

No. 100-2

Water Division No. 3 Butte Creek Water District.

(Blanks to be filled by the State Engineer.)

COPY

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

(NOTE - Draw lines through items not applicable. Where not otherwise stated all items refer to the proposed enlargement or extension.)

I. Name of applicant Pauline Egerton
 Postoffice address Fairburn, County Custer, State South Dakota.

1. 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 the work. (Whether by contract, employment of others, or by personal labor) personal labor

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$ Dec. 13th, 1888.2. Name of existing diversion works Mill Water Right, located Permit No.Name of enlargement or extension Mill Water Right3. Quantity of water claimed by enlargement or extension 3.75 cubic feet per second.4. Source of water supply French Creek5. Location of point of commencement of extension from the S.W. end of dam the N.E. Cor. of Sec. 19, T. 4 S., R. 7 E. B.H.M. bears N. 53° 15' E. 1235 ft.6. Annual periods during which water is to be used April to November

7. To be used for:

I. Irrigation or domestic use Irrigation.(a) Number of acres to be irrigated 304.1 acres.SE $\frac{1}{4}$ Sec. 20, T. 4 S., R. 7 E. B.H.M. 75.90 acresS $\frac{1}{2}$ NE $\frac{1}{4}$, " 20, " 4 " " 7 " " " 36.00 "NW $\frac{1}{4}$ " 20, " 4 " " 7 " " " 85.00 "E $\frac{1}{2}$ NE $\frac{1}{4}$, " 19, " 4 " " 7 " " " 7.20 "

(c) Location of pump

(d) Method of developing power

(e) Point where water will be returned to stream

Map # 124-2

8. Estimated cost of works:

(a) Head gates, \$ 50.00

(b) Pumping plant \$

(c) Fluming, \$ none (d) Canal-earth, \$ 745.00 (e) rock, \$ 250.00

(f) Other structures none \$ Total, \$ 1045.00

9. Description of diversion works:

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

Dam and ditch (dam and part of ditch been in use)

II. Dimensions of works:

(a) Dam: Height two feet; length at bottom thirty two feet; length at top thirty two feet; thickness at bottom three feet; thickness at top two feet; slope of front (water) face ; slope of back face ; material used in construction stone and earth

(b) Reservoir; Capacity when filled none acre feet. Surface area at highwater mark none acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH..... FEET OF DEPTH AT OUTLET-ACRES	CAPACITY- ACRE-Feet

(c) Head gate: Width four feet; height three feet

Material wood

(d) Canal: Total length 1.905 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 1st. mile	1 1/2 feet	5 feet	6 feet	8 feet
At 2nd. mile	1 1/2 feet	4 feet	5 feet	10 feet
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work three years.

11. Time required for complete application of water to the proposed beneficial use three years.

12. Choice of newspaper for publication of notice of intention to appropriate

Buffalogap Gazette

STATE OF SOUTH DAKOTA

County of Pennington

I, James Hartgering, being first duly sworn on my oath, depose and say: That my relation to the above described undertaking is that of

Engineer

(Owner, manager or engineer)

, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

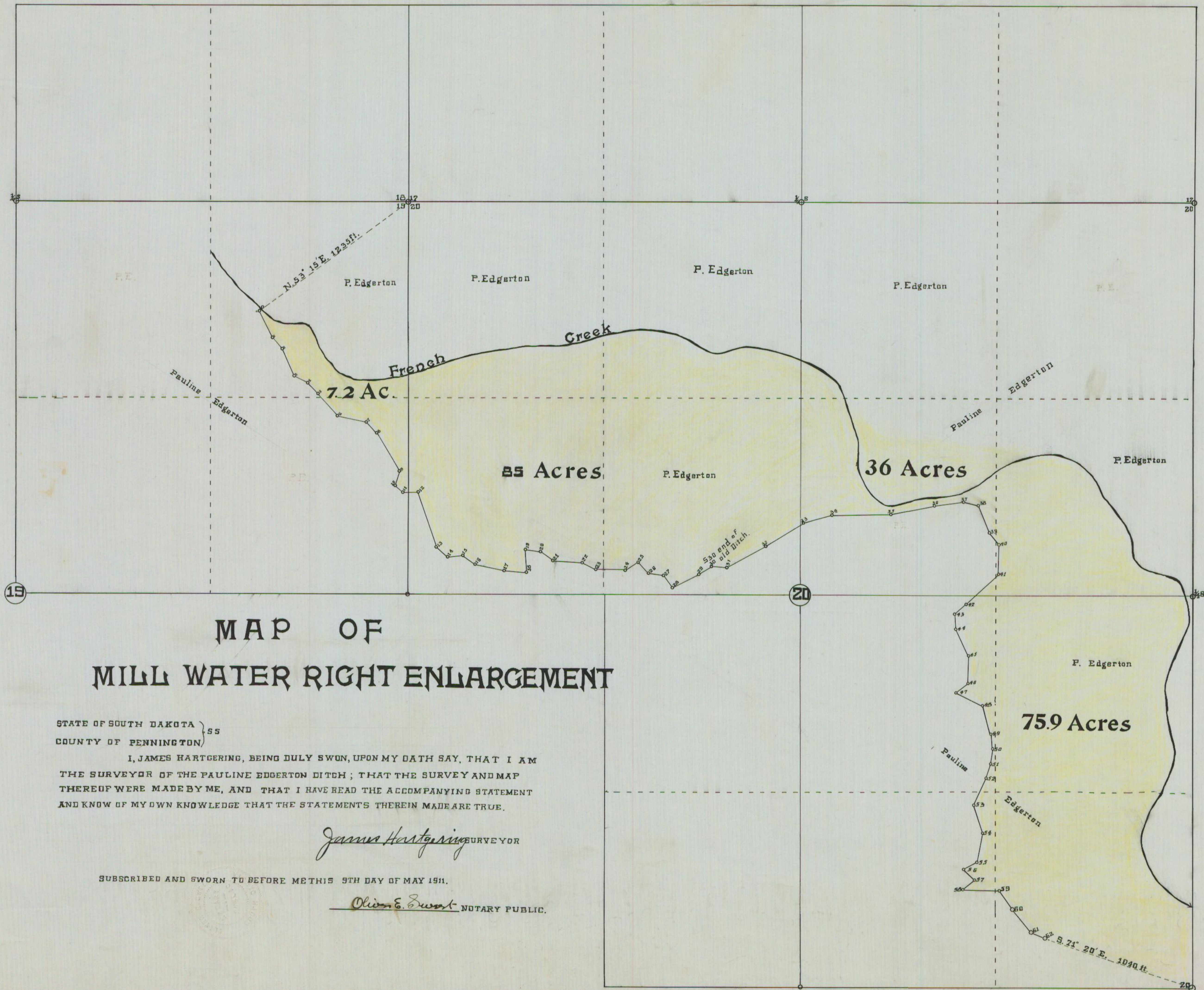
Signed James Hartgering

Subscribed and sworn to before me this 8th day of May, 1911. NBAX

(SEAL)

Oliver E. Sweet

Notary Public (or other qualified officer).



MAP OF MILL WATER RIGHT ENLARGEMENT

STATE OF SOUTH DAKOTA } ss
COUNTY OF PENNINGTON }

I, JAMES HARTGERING, BEING DULY SWORN, UPON MY OATH SAY, THAT I AM
THE SURVEYOR OF THE PAULINE EDGERTON DITCH; THAT THE SURVEY AND MAP
THEREOF WERE MADE BY ME, AND THAT I HAVE READ THE ACCOMPANYING STATEMENT
AND KNOW OF MY OWN KNOWLEDGE THAT THE STATEMENTS THEREIN MADE ARE TRUE.

James Hartgering SURVEYOR

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9TH DAY OF MAY 1911.

Oliver E. Swart NOTARY PUBLIC.

APPROVED
Samuel H. Lee
State Engineer

RECEIVED
MAY 10 1911
OFFICE OF STATE ENGINEER,
PIERRE, S. D.

MAP N° 124-2 (WR 100-2)

Remarks by State Engineer:

This application is for the right to enlarge an existing water right by extending an irrigation ditch from its present terminus further down the valley.

STATE OF SOUTH DAKOTA

County of HURD

ss

Pierre, South Dakota, August 10, 1901.

This is to certify that the foregoing application was received at this office at nine o'clock a. m. upon the tenth day of May, 1901 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on July 14, 1901.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

Number of permit 100-3

Date of first receipt of application May 10, 1901.

Date of return to applicant, or correction - - - - - 190

Date of receipt of corrected application - - - - - 190

Date from which application may claim right May 10, 1901.

Approved July 15, 1901, Recorded in Book -2- Page 8 and 7,

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I 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 January 15, 1913.

2d. The whole of said work is to be completed on or before July 15, 1914.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is July 15, 1914.

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

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 3.75 cubic feet of water per second of time; 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-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied on or before July 15, 1914; said water to be used during the following described annual periods.

April 10 November

Witness my hand this tenth day of August, 1901.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

COPY

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 filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota this 10. day of August 1901.

Samuel H. Hobbs
State Engineer.

By B. B. Lee
Deputy.

No. 100-2. ak Water
Division No. 2-Battle Creek District

PERMIT

to appropriate water from
French Creek
Custer County, South Dakota

Name of applicant
Pauline Edwerton

Name of diversion works

Will Water Right

Date of first receipt at office of State
Engineer May 10, 1901.

Returned to applicant for correction
----- 1901.

Corrected application received
----- 1901.

Date of water right
May 10, 1901.

Recorded in Book -2- Page 6 and 7.
One-fifth of work to be completed

January 15, 1913

Whole work to be completed

July 15, 1914

Final proof of use of water

July 15, 1914

Approved July 15, 1901.

Samuel H. Hobbs
State Engineer.

By B. B. Lee
Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 100-2

WHEREAS, On the 8th day of May A. D. 1911

Pauline Edgerton

of Fairburn County of Custer and State of

South Dakota duly made application (No. 100-2) to me for a permit to use 3.75

cubic feet per second of the waters of French Creek

County of Custer State of South Dakota, for irrigation

purposes; and

WHEREAS, On the 10th day of August A. D. 1911

Permit No. 100-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 15th

July A. D. 1914 and for the application to beneficial use of said

water on or before the 15th day of July A. D. 1914

and,

WHEREAS, On the 12th day of June A. D. 1922

the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.75

cubic feet per second of said waters, as evidenced by my Certificate No. 100-2

dated June 12, 1922, confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 3.75 cubic feet per second of water,

with date of priority of May 10, 1911 and,

WHEREAS, On the 8th day of July A. D. 1922,

proof was duly made of the application to beneficial use of 3.75 cubic feet per second of

said water;

For the Irrigation of the following lands: (204.1 acres)

SE 1/4 Sec. 20, 75.00 acres

SW 1/4 " 20, 36.00 "

NE 1/4 " 20, 65.00 "

E 1/2 " 19, 7.20 "

All in Township 4 South, Range 7 East B.H.M.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I heroby gran and confirm to.....Pauline Edgerton.....
of.....Fairburn, South Dakota.....the holder... and owner... of said permit No. 100-2
a water right, dating from.....May 10, 1911.....to the use of.....2.92.....
cubic feet per second of the waters of.....French Creek.....
in the County of.....Custer.....and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at.....the SW end of dam the NE Cor.
of Sec.19, T.4 S., R.7E.B.H.M. bears N.53°15' E. 1255 ft.
and conducted to and upon the SE 1/4 Sec. 20 (75.90 A.); S 1/4 NE 1/4 Sec.20 (36.00 A.);
NW 1/4 Sec.20 (85.00A.); E 1/4 NE 1/4 Sec.19 (7.20 A.) Total 204.1 A., all in
T. 4 S., R. 7 E. B.H.M.

for the purpose... of.....irrigation.....

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 the seal of my office at Pierre South Dakota,
this.....2nd.....day of.....August.....A. D. Nineteen
Hundred and...Twenty-two.

John Berg.

State Engineer.

(S E A L)

Copy
STATE OF SOUTH DAKOTA

Water License No.100-2

To Pauline Edgerton

Fairburn, S. D.

Source of Supply.....French Creek

County.....Custer

Am't.....2.92.....Sec. Feet

Point of Diversion.....NE 1/4 of
Sec.19, T.4 S., R.7 E.B.H.M.

Place of Use.....Portions of Secs.19
and 20.....T.4 S., R.7 E.
B.H.M.

Purpose.....Irrigation

Date of Priority.....May 10, 1911

Recorded.....Aug. 3, 1922

in Book.....2.....of Record.....Pages 6 & 7

Permit No. 100-2.....

RECEIVED

JUL 30 1912

Water Division No. 2 Battle Creek Water District

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Pauline Edgerton

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Personal water right.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 100-2, dated May 10, 1911, date of priority is Dec. 13, 1888, this permit being an extension of the Mill water right.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. French creek; from S.W. end of dam the N. E. Cor. of Sec. 19, T. 4 S., R. 7 E., B. H. M., bears N 53° 15' E., 1235 ft.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use. Dam with headgate; dam is 2 feet high, 32 ft. long at bottom and 32 ft. long at top; thickness at bottom 3 ft. and at top 2 ft. Ans. constructed of stone and earth; dam and part of ditch has been in use for a number of years under the Mill water right; canal is earth and rock excavation; 3.75 second feet of water; Edgerton or Mill ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.) 75.90 (pmH)

Ans. For irrigation; 29.90 acres in SE $\frac{1}{4}$ Sec. 20, 36 acres in S $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 20, 85 acres in NW $\frac{1}{4}$ Sec. 20, 7.20 acres in E $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 19, all in T. 4 S., R. 7 E., B. H. M.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None.

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 3.75 second feet of water

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am the same person who made application for permit to issue to extend the Mill water right for irrigation purposes.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. During spring of 1922; 3.75 second feet of water and the area herebefore described has been throughly irrigated. this spring of 1922.

(Sign.) *Pauline Edgerton*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Fairburn, County of Custer,

State of South Dakota, on this 8th day of July, A. D., 1922

C. B. Smith

Notary Public.

Permit No. 100-2

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water 2.92 second feet

Source French Creek

County Custer

Purpose irrigation

Place of Use Portions of Sections

14 & 20 T. 6 S. R. 7 E. B. 4 M

Date of priority May 10, 1911

Received and Filed Aug. 3, 1922

Permit No. 100-2

Water Division No. 2 Battle Creek Water District

RECEIVED

JUL 30 1922

Notice of Completion of Works

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Rapid City S. Dak.

(Date) June 12, 1922

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

3.75 second feet of the waters of the state from French Creek through the Mill Water Right Enlargement for Irrigating purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Pauline Edgerton

2. The postoffice address of such person or the place of business of such corporation is Fairburn County of Custer State of South Dakota

3. The number of such permit is 100-2 and the date set for the completion of such work is July 15, 1914 to which several extensions were made

4. Said water to be used for Irrigating purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 3.75 cubic feet per second.

6. The amount of land for which said water is available is 204.1 acres, particularly described as follows: S $\frac{1}{4}$ Sec. 20, N $\frac{1}{2}$ W. 79.40 acres, S $\frac{1}{2}$ N.E. $\frac{1}{4}$ Sec. 20, 36. acres, N.W. $\frac{1}{4}$ Sec. 20, 85 Acres, E $\frac{1}{2}$ N.E. $\frac{1}{4}$ Sec. 19, 7.20 acres, all in T4S., R7E B.H.M. on the day of examination water was running in the ditch the full length
(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

James Hartgering
Engineer.
(Signature.) Pauline Edgerton

NO. 1070 - 2

Water Div. No. 7 Water Dist.

Notice of Completion of Efforts.

Charles Edgerton
Jardburn, ID

Received July 30, 1922

Date of Proof June 12, 1922

Place Jardburn, ID

Notice sent to State Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Nebraska } ssL. Ballou

being duly

sworn, deposes and says the annexed printed copy of Notice

Intention to appropriate Water was taken from the

Buffalo Gap Register a newspaper which

during the whole time of publication of said notice herein-

after stated, has been and is printed and published in the

Nebraska County ofCuster and State of South Dakota,

That the said notice was published in said newspaper on the

following dates:

May 27th 1911, June 3rd 1911June 10th 1911, June 17, 1911

in each and every issue of the full number thereof, the first

publication being made on the 27 day of May1911 and the last publication on the 17 day ofJune 1911, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication

he was L. Ballou the printer and publisher of

the said newspaper.

Subscribed and sworn to before me this 27th day of June A. D. 1911Notary Public Custer County, S. D.

APPROPRIATION OF WATER.

Office of the State Engineer, Pierre, S. D.,

May 15, 1911.

Notice is hereby given that Pauline Edgerton whose post office address is Fairburn, Custer county, S. D., has made an application in accordance with the provisions of the Irrigation laws of South Dakota for a permit to appropriate for beneficial use 3.57 cubic feet of water per second of time from French creek, through the Mill Water Right, the point of diversion of which is to be located in Section 19, town 48 N., range 72 E., 11th S. said water to be used for the purpose of irrigation upon the S22, S24, N24, NW14, section 21, 22, N24, section 19, township 48, range 72 E., 11th S.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 14th day of July, 1911, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

SAMUEL H. LEA,
State Engineer.
James Hartgering, Engineer.
may27/june17/11

RECEIVED

JUN 3 1911

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

(First Publication 1901)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., May 15, 1901

Notice is hereby given that Pauline Edgerton
whose postoffice address is Fairburn
Custer County, S. D., has made an application in
accordance with the provisions of the irrigation laws of South Da-
kota for a permit to appropriate for beneficial use 3.75 cubic
feet of water per second of time from French Creek
through the Mill Water Right, the point of diversion of which
is to be located upon the ~~bank of said stream in the~~
~~1 of the 1 of section 19 township 48 range 7 E.~~ B.E.
to be used for the purpose of irrigation

upon the SE¹, S² NE¹, NW¹,
Section 20; E¹ NE¹, Section 19; Township 4 S., Range 7 E. B.H.M.

This application will be taken up by the state engineer at his
office at Pierre for consideration and appropriate action upon the
14th day of July 1901, at 9 a. m., at which time all
persons who believe that the prior rights would be injuriously af-
fected, or that the allowance of the permit would be detrimental
to the public welfare, and also parties making the application, and
to be benefited, are notified to be present either by sworn affi-
davit or in person for the purpose of presenting any relative tes-
timony.

State Engineer

J. H. Mathias
Counsellor United States Land Law
Rooms 16 and 17, Trust Block
Rapid City, S. D.

RECEIVED

APR 18 1922

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

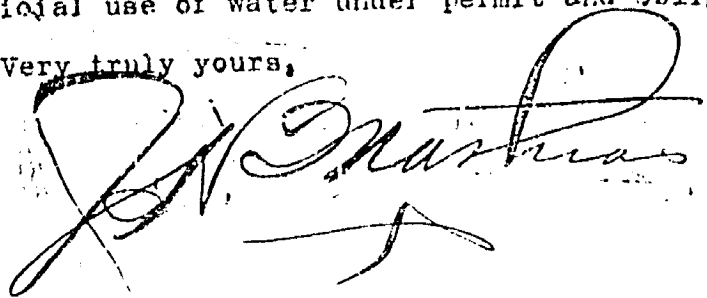
April 17, 1922.

Hon. John Berg,
State Engineer,
Pierre, S. D.

Dear Sir:

Permit No. 100-2, Mill water right by Pauline Edgerton, of Fairburn, South Dakota, on French creek in Custer county, was approved by Samuel H. Lea July 15, 1911, the work in connection with which was to be completed according to the permit on July 15, 1914. A portion of this work I am advised was completed in time and a former existing ditch was enlarged, but difficulty was experienced in getting the ditch in satisfactory working condition owing to excavations around or over a portion of a rocky hill slope; the war coming on later, the work was unable to be consummated and has not been completed until this year. Proof of beneficial use of water appropriated can now be made to the present terminus of the ditch carrying capacity of the ditch down the valley, but this proof I note from the permit was due July 15, 1914, so I take it before this final proof should be made, an extension of time should be filed in your office and granted before final proof is made. If I am correct in this, will you kindly transmit me your form blank for such purpose, and I shall fill in for applicant, execute and return; also kindly furnish blanks for final proof of beneficial use of water under permit and oblige.

Very truly yours,



Copy
Pre-Emption
~~Pre-Emption~~

of Right-of-Way for Ditch and Location of Water.

Location Certificate of the
-----Mill Water Right-----

To whom these presents may concern, know ye, that I, George Mill, a Citizen of the United States, of lawful age, and a resident of the County of Custer, in the Territory of Dakota, do hereby declare and publish as a legal notice to all the world that I claim and have a valid right to the occupation, possession, and enjoyment of all and singular, that tract or parcel of land lying and being in the County of Custer and Territory of Dakota, for the exclusive right of way for the purpose of constructing a flume or water ditch from French Creek to about the middle of Section 20, in Township 4, South of Range 7, East Black Hills Meridian, more particularly described as follows: Commencing at the head of said Ditch, the same being near to the S.W. Corner of the N.W. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 19, in aforesaid Township and Range, and running thence in a Southeasterly direction a distance of about $\frac{3}{4}$ of a mile.

I also claim, and have a valid right to the enjoyment and use of 150 inches of water from said stream for agricultural and domestic purposes, to be conveyed through such flume and water Ditch to said Section 20, together with all and singular, the hereditaments and appurtenances thereunto belonging or in any wise appertaining.

Witness my hand and Seal this 14th day of December, A.D. 1888.

George Mill.

""""""
"
" SEAL"
"
""""""

Notice posted on the Stream Dec. 13, 1888. Ditch commenced at head of
Ditch the 13th day of December 1888.

Claim and Ditch to be known as Mill Water Ditch.

Territory of Dakota:

S.S.

County of Custer:

On this 14th day of December 1888, before me the Register of
Deeds in and for said Custer County, Dakota Territory, personally
appeared George Mill, to me personally known to be the person who
executed the foregoing written instrument, and acknowledged that
he executed the same for the uses and purposes therein set forth.

Witness my hand and Official Seal at Custer City, D.E., the
day and year last above written.

Attest.
A.T. Feay

J.E. Filcher
Register of Deeds
Custer County, D.E.

Copy

Location Notice

of the Mill Water Right-----

The undersigned claims the water of this creek to the extent of One Hundred and fifty---150---inches for agricultural and domestic purposes, to be conveyed by ditch and flume from this point to the middle of Section 20, in Township 4, South of Range 7, East Black Hills Meridian, running through the center portion of the N.E. $\frac{1}{4}$ of Section 19 in said Township and Range.

Dated on the ground this 13th day of December, A.D. 1888.

George Mill
Locator.

To be known as the Mill Right.

May 3, 1922.

Mr. J. H. Mathias, Attorney,
Rapid City, S. D.

Dear Sir:

Yours of the 17th ult. is received. Being an attorney you will readily appreciate that your inquiry was of a legal character rather than of an engineering nature. It was accordingly referred to the Attorney General's office. An opinion was given us by Mr. B. J. Mintener, Assistant Attorney General. This was received during my absence from Pierre and was on my desk as I returned to the office. A full copy of this is inclosed herewith.

Apparently a valid water right may depend upon (1) Settlement with adverse claimants, or (2) Ability to prove non-abandonment. It is now rather late in the day to ask for an extension of time to complete the work when, as a matter of fact, the work is actually completed. I presume a new application might be filed, and a public hearing advertised and held, but under the circumstances I think it best we examine the construction work, or cause it to be examined. For this purpose I will appoint Mr. Hartgering, who was the engineer on the job at the first. This is a rather minor project, and one which hardly warrants our taking the time to make the trip and running up expenses for traveling and hotel accommodations. The necessary blanks are inclosed herewith.

Very truly yours,

B:H

State Engineer.

CUSTER TITLE COMPANY

G. W. CORRINGTON, BONDED ABTRACTER

ABSTRACTS OF TITLE TO CUSTER COUNTY LANDS

CUSTER, SOUTH DAKOTA

May 11, 1948

State Engineer
In Charge of Water rights,
Pierre, South Dakota.

Dear Sir:

I am writing to try to ascertain the present status of the Mill Water right, dated May 9, 1911 and recorded in the office of the State Engineer on May 10, 1911, this was in connection with certain lands known as the Edgerton lands in Custer county.

There is a dispute at the present time over this water right and any information you can give will be much appreciated.

Yours truly

G. W. Corrington

G. W. Corrington
Bonded Abtracter

May 19, 1946

*Crossed
Pg.*
U. W. Corrington
Bonded Abstractor
Custer, South Dakota

Re: Water Right No. 0305-2
and 100-2

Dear Sir:

As requested in your letter of May 11 we have looked up our records in connection with the Mill Water Right referred to in your letter. We find the original right in the name of George Mill and that the right was located December 13, 1888 and claims 150" of water from French Creek. The water is to be diverted to about the middle of Sec. 20, T 4S, R 7E, E.R.M and is to be used for agricultural and domestic purposes.

A later right was granted on August 10, 1911 to enlarge the above right by extending an irrigation ditch down the valley. This license was for 3.75 cubic feet of water per second to irrigate 204.1 acres.

If additional information is required we would be willing to copy either or both of the water permits or applications but are required by law to charge the legal fee of fifteen cents for each one hundred words or fraction thereof.

Yours very truly,

DEAN W. LOUCKS
State Engineer

DWL:RW

Boulder Colo

Dec 22, 1941

Dear Sir -

Being a legal
heir of the estate
of Pauline Edgerton
I take pleasure of
making inquiry
into the status of
the Mill Water Right.

No 100-2

Division No 2

Battle Creek District
Custer Co.

I am of the opinion
that this water right
should be transferred
to the present owners

of the land
I would very much
appreciate any
information you
might give me on
this matter.

yours truly
O. F. Will.

December 29, 1941

Re: Water-right #100-2
Pauline Edgerton

O.F. Hill
Boulder, Colorado

Dear Sir:

Replying to your letter of December 22nd, we are enclosing herewith, blank papers for the transfer of water-right No. 100-2 which you indicate has passed from the original Pauline Edgerton. If you are the legal executor of the estate, you would be qualified to execute this transfer.

After the transfer has been received by this office, we will furnish you with a certificate showing the transfer has been recorded if you so wish.

Very truly yours,

Dean W. Loucks
State Engineer

DWL/inf
Enc.-

RECEIVED
JAN 23 1931

OFFICE OF STATE ENGINEER
SIOUX FALLS, S. DAK.

RE WATER RIGHT NUMBER 100-2

1. Do you now own the lands to be irrigated, or if for industrial purposes, the property, as listed in your original water right application?

YES

NO

2. If you are not at present the owner of the land to be irrigated, or other property listed in the original application, please give name and address of the present owner.

3. How many acres did you irrigate during the

1930 crop season? 40 acres.

1929 crop season? 30 acres.

1928 crop season? None acres.

4. If your original application was for industrial or domestic purposes, was the water used in substantially the amount and for the purpose stated in the application during the years 1928, 1929, and 1930?

Yes

5. If the distribution of water, or the use of water by others, has been unsatisfactory in any manner, please write your objection in full on back of this sheet, or use separate sheet if necessary.

No water to speak of during summer 1930
owing to dry weather, and most of it
sinks away 6 or 8 miles up and does not
benefit anyone, could be corrected.
SIGNED, (Pauline Edgerton)

(OVER)

Copy

Decision

OFFICE OF ATTORNEY GENERAL

Pierre, S. D., April 25, 1922.

Hon. John Berg,
State Engineer,
Pierre, S. D.

Dear Sir:

We have before us the communication of J. H. Mathias of Rapid City, S. D. referring to the water right of Pauline Edgerton of Fairburn, S. D. The record discloses that on May 10th, 1911, Pauline Edgerton filed an application for the appropriation of certain water from French Creek in Custer County, South Dakota; that maps were presented with the application showing the work which was contemplated by the applicant for the purpose of perfecting this appropriation; that on July 15th, 1911 this application was approved subject to the completion of the necessary construction work on or before July 15th, 1914; that since said time no application has been made for an extension of time within which to perfect this construction work but that at this time the necessary work seems to have performed and the applicant now desires a certificate of completion. The question which is presented from the record in this matter is whether or not the applicant now desires a certificate of completion. The question which is presented from the record in this matter is whether or not the applicant still has a permit to appropriate this water under her application or whether the same has been forfeited on account of the delay.

The law of this state relating to water rights provides for two conditions which will work a forfeiture. One is the want of due diligence in proceeding with the necessary construction and then only when adverse claims have intervened. The other con-

No. 2.

dition is an abandonment under Section 8245 by a non-user of the appropriated water in whole or in part for a period of three years.

Apparently no adverse interests have intervened, consequently there is no forfeiture on account of want of diligence. The question whether or not there has been abandonment is, of course, a question of fact and in order to prove abandonment it must be shown by the clearest and most convincing character of testimony that there was an intention on the part of the applicant to abandon or relinquish her rights to the appropriated water.

It is therefore the view of this office that the proper proceeding in this matter would be for your office to cause the work to be inspected and if found in a satisfactory condition a certificate of construction be issued and if there is any question of abandonment or adverse claimants that question must be settled between the adverse claimants and the applicant in this case. The only penalty which the applicant could possibly suffer in this case is, if she did not abandon her rights, that the final certificate of construction would relate only to the time of its issuance and would not relate back to the time of the filing of the application or the time at which the permit was granted.

Trusting that this answers your inquiry, I am,

Yours very truly,

Benj. D. Mintener

Assistant Attorney General.

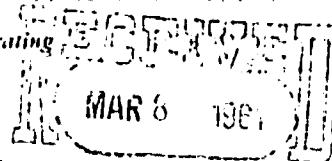
BDM:IH



COOPERATIVE EXTENSION SERVICE
AGRICULTURE • HOME • HOME ECONOMICS

South Dakota State College, U. S. Department of Agriculture, and County Cooperating

Custer, South Dakota
March 6, 1961



STATE WATER RESOURCES BOARD
PIERRE, SOUTH DAKOTA

Ray Lund
Water Resources Commission
Pierre, South Dakota

Dear Ray:

Ted Sogge, Fairburn, South Dakota, has some questions on the possibilities of irrigation on his place. I will try to explain the situation as I see it to the best of my ability.

It seems as though there is an old irrigation ditch on Ted's place that has not been used in many years. Originally water was drawn from French Creek into the ditch. Ted would like to know if there are any water rights to prevent him from using this ditch for irrigation. Do you know of any records concerning this ditch.

There are several possibilities for irrigation that Mr. Sogge would like to investigate. They are: 1. drilling a well in the old irrigation ditch and using the ditch to convey the water; 2. pumping water from French Creek onto his land; 3. drilling a well in the immediate vicinity of French Creek and the irrigation ditch.

Any information you can give us on this particular situation will certainly be appreciated. Mr. Sogge would like to know what his first action should be concerning this.

I am enclosing a map Mr. Sogge drew outlining the ditch and French Creek and his farm.

Stop in the office if you get a chance and are in the Custer vicinity.

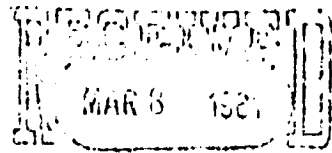
Sincerely

Loren Rommann
County Extension Agent

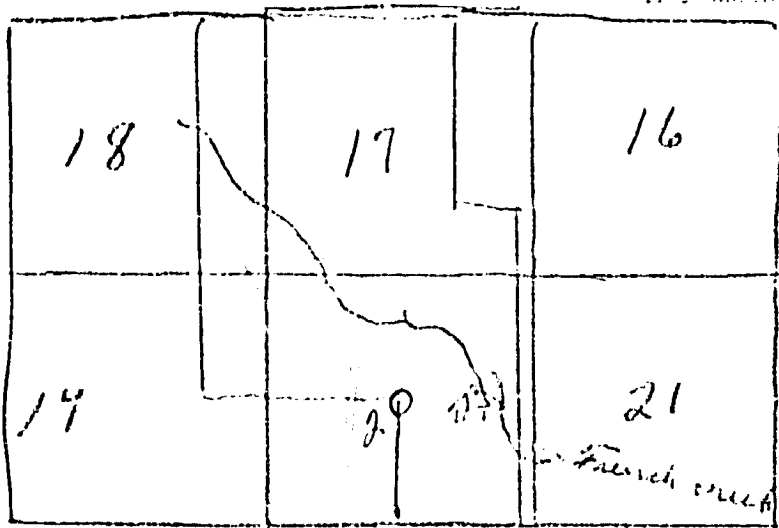
IR:vb

cc: Ted Sogge
Encl:

T-4 R7
Custer County



STATE ARCHIVES RECORDS SECTION
RECEIVED



Blue out line of property S-7E

R. A. Long

1240 acres

100-2
March 14, 1961

Loren Rommann - County Agent
Chester, South Dakota

Dear Mr. Rommann:

Reference is made to your letter of March 6 regarding water rights in Section 17, 18, 19 & 20, T4S R7E, presently owned by Mr. Ted Sogge.

Our records indicate that the ditch referred to in your letter was built under ~~the~~ an old Location notice #0305-2 by a George Mill. Later this was amended under Permit 100-2, issued to Pauline Edgerton. This was issued in 1911, and the water license for 2.92 c.f.s. of the waters of French Creek was issued August 2, 1922.

A questionnaire sent out by ~~the State Engineer~~ the State Engineer in 1930 indicates that only 20 acres were irrigated in 1929 & 1930, and none in 1928. We have no further record of water use under the project.

State water laws provide that a three year non use period is grounds for cancellation. It is

doubtful, therefore, that Mr. Sogge
could claim a valid right on the
lands originally granted or on the
amount of water. However, if
portions of ~~the~~ the area have been
irrigated continuously since prior to
July 1, 1955, he may record this as
a "vested right."

NO. 100-2



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ Section 20, E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 19, T4S, R7E

formerly owned by Pauline Edgerton

has been transferred to Leota Sogge, Box 96, Fairburn, SD 57738

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 100-2 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 Pennington) ss.

I, Leota Sogge 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.

Leota Sogge
(Signed)

Subscribed and sworn to before me this 15th Day of Sept, 1988.

Loring O. Hornickel
(Notary Public)

Comm. Expires - Oct. 6, 1991

RECEIPT

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

411462

Pierre, September 26, 19 38

RECEIVED OF Leota Sogge, Box 96, Fairburn, SD 57732

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 Permit No. 100-2	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. 100-2

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

September 27, 1988

Leota Sogge
box 96
Fairburn, South Dakota 57735

Dear Ms. Sogge:

Enclosed is receipt No. 41132 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 100-2.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WHR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

 **Department of
Water & Natural Resources**

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

August 17, 1989

100-2

Tom Metzger
1617 Sheridan Lake Road
Rapid City, SD 57702

Dear Mr. Metzger:

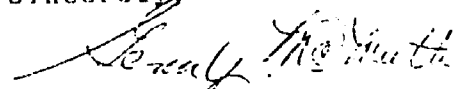
Enclosed, as you requested, is a copy of Water Right No. 100-2, currently listed in the name of Leota Sogge. During our telephone conversation of August 16th you stated a portion of the land was being sold. I have also enclosed a "Notice of Transfer" form for use in filing an ownership change.

The transfer form will need to be completed, signed and notarized before returning it to our office. A \$2.50 filing fee is required and should be submitted with the transfer form. Upon receipt of the completed transfer form in our office, Water Right No. 100-2 will be split and transferred to 100A-2, Leota Sogge and 100B-2, the new owner.

As we discussed, it would be very helpful to have the lands and specific ownership outlined on a map and also written in on a copy of the water right. This will ensure the correct acreage and diversion point(s) are transferred to the correct person.

If I can answer any questions for you, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
773-3352

enclosures





100-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 9, 1992

SECOND NOTICE
PERMIT NO. 100-2

Tom Metzger
1617 Sheridan Lake Road
Rapid City, SD 57702

Dear Mr. Metzger:

On August 17, 1989, notice was sent to you concerning the transfer of Water Right No. 100-2 in the name of Leota Sogge. At that time, you contacted our office and indicated a portion of the land covered under Water Right No. 100-2 was being sold. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please have the owner sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right (or portion of the water right) can then be transferred to their name. If the transfer is no longer necessary, please contact this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consult postmaster for fees.

3. Article Addressed to: 100-2

Tom Metzger
1617 Sheridan Lake Road
Rapid City, SD 57702

4a. Article Number
P 906 559 920

- 4b. Service Type
- ☐ Registered ☐ Insured
 - ☒ Certified ☐ COD
 - ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2-14-92

5. Signature (Addressee)
Tom Metzger

6. Signature (Agent)
Tom Metzger

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

Thank you for using Return Receipt Service.



100-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 22, 1992

THIRD NOTICE
WATER RIGHT NO. 100-2

Tom Metzger
1617 Sheridan Lake Road
Rapid City, SD 57702

Dear Mr. Metzger:

On August 17, 1989 and July 9, 1992, notices were sent to you concerning the transfer of Water Right No. 100-2 in the name of Leota Sogge. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

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

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 100-2

Date: _____

I/We request that Water Right No. _____

formerly owned by: Leota Sogge

be transferred to: (name & address) _____

(Telephone No.) _____

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

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

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

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

STATE OF SOUTH DAKOTA)

County of _____)

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

(Signed)

Subscribed and sworn to before me this _____ day of _____, 19____.

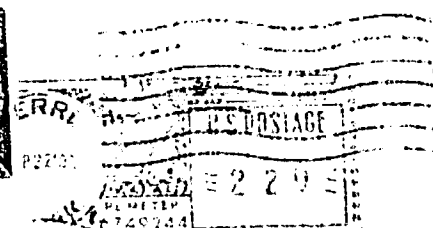
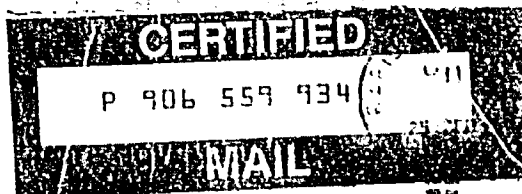
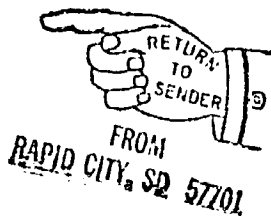
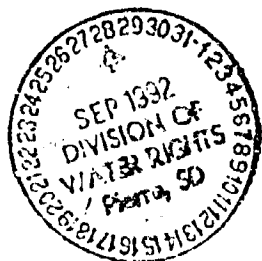
(Notary Public)

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

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



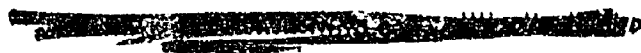
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181



CFS 100-2

Tom Metzger
1617 Sheridan Lake Road
Rapid City, SD 57702

NE12617 577022025 IN 09/24/92
RETURN TO SENDER
NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER





100-2

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

August 10, 1994

No. 100-2

Nancy Macleay
*Peggy Sogge
Box 567
Hill City, SD 57745

Dear Ms. Macleay:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 100-2. The water right is currently listed in the name of Leota Sogge.

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

Dear Cheryl,

8-27-94

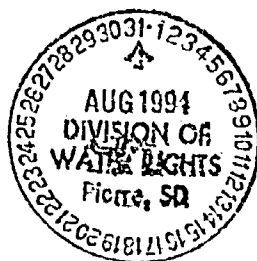
I forgot to enclose
the filing fee when I
sent the completed
"notice of transfer" forms
to you on 8-22-94.

This check is for filing
water Right No. 100-2.

Thank-you for your
help with this.

Sincerely,

Marcy Macleay



From The Desk Of...

STEVE MACLEAY

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414265

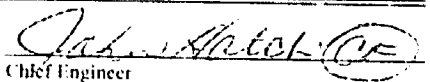
Pierre, _____ August 31, 19 94

RECEIVED OF Steve & Nancy Macleay, Box 1514, Craig, CO 80626

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 100-2</u>		50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50

By John Antol 
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 100-2

Date: 8-22-94

I/We request that Water Right No 100-2

formerly owned by: Leota Sogge

be transferred to: (name & address) Steve & Nancy Mackeay
33882 N Highway 13 Sisseton, SD 57125 (Telephone No) 303 824-9630

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

SE 1/4, S 1/2 NE 1/4, NW 1/4 Section 20, E 1/2 NE 1/4 Section 19, T4S, R7E

I/We understand that the validity of Water Right No. 100-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

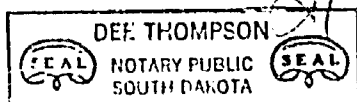
A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Custer)

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

Steve Mackeay
(Signed)
Nancy Mackeay

Subscribed and sworn to before me this 22 day of August, 19 94.



Dee Thompson
(Notary Public)

1-10-97

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

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



100-2b

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 20, 1994

No. 100-2

Steve & Nancy Macleay
33882 N. Highway 13
Craig, CO 81625

Dear Mr. and Ms. Macleay:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 100-2.

Our records now show you as the owner of Water Right No. 100-2.

Sincerely,

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

enclosure

RECEIVED
JAN 17 2017
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 100-2

Date: January 6, 2017

I/We request that Water Right No. 100-2

formerly owned by: Steve and Nancy Macleay

be transferred to: (name & address) _____

David L. Reyelts and Marguerite A. Reyelts DBA/Needles View Ranch, LLC - 4801 Enchanted Pines Drive,

Rapid City, SD 57701

Telephone No. 605-718-4646

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

SE ¼, S ½ NE ¼, NW ¼ Section 20, E ½ NE ¼ Section 19, T4S, R7E

I/We understand that the validity of Water Right No. 100-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We David L. Reyelts and Marguerite A. Reyelts, the new owner, certify that the above information is true and correct.

David L. Reyelts Marguerite A. Reyelts
(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 1/17, 20 17

RECEIVED OF Needles View Ranch LLC 4801 Enchanted Pines Dr Rapid City SD 57701

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>100-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **08096**

By *Jean Henderson*
Chief Engineer



South Dakota Secretary of State
SHANTEL KREBS

Filing Information

Name: **NEEDLES VIEW RANCH, L.L.C.**

General Information

SOS Business ID **DA011800**
Filing Type: Limited Liability Company - Domestic
 07/28/2006
Status: Good Standing
Duration Term: Perpetual
Business Type: Farm

Registered Agent Address
DAVID L REYELTS
4801 ENCHANTED PINES DRIVE
RAPID CITY, SD 57701-9206

Principal Address
4801 ENCHANTED PINES DR
RAPID CITY, SD 57701-9206

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>
07/21/2016	2016 Annual Report	
07/20/2015	2015 Annual Report	
06/25/2014	2014 Annual Report	
06/24/2013	2013 Annual Report	
07/05/2012	2012 Annual Report	
06/21/2011	2011 Annual Report	
08/23/2010	2010 Annual Report	
08/31/2009	2009 Annual Report	
08/29/2008	2008 Annual Report	
07/27/2007	2007 Annual Report	
01/04/2007	Farm Qualification	
07/28/2006	Initial Filing	DA011800



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 18, 2017

100-2

David L & Marguerite A Reyelts
4801 Enchanted Pines Dr
Rapid City SD 57701

Dear Mr. & Mrs. Reyelts:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for Water Right No. 100-2.

The ownership change has been completed. Water Right No. 100-2 formerly held by Steve and Nancy Macleay is now listed under "David L & Marguerite A Reyelts, dba Needles View Ranch LLC".

Enclosed for your records is Receipt No. 08096 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 26, 2021

100-2

Ray Dvorak
PO Box 680
Black Hawk SD 57718-0680

Dear Mr. Dvorak:

I am writing in follow-up to a phone conversation with Dave Reyelts concerning Water Right No. 100-2. Mr. Reyelts indicated he was selling the land described in the water right to you.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

PAID

MAY 5 2021

Ck# 7651

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAY 05 2021

WATER RIGHTS
PROGRAM

No. 100-2

Date:

April 30, 2021

I/We request that Water Right No. 100-2

formerly owned by: David L & Marguerite A Reyelts, dba Needles View Ranch LLC

be transferred to: (name & address) RAYMOND J. DUORAK DBA

RJDSTURGIS LLC P.O. BOX 680

BLACK HAWK, SD 57718 Telephone No. 605-484-0156

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

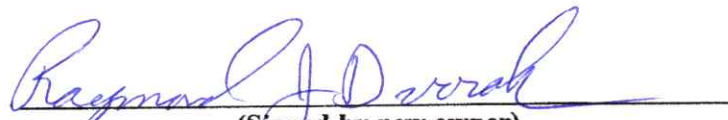
SE ¼, S ½ NE ¼, NW ¼ Section 20 and E ½ NE ¼ Section 19, all in T4S, R7E

I/We understand that the validity of Water Right No. 100-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We RAYMOND J DUORAK 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.

100-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date May 5, 2021

RECEIVED OF Roberta/Raymond Dvorak PO Box 680 Black Hawk SD 57718

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form 100-2 _____	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
 Chief Engineer
 EM



OFFICE OF THE SECRETARY OF STATE
STEVEN J. BARNETT, SECRETARY OF STATE
JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **RJDSTURGIS, LLC**

General Information

SOS Business ID **DL025809**
Filing Type: Limited Liability Company - Domestic
 09/22/2011
Status: Good Standing
Duration Term: Perpetual
Managed By: Manager-Managed

Registered Agent Address

Raymond J Dvorak
 1512 NORTH CEDAR CREST CT
 RAPID CITY, SD 57702

Principal Address

1512 NORTH CEDAR CREST CT
 RAPID CITY, SD 57702

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

Date Filed	Filing Description	Image #
07/21/2020	2020 Annual Report	B0146-8161
08/28/2019	2019 Annual Report	B0110-2266
07/06/2018	2018 Annual Report	B0066-4826
08/17/2017	2017 Annual Report	B0037-7419
10/03/2016	2016 Annual Report	
09/09/2015	2015 Annual Report	
10/31/2014	2014 Annual Report	
09/09/2013	2013 Annual Report	
09/22/2011	Initial Filing	DL025809



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 5, 2021

100-2

Raymond J Dvorak
PO Box 680
Black Hawk SD 57718-0680

Dear Mr. Dvorak:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 100-2.

The ownership change has been completed. Water Right No. 100-2 formerly held by David L & Marguerite A Reyelts dba Needles View Ranch LLC is now listed under "Raymond J Dvorak dba RJDSTURGIS LLC"

Enclosed for your records is a receipt for the filing fee that was paid. Thank you for updating the water right. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure