred to you.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

0618-2A

October 9, 1984

Belen, N.M. 87002

Dept of Water & Nat. Resources
523 East Capitol
Pierre, South Dakota
Attn: Chief Engineer, John Hatch

Dear Mr. Hatch,

Mr. Craig Rockwell has kindly sent me copies of your September 28 th letters to Mr Warner at Larvie Lake Resort in Hot Springs with attention directed to the delivery system for water from The Cold Brook Dam to Larvie Lake.

First, let me indicate the status of the Lake property. At this time there are two contracts for deed outstanding. One from Bashors to Gosdas and one from Gosdas to Warner. Due to delinquency by the Warners the Bashors have initiated a foreclosure action. There is no certainty as to the results of the action but in the meantime, the Bashors are powerless to any proceedings. We have been informed that the Warners have vacated and left for parts unknown at this time.

Please
see
page
4
Second, I am presuming that you have received a communication from Atty. James W. Olson in regard to the legal ownership of the forty or so acres which includes the Larvie Lake property and directing your attention to the proper owner of S .D. Water License No. 0618-2A.

With this background information, and while I do not intend to be presumptuous, there is a possibility that the Bashors could become the persons with whom you could work a conclusion to the matters referred to in your letter.

2.

With the above matters in mind, I still went ahead and visited with Ranger Rockwell and sought assistance of soil conservationist Gary Kruse. We viewed the entire system from delivery valve and weir to the delivery point at Larvie Lake. With the status of the foreclosure undetermined and with the nearness of winter, we all agreed that it would be best to wait for favorable spring weather to try to effect changes and restructure. We expect to be up around Nov. 1 and the Soil people thought they might have tentative suggestions as to what would be best to do.

There is little doubt that the old flume is very old and long beyond practical use and that replacement with a pipe system is a prime consideration. However, the ditch delivering from the Parshall Weir to the Corps property line and on to the entry into the flume is in a pretty ragged condition and needs attention as well. The project at best should be planned as a unit for I fear that with only part accomplished, later attention may be hard to instill.

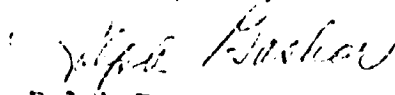
Now, as to the whole system; Cold Brook, Larvie Lake, water rights, the Corps of Engineers- BL M, and all involvements it does seem that early solutions were resolved in the issuance of the # 0618-2A license to Mr. Oellrich. and who is the legal owner in my opinion. Mr Oellrich explained to me that it had been his practice to lower the draw of water thru the weir at 3.2 for the off season and to pick it up to fill Larvie Lake to it's normal level for the summer use because it was not being further used to store ice after the advent of the use of refrigeration equipment.

3.

As far as I know the use of the designated water right to the Larvie Lake property is adequate and there has not been a need (with a proper delivery system) for more. I see no objection to under use from September thru April and letting the storage capacity increase at Cold Brook provided adequate withdrawal to refill the Lake during May is available. In this manner, Cold Brook should gain in storage and Larvie Lake should fulfill its needs as well.

When Cold Brook Dam was built, its obvious and published purpose was to establish flood control to protect the city of Hot Springs. Only in later years has the increased use by the public for various forms of recreation become been initiated by government agencies with little consideration of private industry to privately provide such facilities. Taxes on the Larvie Lake property have increased by 2,000 % during the time I have been associated with it and I hate to think that some portion of the taxes that were paid by this property went to sustain the South Dakota National Guard which furnished conveyance and materials to establish a swimming facility on Cold Brook Lake in direct competition with the long established private facility. The bad part is that this addition will probably lead to other forms to sustain a public facility at taxpayers expense. Increased storage in Cold Brook Lake only further limits its capacity to serve its original and intended function.

Sincerely yours,


Ralph Bashor.

4. In case you may not have received material from Attorney Olson, let me explain: I was in the Larvie Lake office when Mr Brosz told us that the License # 0618-2A water right was in the name of Alan Moffitt.

On 3/17/67 a contract for Deed was recorded from the Oellrichs to Beverly Lane. About a year later Lane assigned all his right title & interest in the contract to the Bashors. A new deed from the Oellrichs to the Bashors was drawn and filed in escrow in the National Bank of S.D. in Hot Springs pending filing upon satisfaction of the contract provisions. This involved about 13 acres lying in the easterly part of the 40 acre tract the Oellrichs owned along with transfer of water rights principally to the Larvie Lake unit. Contracts to Gosda and later Warner were written later on and are now under foreclosure action as indicated. Sometime in March or April of '84 Oellrichs entered into another contract for deed with Allan Moffitt for the balance of their 40 acre tract. Moffitt told me that there are no references in his contract involving water rights. He said he called your office and told you he had bought the Oellrich property and your people then issued receipt # 4 9645 transferring the License # 0618-2A to him.

Now, I would point out that the Oellrichs are still the legal owners of the entire 40 acres and will be until those contracts are concluded. I have always understood that water, mineral etc. rights are transferred by deed and I don't understand how your office transferred that License without the consultation, at least with the Oellrichs who had made commitments thru an attorney as to the potential transfer via their deed.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 9618-2A..

WHEREAS, On the 3rd day of November A. D. 1956
ELMER H. DELLRICH and GENAVALA M. DELLRICH

of HOK SPRINGS County of FALL RIVER and State of
SOUTH DAKOTA duly made application (No. 9618-2A.) to change the point of diversion
1.50
cubic feet per second of the waters of Cold Brook
FALL RIVER County of FALL RIVER State of South Dakota, for irrigation, fish culture, public
recreation and ice making
 purposes; and

WHEREAS, On the 2nd day of April A. D. 1957
 Permit No. 9618-2A. was issued to said applicant recognizing
 for the diversion of said water, and 1.50 for the
 completion of the works of diversion therein described on or before the 12th day of
1894
FEBRUARY A. D. 1956 and 1.50 application to beneficial use of said
 water on or before the 12th day of FEBRUARY A. D. 1956

WHEREAS, On the 15th day of October A. D. 1956
transfer
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.10
letter
1.10 cubic feet per second of said water, as evidenced by survey
 dated October 15, 1956 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 1.10 cubic feet per second of water, with date of
 priority of February 12, 1894 and

WHEREAS, On the 15th day of October A. D. 1956
 proof was duly made of the application to beneficial use of 1.10 cubic feet per second of said water;
for irrigation, fish culture, public recreation and ice making in
the NW 1/4 Sec. 11 and SW 1/4 Sec. 12 all in T. 7. S. R. 5. E.

NOW, THEREFORE, by the virtue of the authority vested in me by the laws of the State of South Dakota, We hereby grant and create to Ernest H. Oelrich and Cassius M. Oelrich TRANSFER of Rat. Springs, South Dakota the holder and owner of said permit No. 0618-2A a water right dating from February 12, 1894 to the use of 1.10 cubic feet per second of the waters of Cold Brook in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted in the S.W. 1/4 Sec. 11, T 7 S, R 3 E and conducted to and upon SW 1/4 Sec. 11 and SW 1/4 Sec. 12, all in T 7 S R 3 E.

for the purpose of irrigation, fish culture, public recreation and ice making.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations here for their object the economical use of such water.

WITNESS My hand and seal of our office at Pierre, South Dakota, this 17th day of June A. D. Nineteen Hundred and Fifty-Seven

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer



STATE OF SOUTH DAKOTA, County of Fall River.....

Filed for record this 20th day of March A. D. 1967 at 11:00 o'clock

A. M. and recorded to Book 53 of PISC Page 673-674

Fee Number 56934

[Signature]
Register of Deeds

und
W

WARRANTY DEED

6618-20

Ernest H. Cellrich and Geneva M. Cellrich, husband and wife, grantors of
Fall River County, State of South Dakota for and in consideration of

ONE DOLLAR AND OTHER VALUABLE CONSIDERATION

GRANT, CONVEY AND WARRANT TO Ralph F. Bashor and Anna Mae Bashor, as
joint tenants with right of survivorship and not as tenants in common,
grantees, of Hot Springs, South Dakota P. O. the following described
real estate in the County of Fall River in the State of South Dakota:

A tract of land containing 13.79 acres, more or less, known
as LARVIE LAKE CAMPGROUND TRACT of the Southeast Quarter of
the Southeast Quarter of Section Eleven in Township Seven
South, Range Five East of the Black Hills Meridian, according
to the plat of the Re-Subdivision of said Southeast Quarter
of the Southeast Quarter, which Re-Subdivision plat was
recorded in the office of the Register of Deeds for Fall River
County, South Dakota, on August 16, 1967, at 10:30 A. M.,
in Book 9 of Plats on Page 3, the same being a Re-Subdivision
of the plat recorded in Book 5 of Plats on Page 41 in said
office.

This deed to the grantees of said tract shall include the
conveyance of all water rights, ditches, canals and flumes
and easements for the same (if any) which are appurtenant
to or have been used in connection with the above described
land, including the water, water rights and ditch from
that dam commonly known as U. S. Government Cold Brook Dam,
reserving to the Grantors, however, and to their heirs and
assigns, the right to use water from said ditches for
domestic and garden irrigation use on any contiguous and
adjoining lands owned by them, as long as Grantees
Larvie Lake is full. The conveyance of this Tract of land
is subject, however, to a right of way over and across the
South portion thereof for a water main (as the same is
now located and connected to the water mains of the City of
Hot Springs, South Dakota) which right of way the Grantors
retain and reserve to themselves, their heirs and assigns
forever, together with the right of ingress and egress to
repair and maintain the same.

Dated this 3rd day of September, 1968.

Ernest H. Cellrich
Geneva M. Cellrich

STATE OF SOUTH DAKOTA)
) SS.
COUNTY OF FALL RIVER)

On this the 3rd day of September, 1968, before me, Norman K.

Blatchford the undersigned officer, personally appeared
Ernest H. Cellrich and Geneva M. Cellrich, husband and wife, known to me or
satisfactorily proven to be the persons whose names are subscribed to the
within instrument and acknowledged that they executed the same for the
purposes therein contained. In witness whereof I hereunto set my hand and
official seal.

PLAT OF RE-SUBDIVISION
OF SE 1/4 SE 1/4, SECTION 11,
T 75, R 5 E, B.H.M. INTO
LARIVE LAKE CAMPGROUND
TRACT AND TRACT "A" OF
SE 1/4 SE 1/4, SECTION 11,
T 75, R 5 E, B.H.M.

TRACT "A" OF
SE 1/4 SE 1/4
Containing 20.21 ± Ac.

LARIVE LAKE
CAMPGROUND
TRACT

Containing 15.79 ± Ac.

Area Changed
o Iron Pipe Found
o Iron Pipe Set
SURVEYOR'S CERTIFICATE
F. George G. Ross

REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT AT THE DIR-
ECTION OF THE OWNER, I HAVE SURVEYED AND RE-SUBDIVIDED
SE 1/4 SE 1/4, Sec. 11, T 75, R 5 E, B.H.M. into Larive Lake Campground Tract and Tract "A"
AS SHOWN HEREON, ALL DIMENSIONS SHOWN ARE TRUE AND CORRECT.

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA, COUNTY OF LAWRENCE

BE IT REMEMBERED THAT ON THIS 7 DAY OF May, 1967, BEFORE ME, THE UNDER-
SIGNED, A NOTARY PUBLIC, PERSONALLY APPEARED George G. Ross KNOWN TO ME TO
BE THE PERSON, DESCRIBED IN, AND WHO EXECUTED THE FOREGOING CERTIFICATE.
MY COMMISSION EXPIRES 6-6-75.

OWNER'S CERTIFICATE

I (we), Ernest H. Cellrich & Geneva M. Cellrich, OWNER OF SE 1/4 SE 1/4, Section 11,
Township 7 South, Range 5 East, Black Hills Meridian, DO HEREBY APPROVE
THE SURVEY AND PLAT, WITNESS (OUR, MY) HAND AND THIS 15 DAY OF July, 1967.

OWNER Ernest H. Cellrich
OWNER Geneva M. Cellrich

ACKNOWLEDGMENT OF OWNER

STATE OF South Dakota, COUNTY OF Fall River, BE IT REMEMBERED THAT ON THIS 2
DAY OF May, 1967, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, PERSON-
ALLY APPEARED Ernest H. Cellrich & Geneva M. Cellrich, husband & wife, KNOWN TO ME TO BE
THE PERSON DESCRIBED IN, AND WHO EXECUTED THE FOREGOING OWNER'S CERTIFICATE.
MY COMMISSION EXPIRES May 28, 1967.

CERTIFICATE OF COUNTY TREASURER

STATE OF South Dakota, COUNTY OF Fall River
I, Nathaniel L. Johnson, COUNTY TREASURER OF Fall River COUNTY, DO
HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON the
above plotted lands

AS SHOWN BY RECEIPTS OF MY OFFICE, HAVE BEEN PAID TO DATE.

DATE: 5/24/1967

Norman K. Blatchford NOTARY PUBLIC
Seal

OFFICE OF REGISTER OF DEEDS

STATE OF South Dakota, COUNTY OF Fall River
FILED FOR RECORD THIS 24 DAY OF May, 1967, AT 10 O'CLOCK
A.M. AND RECORDED IN BOOK 151 OF PLATS ON PAGE 1 THEREIN.

OFFICE OF COUNTY ASSESSOR

STATE OF South Dakota, COUNTY OF Fall River
I, Melvin T. Norton, COUNTY ASSESSOR, HEREBY CERTIFY THAT I HAVE RECEIVED A
COPY OF THIS PLAT.

RESOLUTION BY GOVERNING BOARD

I, Melvin T. Norton, AUDITOR OF Fall River DO HEREBY CERTIFY
THAT AT AN OFFICIAL MEETING HELD ON May 15, 1967, THE Fall River County
Board of Commissioners BY RESOLUTION DID APPROVE THE ATTACHED PLAT.

FALL RIVER CO

Cold Brook

Canyon

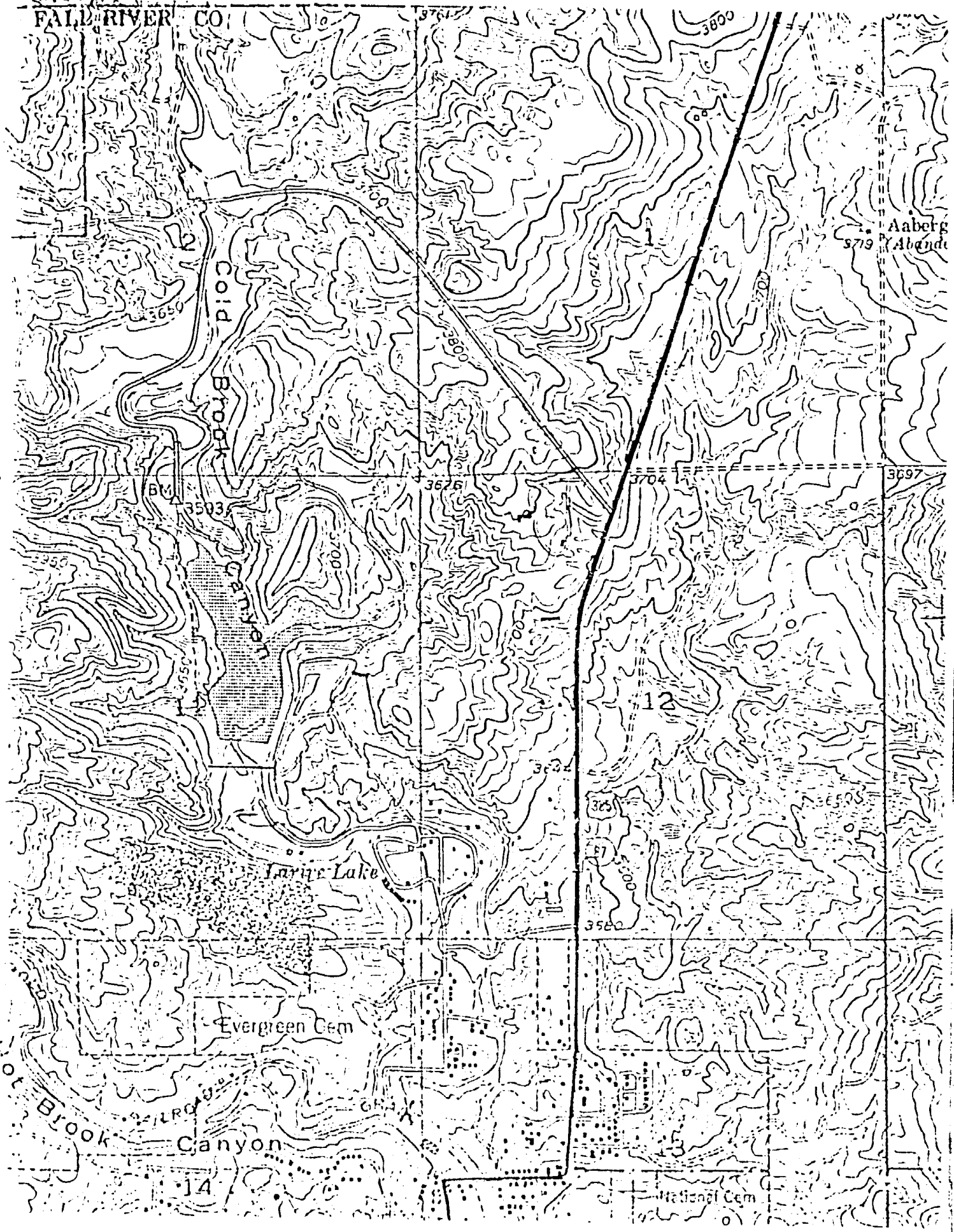
Large Lake

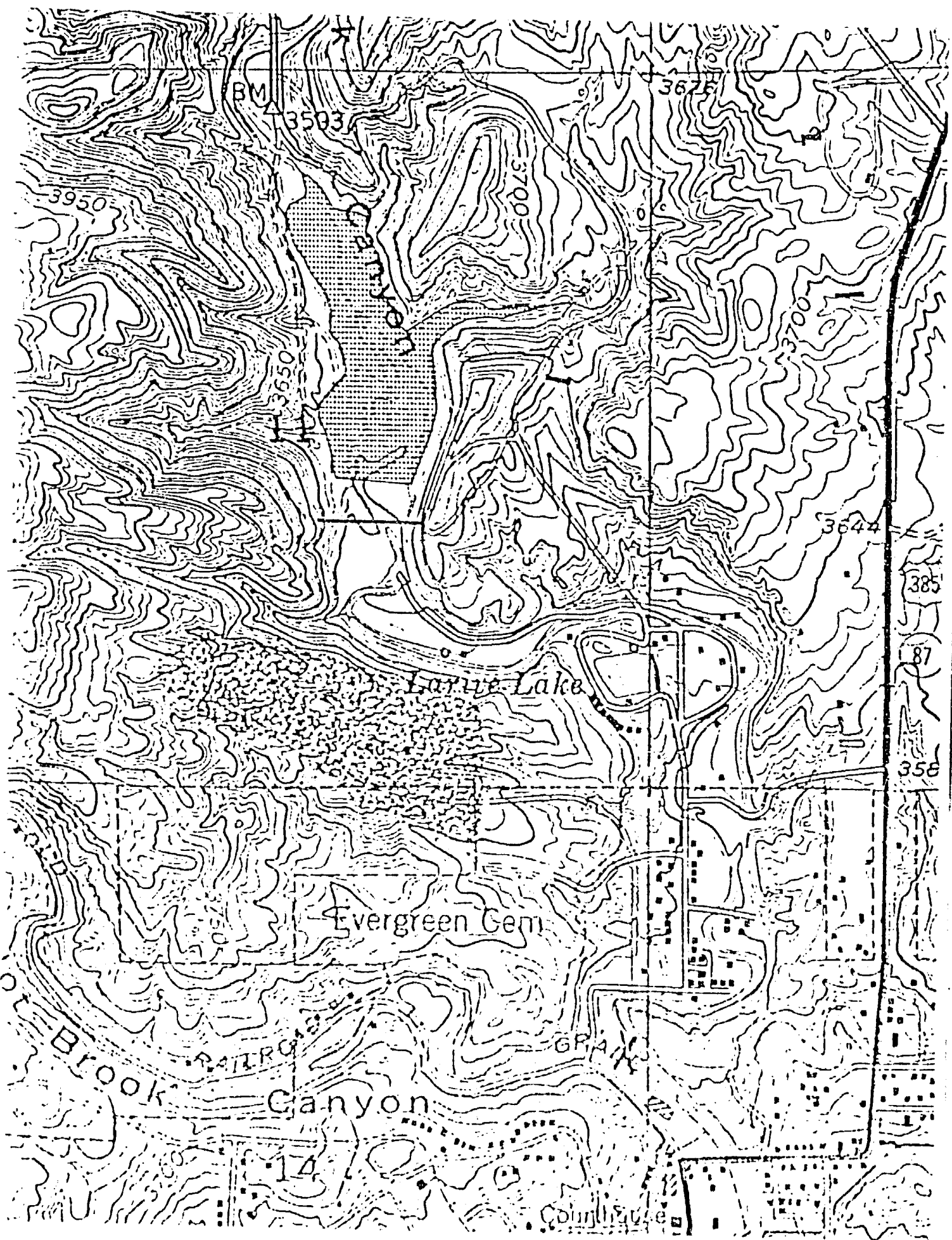
Evergreen Cem

Canyon

Aaberg Abandi

National Cem





DATE RECORDED

CAMERA OPERATOR

0618-2A

WILSON, OLSON, GOODSSELL & NASH, P.C.

ERNEST GUNDERSEN (1915-1972)

JAMES H. WILSON

JAMES W. OLSON

G. VERNE GOODSSELL

ROBERT M. NASH

LAWYERS

2525 WEST MAIN STREET, SUITE 206

RAPID CITY, SOUTH DAKOTA 57702

TELEPHONE
(605) 342-7080

STEVEN D. RICH

J. H. BOTTUM, RETIRED

October 25, 1984

Mr. John Hatch, Chief Engineer
Department of Water and Natural Resources
523 E. Capitol
Pierre, SD 57501



Dear Mr. Hatch:

I am writing this letter to you on behalf of my clients, Ralph and Anna Mae Bashor. Mr. Bashor has written to you under a letter dated October 9. We are in the process of taking back the property known as Larive Lake Campground and described as the Larive Lake Campground Tract in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Eleven (11), Township Seven (7) South, Range Five (5) East of the Black Hills Meridian, Fall River County, South Dakota.

The Bashors had sold the property on contract, but the buyers are currently in default. Mr. Bashor is, however, concerned to make certain that the water rights are protected and specifically to determine the status of the license No. 0618-2A. I have enclosed a copy of same. This license has always been utilized for the benefit of Larive Lake and the rights for such use were included with the sale of the property to the Bashors as referred to in a Warranty Deed, dated September 3, 1968, a copy of which is also enclosed. This deed has been in escrow for some time and not filed of record. Therefore, your records should properly reflect that the license remains in the name of Ernest and Geneva Oellrich until that deed is filed of record, at which time the Bashors are entitled to apply for a transfer of the license. I have also enclosed a copy of a receipt No. 4 9645, which acknowledges a transfer of that license to Alan Moffitt. This was incorrectly transferred on your records as the property purchased by Mr. Moffitt did not include the water rights.

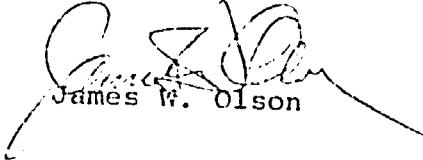
Should you require further title information on this matter, we will be happy to obtain the same. I have also enclosed for your information a copy of the plat.

Mr. John Hatch
Page Two
October 25, 1984

Mr. Bashor is concerned about the status of the flume and will commence repairs in the spring; however, such must be coordinated with the other users and property owners.

Very truly yours,

WILSON, OLSON,
GOODSELL & NASH, P.C.


James W. Olson

JWO/ea
Enclosure
cc: Mr. Ralph Bashor



Department of Water & Natural Resources

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

Water Rights Division
605 773-3350

November 5, 1984

0618-2A

James Olson
2525 West Main Street
Suite 206
Rapid City SD 57702

Mr. Olson:

I am writing in regard to your inquiry concerning Water Right No. 0618-2A. This water right was approved March 13, 1957 for a diversion rate of 1.1 cubic feet per second and storage of 20 acre feet in Larive Lake. The water was to be used for stockwater, fish culture, public recreation, ice making, household use and irrigation of 2 acres located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T7S, R5E. The two acres to be irrigated are shown on the attached map which was submitted with the application. You state in your letter that the property purchased by Alan Moffitt did not include the water rights. However, if he purchased the 2 acres indicated on the map he is entitled to the irrigation rights assigned to it by Water Right No. 0618-2A. SDCL 46-5-33 states that "no permit or right to appropriate water for irrigation may be assigned or transferred apart from the land to which it is appurtenant." Due to the varied uses granted under this water right it is true that Mr. Moffitt's name should not be the only one on this water right. However, he is entitled to his portion of this water right. We will change our records to state that this permit was improperly transferred to Mr. Moffitt. If Mr. Moffitt utilizes all or part of his right to irrigate the two acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, we might have to split that portion of Water Right No. 0618-2A into a separate water right. If you have any questions, please contact this office.

Thank you,

KEVIN C. LARSON
Natural Resources Engineer

KCL:ks

enclosure

cc: Alan Moffitt

SOUTH DAKOTA Department of
Water & Natural Resources

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

February 6, 1987

Ralph Bashor
96 Horner
Belen, NM 87002

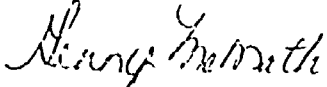
Dear Mr. Bashor:

In reviewing Water Right No. 0618-2A, it has come to our attention that the water right is still listed in the name of Alan Moffitt. Correspondence from you and Mr. Olson dated October, 1984 stated the transfer of the water right to Mr. Moffitt was incorrect.

A letter dated November 5, 1984 to Mr. Olson from Kevin Larson, of this office, stated our records would be changed to reflect that the water right was improperly transferred. The water right is now under the name of Ernest H and Geneva M Cellrich.

Please notify this office if ownership of this water right is incorrect.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

GM:ks

96 N. Horner
Belen, N.M. 87002
February 27, 1987

So. Dak. Dent. Water etc.
523 E. Caritol
Pierre, South Dakota

Attn: Genny Mc Math



Dear Ms. McMath,

In reply to your letter of February 6, 1987; I am referring to Water Right No. 0618-2A and enclosing copies of recorded deeds which show transfer of water rights from Oellrichs to Bashors and from Bashors to Lowes. At least, these deeds show the intent of the parties involved. What ever is represented now belongs to the Lowes presently.

All parties to this situation have recognized the prime importance of maintaining, at least thru the summer months, Larvie Lake in a full condition; and this is clearly set forth in the deed from the Oellrichs to Bashors.

Use of the water by the property contracted (not Deeded) from Oellrichs to Morfitt as I have known it since 1968 has been used sporadically for a small garden on the two acres shown on the original plat and continuously to water a large lawn around the old Oellrich house which lies outside the two acre tract and between it and Larvie Lake. Also, the two acres mentioned is in the floodway from the spillover structure from Cold Brook Dam and lake. At least ninety percent of the water from the dam outlet has, in the past, been directed to Larvie Lake at least during the summer months. This was also true in the time before Cold Brook Dam was built.

There are only a few people involved in this circumstance and, in the past, they have had no problems with it. The small use of water from the small outlet to Larvie Lake by people and property below the dam is minor and because of several splits of that property would be hard to discern and apply.

Cold Brook and Cottonwood Dams were built as flood control protection for the city of Hot Springs. Presently Cold Brook has become at least a water storage unit with reduced flood control capacity. I have not heard anyone claim any other potential use for this water and I see no reason why the situation cannot be left alone and adjusted amicably by those involved.

Respectfully yours,

Ralph Bashor

Grantors: Charles and Cora E. O'Brien, husband and wife, residing in
Fall River County, State of South Dakota for and in consideration of

ONE DOLLAR AND ONE CENT VALUABLE CONSIDERATION

GRANT, CONVEY AND WARRANT TO Ralph E. Bashor and Anna Mae Bashor, his
joint tenants with right of survivorship and not as tenants in common,
quarters of Hot Springs, South Dakota P. O. the following described
real estate in the County of Fall River in the State of South Dakota:

A tract of land containing 13.79 acres, more or less, known
as LARVIE LAKE CAMPERCEND TRACT of the Southeast quarter of
the Southeast Quarter of Section Eleven in Township Seven
South, Range Five East of the Black Hills Meridian, according
to the plat of the Re-Subdivision of said Southeast Quarter
of the Southeast Quarter, which Re-Subdivision plat was
recorded in the office of the Register of Deeds for Fall River
County, South Dakota, on August 16, 1967, at 10:30 A. M.,
in Book 9 of Plats on Page 3, the same being a Re-Subdivision
of the plat recorded in Book 5 of Plats on Page 41 in said
office.

This deed to the grantees of said tract shall include the
conveyance of all water rights, ditches, canals and flumes
and easements for the same (if any) which are appurtenant
to or have been used in connection with the above described
land, including the water, water rights and ditch from
that Dam commonly known as U. S. Government Cold Brook Dam,
reserving to the Grantors, however, and to their heirs and
assigns, the right to use water from said ditches for
domestic and garden irrigation use on any contiguous and
adjoining lands owned by them, as long as Grantees
Larvie Lake is full. The conveyance of this Tract of land
is subject, however, to a right of way over and across the
South portion thereof for a water main (as the same is
now located and connected to the water main of the City of
Hot Springs, South Dakota) which right of way the Grantors
retain and reserve to themselves, their heirs and assigns
forever, together with the right of ingress and egress to
repair and maintain the same.

Dated this 3rd day of September, 1968.

Charles E. O'Brien
Cora E. O'Brien

STATE OF SOUTH DAKOTA)
COUNTY OF FALL RIVER)

Dated this 2nd day of September, 1963.

September, 1963.

Ernest H. Callrich
Geneva M. Callrich

On this the 3rd day of September, 1968, before me, Norman K.

Norman K. Blatchford,
Notary Public, South Dakota (S)

My Commission Expires:
May 26, 1975.

Ernest H. Oelrich

Ralph F. Kashor

RECEIVED 1905 150

FILED FOR RECORD

3rd day of September 86

11:20 A M A N COUNCIL

97

314

W. H. Oelrich

3.00 Pd

64.00 Pd-Wilson, Oison--

W. H. Oelrich

WARRANTY DEED -- JOINT TENANCY

RALPH F. BASHOR AND ANNA MAE BASHOR, husband and wife, Trustees under the Declaration of Trust dated March 18, 1981 and filed in the Office of the Fall River County Register of Deeds on March 31, 1981, at 1:50 p.m. in Book 93 of Miscellaneous Records, Page 621, Grantors of Valencia County, State of New Mexico, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, grant, convey, and warrant to CALVIN C. LOWE AND MARY L. LOWE, husband and wife, as joint tenants with right of survivorship and not as tenants in common, Grantees, of P.O. Box 33, Hot Springs, SD 57747, the following described real estate in the County of Fall River, in the State of South Dakota:

A tract of land platted and known as Larive Lake Camp Ground, containing 14.25 acres, more or less, and located in and being all of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Eleven (11), in Township Seven (7) South, Range Five (5) East of the Black Hills Meridian, except that part of said quarter previously conveyed to Ernest H. Oellrich and Geneva M. Oellrich by a Warranty Deed in which Wesley R. Larive, single, was the Grantor, and which Deed was dated November 17, 1949, and filed for record February 14, 1950, at 9:15 o'clock a.m. and recorded in Book 62 of the Deed Records of Fall River County, South Dakota, on Page 346, and which previously conveyed tract contains 25.75 acres, more or less. The plat of said Larive Lake Camp Ground is recorded at Book 5 of Plats on Page 41 of the said Fall River County Records and is a plat dated October 26, 1949, prepared by Fred D. Brady, Registered Land Surveyor.

The Grantees acknowledge that this property is subject to the terms and conditions of a certain Contract for Deed by and between Ernest H. Oellrich and Geneva M. Oellrich as Sellers and Beverly Lane as Buyer, which the Grantees agree to assume and pay according to its terms.

The conveyance to the Buyers of Larive Lake Camp Ground tract shall include the conveyance of all water rights, ditches, canals, and flumes, and easements for the same, if any, which are appurtenant to or have been used in connection with the above-described land, including the water, water rights, and ditch from the dam commonly known as U. S. Government Cold Brook Dam, reserving to the Sellers, however, and to their heirs and assigns, the right to irrigation use of any contiguous and adjoining lands owned by them as long as Buyers' Larive Lake is full.

It is agreed this property is subject to an interest in Ernest H. Oellrich and Geneva M. Oellrich, wherein they reserve unto themselves the fee title to a strip of land lying in the tract of land hereby contracted to be conveyed, which strip of land lies about 600' south of the Northwest Quarter (NW1) of said 14.25 acre tract and which tract shall be surveyed to be of sufficient size to permit access to the existing roadway within said tract for the purpose of permitting vehicular traffic around a quonset building and mobile home. This tract of land shall remain the property of the said Ernest H. Oellrich and Geneva M. Oellrich. This tract has been inspected and set out on the ground by all the parties to this Deed.

Dated this 31st day of December 1986.

Ralph F. Bashor, Trustee

Anna Mac Bashor
Anna Mac Bashor, Trustee

State of New Mexico)
County of Valencia) ss:

On this the 31st day of January, 1986, before me, the undersigned officer, personally appeared Ralph F. Bashor and Anna Mae Bashor, husband and wife, as Trustees, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

(SEAL)

Claudio D. Smith
Notary Public, New Mexico
My Commission Expires: 4/16/88

NO. 0618-2A

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 6-25-87

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

2 acres - NW1/4SE1/4 Section 11, T7S, R5E

formerly owned by Ernest & Geneva Dellrich

has been transferred to Larive Lake Resort & Campgrounds (Cal & Mary Lowe) Box 33, Hot
(please include complete mailing address) Springs SD
together with any rights to the beneficial use of water thereon as evidenced by 57747

Water Right Permit No. 0618-2A 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 Faul) ss.
River

I, CALVIN C LOWE being first duly sworn on my oath despose 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.

Calvin C Lowe
(Signed)

Subscribed and sworn to before me this 25th Day of June, 1987.

MY COMMISSION EXPIRES
12-31-87

Stanley R. Holtz
(Notary Public)

RECEIPT

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

111904

Pierre, _____, 1927

RECEIVED OF Larive Lake Resort & Campgrounds (Cal & Mary Lowe) Box 33, Hot Springs, S.D.
the following amount in fees for services rendered as provided for by law: 57747

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>0618 -2A</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

(S)

No. 0618-L

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

June 30, 1987

Larive Lake Resort & Campgrounds
Cal and Mary Lowe
Box 33
Hot Springs, South Dakota 57747

Dear Mr. & Mrs. Lowe:

Enclosed is receipt No. 410924 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 0618-2A

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

Sincerely,

Gene Stirling
Secretary

ms/
Enc.

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

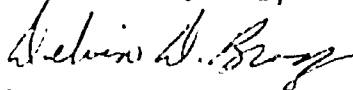
Cal & Mary Lowe
Larvie Lake Resort
Box 33
Hot Springs SD 57747

Dear Mr. & Mrs. Lowe:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 0618-2A until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,



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



 **Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 0618-2A

Larive Lake Resort
Cal & Mary Lowe
Box 33
Hot Springs SD 57747

Dear Mr. & Mrs. Lowe:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



 **Department of
Water & Natural Resources**

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

February 8, 1989

CAL & MARY LOWE
LARVIE LAKE RESORT/CAMPGROUND
BOX 33
HOT SPRINGS, SD 57747

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 0618-2A. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, 1-9C at LaCrosse, Rapid City SD.

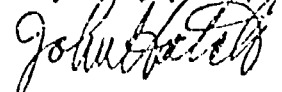
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 0618-2A to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



 **Department of
Water & Natural Resources**

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

March 7, 1989

0618-2A

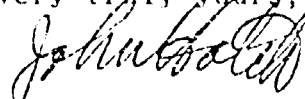
Cal & Mary Lowe
Larvie Lake Resort & Campground
Box 33
Hot Springs, SD 57747

Dear Mr. & Mrs. Lowe:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Right No. 0618-2A. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

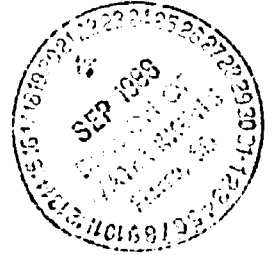
If you have any questions, please contact Genny McMath, at (605) 773-3352.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

0618-2A



September 20, 1988

Chief Engineer
Water Rights Division
Dept. of Water & Natural Resources
Pierre, SD 57501-3181

To whom it may concern:

Just a short letter to let you know that I oppose the water right claim by Larive Lake Resort to permit #0618-2A for 1.1 CFS on two acres of land.

My interest in this is that I believe I own the two acres that are included in this water right. There are other things included in this water right such as stockwater, fish culture, public recreation, ice making, and household use.

I think this water right should be issued in the name of Larive Lake. I also think my name should be included if I own the two acres described in this water right; because according to a letter I received from you on November 5, 1984, SDCL 46-5-33 states that "no permit or right to appropriate water for irrigation may be assigned or transferred apart from the land to which it is assigned."

As I stated before, I believe I own this land and in the future may decide to use this land for irrigation purposes.

According to the letter enclosed you have a map that shows the two acres indicated in this water right. If I do own this land I should be allowed a partial water right.

Sincerely,

Alan L. Moffitt

Alan L. Moffitt
P.O. Box 985
Hot Springs, SD 57747

Enclosure

 **Department of
Water & Natural Resources**

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

September 27, 1988

Cal & Mary Lowe
Larive Lake Resort
Box 33
Hot Springs SD 57747

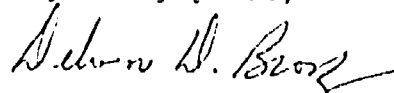
Dear Mr. & Mrs. Lowe:

Enclosed is a copy of a letter received from Alan L. Moffitt. Mr. Moffitt believes that the irrigation portion of Vested Water Right Claim No. 0618-2A is for land that he owns.

After Water Right Division staff have investigated and analyzed Vested Right Claim No. 0618-2A you and Mr. Moffitt will be notified as to the date, place and time of the hearing on vested Water Right Claim No. 0618-2A.

If you have any questions, please contact us.

Very truly yours,


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

cc: Alan L. Moffitt



 **Department of
Water & Natural Resources**

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

July 5, 1989

NOTICE

TO: Cal & Mary Lowe
Larive Lake Resort
Box 32
Hot Springs SD 57747

Alan L. Moffitt
PO Box 985
Hot Springs SD 57747

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Validation of Vested Right Claim No. 0618-2A, Larive
Lake Resort

The Water Management Board will consider Validation of Vested Right Claim No. 0618-2A at 10:00 am, July 26, 1989 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD. The agenda time is an estimate. The actual time of hearing may be better than 10:00 am due to prior agenda items.

This hearing is being held because Alan L. Moffitt opposed validation of Vested Right Claim No. 0618-2A. The hearing is an adversary proceeding. Any person having filed a petition and the Vested Right Claim holder have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

The applicable provisions of the Notice of Intent to Validate Vested Water Right Claims published in the Hot Springs Star, Hot Springs SD on June 7 and 14, 1988 will still apply at this hearing.

The Chief Engineer is recommending validation of the claim for 1.10 cubic feet of water per second from Cold Brook. An inspection by Delvin Brosz found that the water is used for irrigation of lawns and trees and to maintain water levels in Larive Lake for public recreation, all located in the SE 1/4 SE 1/4, Section 11, T7S, R5E. The priority date of the claim is February 12, 1894. Alan L. Moffitt has verbally withdrawn his opposition to the claim.

cc: John Haak, Assistant Attorney General



Excerpt from the July 25 & 26, 1989 WMB meeting minutes

nothing happened. In this case, the permit issued at the point when Mr. Freeman signed the Findings of Fact or the point where the Board did not overrule Mr. Freeman.

Chairman Gunderson signed the permits as necessary.

Contested Water Right Claims

Mr. Brosz stated at the last board meeting the board recognized several vested right claims which were uncontested. Mr. Brosz stated the permits to be considered today have been contested (list on file).

0618-2A, Larive Lake Resort, claimed 1.10 cfs from Cold Brook to irrigate lawn and trees and provide water to Lake Larive, with a priority date of February 12, 1894. The validation was opposed by Alan Moffitt. Mr. Brosz stated he explained the claim to Mr. Moffitt. Mr. Moffitt knew that the permit originally had two acres on his property which Mr. Moffitt had not irrigated for many years. Mr. Moffitt agreed that he had forfeited the irrigation on the two acres and he withdrew his opposition to the validation.

Mr. Freeman MOVED, SECONDED by Mr. Rickenbach to Validate Vested Right Claim No. 0618-2A as stated. MOTION CARRIED.

1759-2, Dane Conger, claimed 3.90 cfs from Beaver Creek to irrigate 195.8 acres, with a priority date of November 28, 1882.

1794-2, Dane Conger, claimed 5.00 cfs from Beaver Creek to irrigate 537.3 acres, with a priority date of January 1, 1920.

The validation was opposed by Lyda Bowker. Mr. Brosz stated he investigated the claims with Mr. Conger. Mrs. Bowker is not present. Mr. Brosz stated the staff recommendation is for validation of the claims.

Mr. Rickenbach MOVED, SECONDED by Mrs. Loucks to Validate Vested Right Claim Nos. 1759-2 and 1794-2 as stated. MOTION CARRIED.

472-1, Timothy Reich, claimed 0.97 cfs from the Belle Fourche River to irrigate 68.2 acres, with a priority date of January 1, 1924.

Mr. Brosz stated Rassool Ahadi investigated the claim and found it to be less than the original claim. What is stated above is what he found. H. M. Clarkson and Thornton Vallery opposed the claim.

Mike Hickey stated he was representing Timothy Reich.

Chairman Gunderson administered the oath to Timothy Reich.

Mr. Reich stated he bought his property 12 years ago. At the time it was for sale he had the realtor check on the validity of



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 4, 2003

0618-2A

Monte Rollett
Larive Lake Resort
1802 Evans St
Hot Springs SD 57747

Dear Mr. Rollett:

Thank you for contacting us regarding the ownership change for Larive Lake Resort.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change on Water Right Filing No. 0618-2A. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions when completing the form, please get in touch with me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

SEP 23 2003

WATER RIGHTS
PROGRAM

No. 0618-2A

Date: _____

I/We request that Water Right Filing No. 0618-2A

formerly owned by: Bruce & Mary Jo Grill, dba Larive Lake Resort,

be transferred to: (name & address)

MONTÉ C. ROUETTE dba LARIVE LAKE RESORT
1802 EVANS ST. HOT SPRINGS, SD 57747

Telephone No. 605 745-3993

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

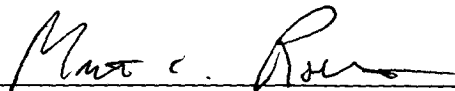
SE ¼ SE ¼ Section 11, T2S, R5E

I/We understand that the validity of Water Right Filing No. 0618-2A has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We MONTÉ C. ROUETTE, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 23, 2003

RECEIVED OF Monte Rollette, Larive Lake Resort, 1802 Evans St., Hot Springs, SD 57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>0618-2A</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	2	50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
		2.50

No.

000883

By

Darland Eble
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 29, 2003

0618-2A

Monte Rollette
Larive Lake Resort
1802 Evans St
Hot Springs SD 57747

Dear Mr. Rollette:

I am writing to acknowledge receipt of the ownership change for Larive Lake Resort. The transfer has been completed. Water Right Filing No. 0618-2A formerly owned by Bruce and Mary Jo Grill is now listed in your name, dba Larive Lake Resort.

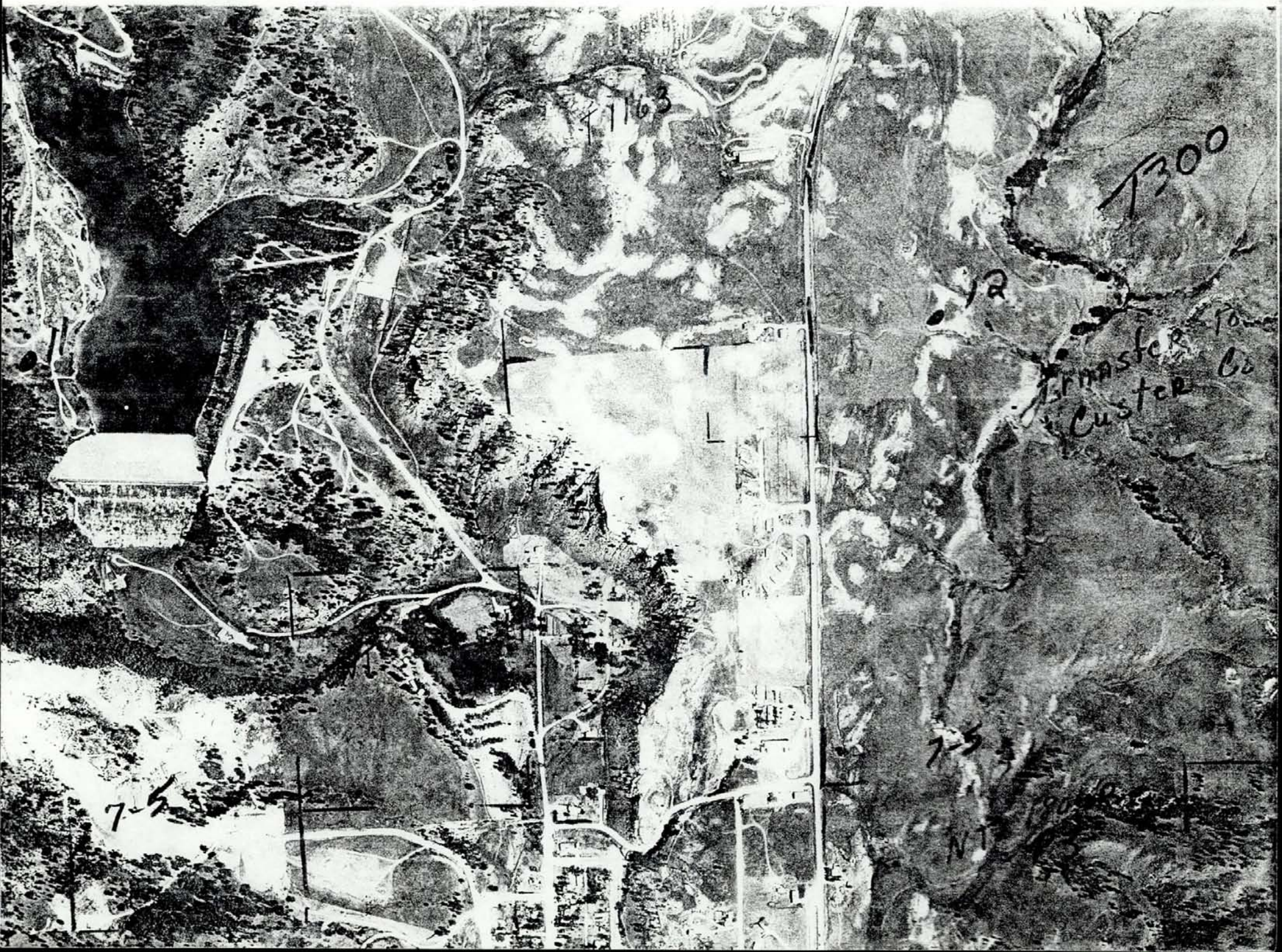
Enclosed is your Receipt No. 000883 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

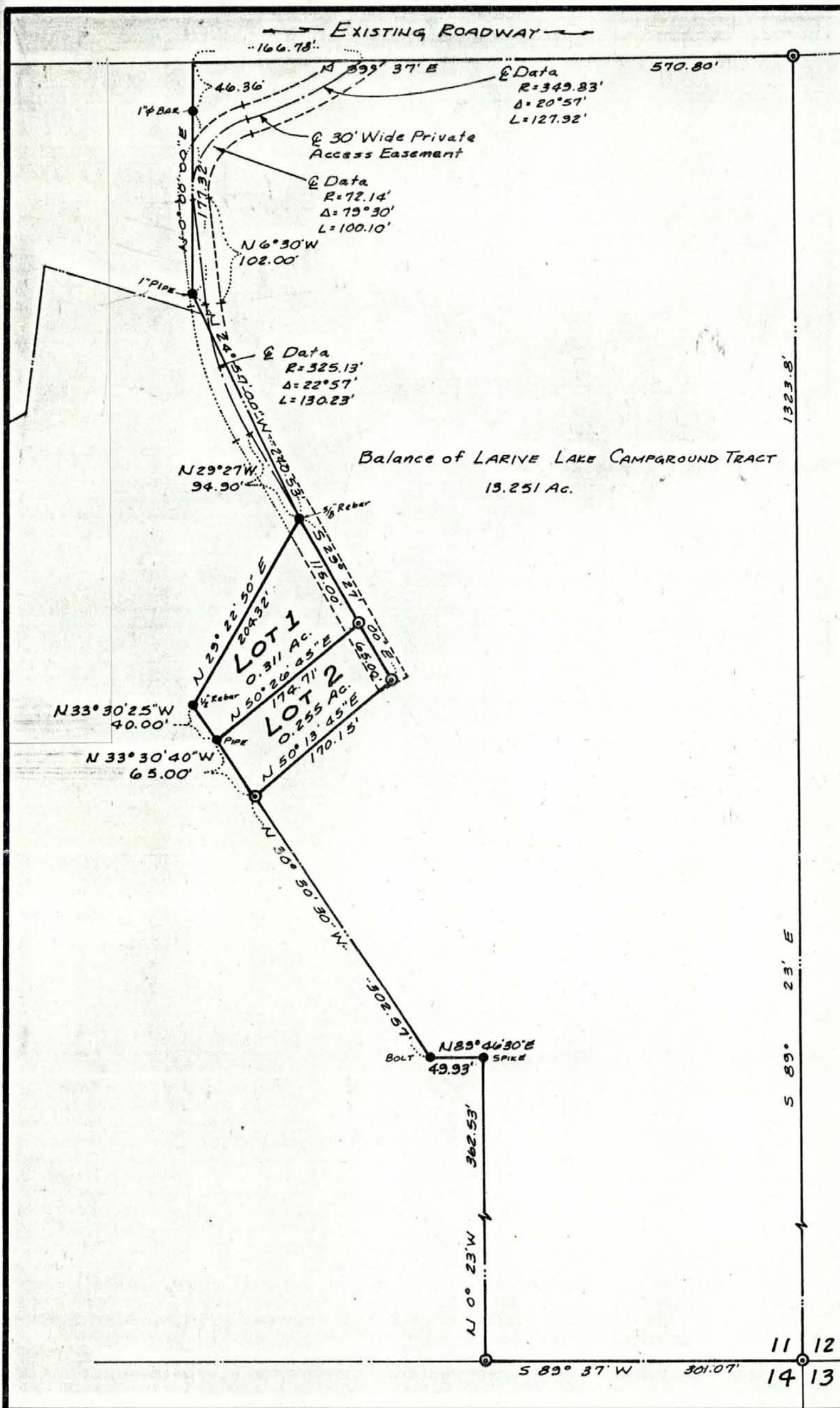
If you have any questions, please get in touch with me.

Sincerely,

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

enclosure





PLAT OF Lot 1 LARIVE LAKE CA Located in the SE 11, T7S, R5E, B.H.M. South Dakota

OWNERS CERTIFICAT
State of South Dakot

I/ We, CALVIN C. LOWE
hereby certify that
land shown and descr
did authorize and do
and within plat of s
development of this
existing applicable
erosion and sediment

Mary L. Lowe
Calvin C. Lowe

On this 9th day of
before me a Notary Pu
Mary L. Lowe
to be the person(s)
instrument and ackno
they signed the same

Sandra L. Lowe
Notary Public

My Commission Expires:

SURVEYORS CERTIFICATE
State of South Dakota-Co
I, Jerry J. Wendland, Re
#4224 in the state of S
certify that this plat a
were performed by me, an
all things true and corr
WHEREOF, I hereunto set

Jerry J. Wendland
Jerry J. Wendland RLS #4

On this 2nd day of Feb
before me, a Notary Publ
Jerry J. Wendland, known
described in the foregoi
acknowledged to me that

Janette
Notary Public

My Commission Expires:

CERTIFICATE OF STREET
The location of the propo
the County or State highw
shown hereon is hereby ap
the location of the acces
additional approval.

Highway or Street Authori

CERTIFICATE OF COUNTY AUDITOR
State of South Dakota-County of Fall River-ss

I, Auditor of Fall River County, do hereby certify that the following instruments, are a true and correct copy
adopted by the Board of County Commissioners of Fall River County at an official meeting held on the

18 day of Aug, 1987. Shirley A. Dyer
Fall River County Auditor

RESOLUTION OF THE COUNTY COMMISSIONERS
State of South Dakota-County of Fall River-ss

Whereas there has been presented to the Fall River County Board of Commissioners the within Plat of Lot 1 and 2

Schaal, Tim

From: Adam Martin <adam@rapidcityforrent.com>
Sent: Wednesday, February 10, 2016 5:39 PM
To: Schaal, Tim
Cc: Tieman, Aaron; Goodman, Jeanne
Subject: RE: Site visit - Larive Lake, Fall River County, SD

Thank you Tim. I will forward this information to Bob and Cynthia.

Best regards,

Adam Martin
Property Manager
Countryside Properties Management, LLC
www.RapidCityForRent.com
605-343-6333

From: Schaal, Tim [<mailto:Tim.Schaal@state.sd.us>]
Sent: Wednesday, February 10, 2016 3:01 PM
To: 'adam@rapidcityforrent.com' <adam@rapidcityforrent.com>
Cc: Tieman, Aaron <Aaron.Tieman@state.sd.us>; Goodman, Jeanne <Jeanne.Goodman@state.sd.us>
Subject: FW: Site visit - Larive Lake, Fall River County, SD

Adam—thanks for calling me back. Here is a report and a few pictures of the seepage at Larive Lake. As we discussed, this is a problem that should be repaired sooner rather than later. If left alone, the seepage will eventually increase and may even breach the embankment. My first concern would be if the lake level has increased for some reason such as a plugged or altered spillway. It may be necessary to lower the lake level to make the necessary repairs. Besides the obvious seepage repair, the tree and brush growth on the embankment should also be addressed.

Please keep us informed of your plans to repair the Larive Lake embankment and let us know if you have any questions. Aaron's number in Rapid City is 394-2229.

Tim Schaal, P.E.
SD DENR Water Rights Program
(605) 773-3352

From: Tieman, Aaron
Sent: Tuesday, February 09, 2016 2:22 PM
To: Goodman, Jeanne; Schaal, Tim
Cc: Rath, Mark
Subject: Site visit - Larive Lake, Fall River County, SD

Schaal, Tim

From: Tieman, Aaron
Sent: Wednesday, February 10, 2016 10:47 AM
To: Schaal, Tim
Cc: Goodman, Jeanne
Subject: Contact info

Here is the contact information for Bob and Cynthia Akers:

Countryside Property Management

Adam Martin

27 Signal Drive, Rapid City

(605) 343-6333

Capitol Management

815 E Mall Drive, Rapid City

(605) 791-9004

Checking my notes, several unsuccessful attempts were made to contact Bob, but I was able to get ahold of Cynthia Akers with very little trouble.

Aaron T.

Schaal, Tim

From: Bultsma, Jacki R NWO <jacki.r.bultsma@usace.army.mil>
Sent: Tuesday, January 12, 2016 9:22 AM
To: Schaal, Tim
Subject: Larive Lake

Hello Tim-

We received a call from an adjacent landowner to Larive Lake out in Hot Springs. He said that Larive Lake is 'leaking onto his property'.

He stated he had tried to talk to the landowner about it, but, he does nothing. He stating it's leaking halfway down the dam in two places.

Since we have no jurisdiction over anything off Corps property I gave him your contact info; if this was a wrong move on my part please let me know.

The adjacent landowner's name is: Greg Fromann, 605-890-0364.

Thank you,

Jacki Bultsma
Chief, Natural Resource Section
U.S. Army Corps of Engineers
Big Bend Project
33573 North Shore Road
Chamberlain, SD 57325
605.245.1807
jacki.r.bultsma@usace.army.mil

To: Jeanne Goodman, P.E., Chief Engineer
Water Rights Program

From: Aaron Tieman, Engineer II
Water Rights Program

Subject: Larive Lake, Fall River County, South Dakota.

Legal location: SE¼ SE¼ Section 11 & SW¼ SW¼ Section 12, T7S-R5E

I met with Mr. Frohman at his property located immediately downstream of Larive Lake dam on February 8, 2016. Mr. Frohman stated that he first noticed the leakage approximately two years ago with the presence just one area and have grown larger in size and number since. The owner also informed me that there are several other property owners that are concerned with the condition of the dam. While on route to the site, I had noted the existence of multiple residences (mobile homes and stick-built) located immediately down gradient of Larive Lake.

Upon inspection of the dam, I observed three areas located half way up the dam face where it appears to be "leaking". The three areas are all located within 20 feet of each other (indicated by the red circle on the location map). The first location, labeled "1" in the photos, appears as though it may have been visibly flowing previously but not at the time of my visit. The second and third locations, labeled "2" and "3" in the photos, water is present on the face of the dam and appears to have flow at both of these locations with the formation of an ice sheet at the base of the dam.

It is my opinion, given the similar physical characteristics, similar elevation on the dam face and short span of distance between one another; the "leakage" is most likely the result of hydrostatic pressure that over time has found a flow path along the root systems of trees that are presently located on the dam.

Mr. Frohman stated that he has been contact with the current owner (The Retreat, LLC.) but has become impatient with the lack of remediation. Mr. Frohman has contacted the Corps of Engineers with his concerns but was told the Corps lacks jurisdiction since Larive Lake is a private lake. The Corps recommended that he contact DENR to see if or what may be done. At this time, Mr. Frohman stated that he would just like to know what his options are because it appears that nothing is going to get done by the owner of the dam to address the situation.

Contact information:

Mr. Greg Frohman
Phone: (605) 890-0364

Dam owner information:

The Retreat, LLC.
PO Box 8086
Rapid City, SD 57709

Registered Agent:

Cynthia Akers
27 Signal Drive
Rapid City, SD 57701



Sec. 11
T007S
R05E

Sec. 11
T007S
R05E

0 250 500 Feet

EVANS ST

COLEMAN RD

EVANS LOOP

Source: Esri, DigitalGlobe, GeoEye, Earthstar (USA), USGS, AeroGRID, IGN, SPS, swisstopo, and the GIS User Community



02.08.2016 09:54













02.08.2016 09:56

RECEIVED

DEC 20 2018

WATER RIGHTS
PROGRAM

PAID

DEC 20 2018

Ck# 0101

Mail to: PMB 2020

DENR - Water Rights Program

523 E Capitol Ave

Pierre, SD 57501-3182

Water Right/Permit No. 0618-2A

Date: _____

I/We request that Water Right/Permit No. 0618-2A formerly owned by:

The Retreat, LLC (Bob & Cynthia Akers) Countryside Property Management

be transferred to:

New Owner Name: Prosperity Properties, LLC - Shane & Cristin StewartAddress: 2214 Jennings AveCity, State, Zip Hot Springs SD 57547 Telephone No. 605 891 8907

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

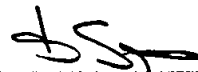
Larive lake Campground Tract SE 1/4 SE 1/4 Section 11
Township T1S range R5E B4m

☒ I understand that the validity of Water Right/Permit No. 0618-2A has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Cristin Stewart, the new owner, certify that the above information is true and correct.



(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF **Cristin K Stewart Prosperffy Properties LLC** Date **December 20**, 20**18**
2214 Jennings Ave Hot Springs SD
57747

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 0618-2A		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08863**

By *Jeanne Goodman*
Chief Engineer *7/7/18*



South Dakota Secretary of State

SHANTEL KREBS

Filing Information

Name: **Prosperity Properties, LLC**

General Information

SOS Business ID: **DL049231**
 Filing Type: Limited Liability Company - Domestic
 07/12/2016
 Delayed Effective Date: 07/12/2016 12:00 AM
 Status: Good Standing
 Duration Term: Perpetual
 Managed By: Member-Managed

Registered Agent Address
 CRISTIN STEWART
 2214 JENNINGS AVENUE
 HOT SPRINGS, SD 57747

Principal Address
 2214 JENNINGS AVENUE
 HOT SPRINGS, SD 57747

The following document(s) was/were filed in this office on the date(s) indicated below:

<u>Date Filed</u>	<u>Filing Description</u>	<u>Image #</u>
07/03/2018	2018 Annual Report	B0066-3342
06/30/2017	2017 Annual Report	B0034-5414
07/12/2016	Initial Filing (Delayed Date 07/12/2016)	DL049231



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 21, 2018

0618-2A

Cristin K Stewart
Prosperity Properties LLC
2214 Jennings Ave
Hot Springs SD 57747

Dear Ms. Stewart:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Vested Water Right No. 0618-2A.

The ownership change has been completed. Vested Water Right No. 0618-2A, formerly listed in the name of Larive Lake Resort is now listed under Prosperity Properties LLC.

Enclosed for your records is Receipt No. 08863 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure