

Water Right Number 1018-2

1. Considered MAY 20, 19 70

2. Name of Applicant JOE L. MAY

3. Post Office Address FARMINGDALE, S.D.

4. Amount of water claimed 3.90

5. Source of water supply RAPID CREEK

6. Water to be used for IRRIGATION

Acres to be irrigated 273

7. Water to be diverted and used in PENNINGTON County
about 16E 10S Miles of Rapid City

8. Proof of Publication Received 5-4-70

Not received

9. Application

Approved

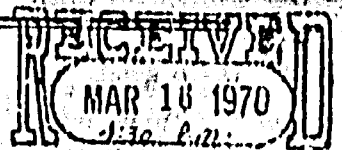
Subject to

Not approved

Action deferred

10. Remarks:

No. 1018-2

Water Division No. 2 RAPID CREEK District
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant E. C. May Darlene May
Caputa
Postoffice address FAIRBANKS, S.D., County Pennington

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)

Contract

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

2. Name of diversion work May Irrigation Project3. Amount of water claimed 3.90 MAXIMUM ALLOWABLE cubic feet per second4. Source of water supply Rapid Creek5. Location of point of diversion from PTA-2640' N of Center Sec 23 To P.T.B. 1450' N of SE
Corner Sec 24 - T-1-S - R-10-E on North bank Pennington County.6. Annual period or periods during which water is to be used April 1st - Nov 1st

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler

- (a) Number of acres to be irrigated 273 acres.
150 AC in NE 1/4 Sec 24 - 80 AC in NE 1/4 Sec 23

(b) Legal subdivisions to be irrigated 43 AC in S 1/2, SE 1/4 Sec 14 T-1-S R-10-E

(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.) _____

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

(a) Nature of use _____
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 _____

MAP NO 885-2

8. Estimated cost of work:

(a) Head Gates, \$.....

(c) Fluming, \$.....

(d) Other structures\$.....

(b) Pumping plant, \$.....

Rock, \$.....

Total, \$.....

9. Description of diversion works:

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

Pumping Plant

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....

material used in construction.....

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	AREA-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;

Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	feet
At.....Mile	feet	feet	feet	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.....3.....years.

11. Time required for complete application of water to the proposed beneficial use.....5.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....Wall, SD.....

STATE OF SOUTH DAKOTA

County of PEIRCE ss.

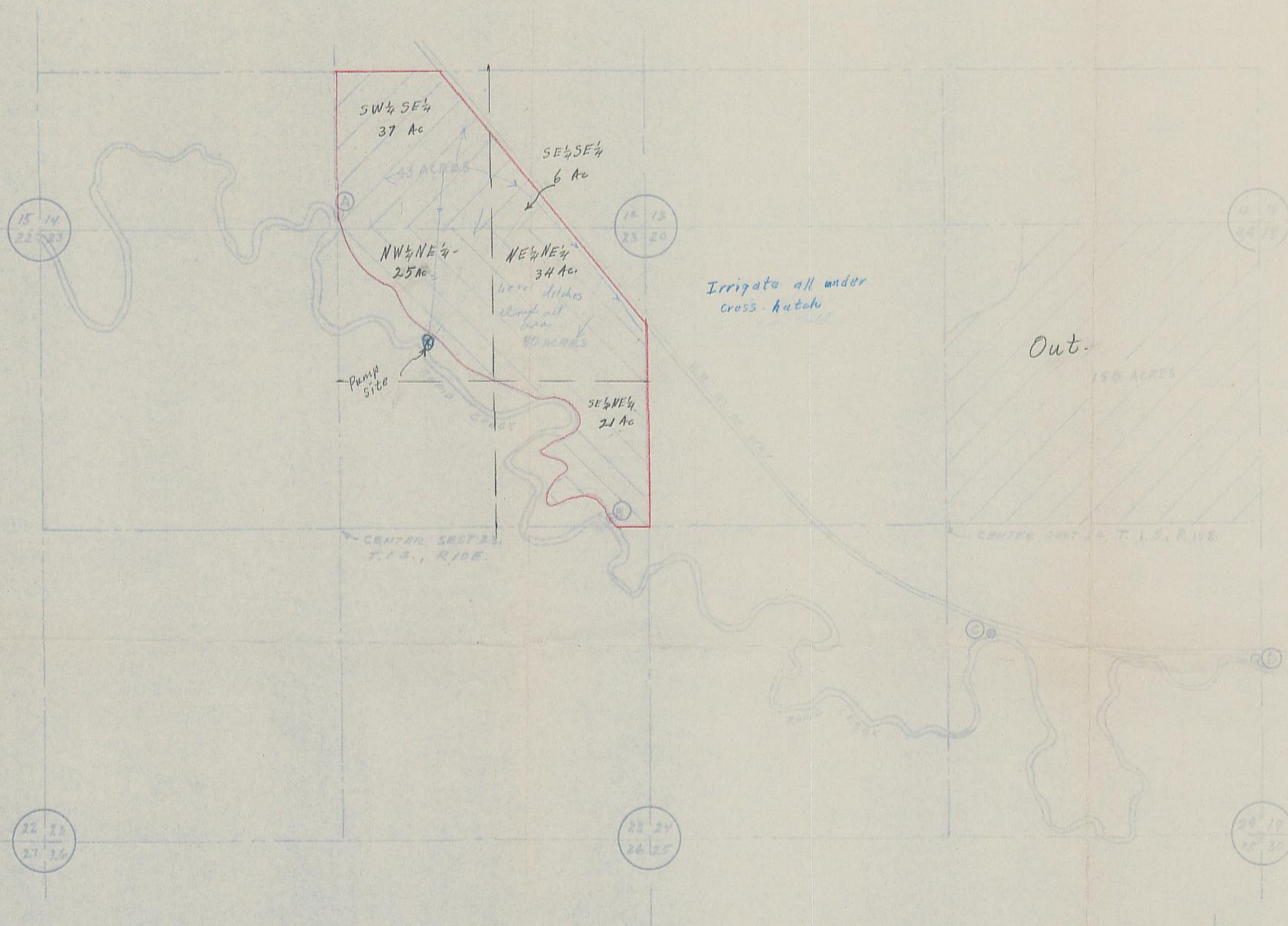
I, JOE MARY, being first duly sworn on my oath depose and say, That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and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

Signed Joe Mary

Subscribed and sworn to before me this 20 day of Feb 1970

Lucille Schlemmer
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



NOTE: POINTS OF DIVERSION ARE ANYWHERE ALONG RAPID CREEK ADJACENT TO CHANGES IN OWNERSHIP BOUNDARIES BETWEEN POINTS A AND B AND POINTS C AND D.

SCALE 1" = 1 MILE

AREAS OF LOCAL SURVEY

ACRES	SECTION	TOWNSHIP	RANGE
130	NE 1/4 Sec 14	1 S.	1 E.
85	NE 1/4 Sec 15	1 S.	1 E.
45	SE 1/4 Sec 16	1 S.	1 E.
275	TOTAL		

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA

COUNTY OF BEAULIEU

I, HAROLD W. MEYER, a registered land surveyor in and for the State of South Dakota, do hereby certify that at the request of JOE L. MAY, SOLE OWNER IN AND FOR THE LAND, I HAVE SURVEYED THE LAND DESCRIBED IN THE FOREGOING WITHIN THE BOUNDARIES OF T. 1 S., R. 1 E., AND THIS MAP IS A TRUE REPRESENTATION OF THE SAME.

WITNESSE MY HAND AND SEAL THIS 7TH DAY OF FEB. 1910.

Harold W. Meyer
Registered Land Surveyor

JOE L. MAY IRRIGATION PERMIT NO. 41

SHOWS AREA TO BE IRRIGATED & DIVERSION POINTS WHERE WATER WILL BE DIVERTED FOR PERMIT TO APPLICANT.

CHAS. L. MAY
Harold W. Meyer
FEB. 7, 1910

MAP # 883-2 APPL N-1018-2

Map # 883-2

AREAS BY LEGAL SUBDIVISION

ACRES	SECTION	TOWNSHIP	RANGE
150	NE 1/4-24	1 S.	10 E.
80	NE 1/4-23	1 S.	10 E.
43	S 1/2, SE 1/4-14	1 S.	10 E.
273 TOTAL			

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE

I, HARLAN W. MEYER, REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF JOE L. MAY
SOLE OWNER I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON FEB 7, 1970 FOR WHICH
APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
WITNESS MY HAND AND SEAL THIS 7TH DAY OF FEB 1970

Harlan W. Meyer
REGISTERED LAND SURVEYOR #495

NOTE: POINTS OF DIVERSION ARE ANY WHERE ALONG
RAPID CREEK ADJACENT TO OWNERS OWNERSHIP BOUNDARIES
BETWEEN PRINTS A AND B AND POINTS C AND D.

SCALE 8" = 1 MILE

JOE L. MAY IRRIGATION PROJECT NO #1
SHOWS AREA TO BE IRRIGATED & DIVERSION POINTS WHERE
WATER WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR

JOE L. MAY
HARLAN W. MEYER
FEB 7, 1970

MAP NO 883-2 APPL NO 1018-2

Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED. UNAPPROPRIATED WATER IS AVAILABLE IN RAPID CREEK TO SATISFY REASONABLY THIS APPLICATION ONLY THROUGH CONTRACT BETWEEN THE RAPID VALLEY CONSERVANCY DISTRICT AND BUREAU OF RECLAMATION COVERING RELEASES OF WATER FROM DEERFIELD AND FATOLA RESERVOIRS.

STATE OF SOUTH DAKOTA

County of HUGHES } ss.

Pierre, South Dakota, MAY 22, 1970

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock

P.m. upon the 16TH day of MARCH, 1970

State Water Resources Commission

By:

Donald J. Jones
for Chief Engineer, Executive Officer

Number of permit 1018-2

Date of first receipt of application MARCH 16, 1970

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 MARCH 16, 1970

Approved MAY 20, 1970, Recorded in Book 11 Page 128

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 NOVEMBER 20, 1971

2nd. The whole of said work is to be completed on or before MAY 20, 1973

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

MAY 20, 1975

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 3.9 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-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before MAY 20, 1975; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 22ND day of MAY, 1970

State Water Resources Commission

By:

Donald J. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued _____

Water License issued _____

January 19, 1981
January 19, 1981

WATER LICENSE NO. 1018-2

(1) WHEREAS, On the 16th day of March, A. D. 1973
Inc. 1, May
 made Water Right Application No. 1018-2 for a permit to use 3.2 cubic feet per second of the waters
 of Rapid Creek
 County of Springton, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 20th day of May, A. D. 1970
 Permit No. 1018-2, with a date of priority of March 16, 1970
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 20th day of May, A. D. 1973 and for the
 application to beneficial use of said water on or before the 20th day of May, A. D. 1975

Whereas on the 5th day of January, 1981 this Permit No. 1018-2 was
 transferred to Darlene May of Caputa, SD

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 1.56 cubic feet
 per second of water for beneficial use and,

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

to irrigate the following lands all in T1S-R10E

Section 14	acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	37
SE $\frac{1}{4}$ SE $\frac{1}{4}$	6
Section 23	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	25
NE $\frac{1}{4}$ NE $\frac{1}{4}$	34
SE $\frac{1}{4}$ NE $\frac{1}{4}$	21
Total	123 acres

(5) NOW, THEREFORE, by the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Darlene May

_____ of Canuta, SD
the holder _____ and owner _____ of said permit No. 1018-2 a water right, dating from March 16, 1970
_____ to use of 1.56 cubic feet per second of the waters
of Rapid Creek

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at from Point "A", 2640' N of center of
Section 23 to Point "B", 300' W of E4 corner, Section 23-T13-R10E

and conducted to and upon _____ portions of land in Sections 14 & 23-
T13-R10E, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1018-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of January A. D.
Nineteen Hundred and eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1018-2

Water Diversion No. 2 Rapid Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Darlene May

_____ the holder _____ of
Permit No. 1018-2, issued upon Application No. 1018-2, bearing date of priority of March 16,
1970 authorizing the diversion of 3.9 cu. ft. per second of the waters of _____
Rapid Creek County of Pennington, State of South Dakota ^{from}
Point "A". 2640' N of center of Sec. 25 to Point "B". 300' W of
E's Corner, Section 23-T1S-R10E
_____ for _____ irrigation

purposes, has 5 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.56 cu. ft. per second of water.

Date January 1st, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

Publish first publication, on or before April 23, 1970NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 25, 1970Notice is hereby given that Joe L. Maywhose post office address is Farmingdale, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use3.90 cubic feet of water per second of time from the Rapid Creek through theMay Irrigation Project

the point of diversion of which is to be located in the

between points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24,T1S, R10E

~~to be used for the purpose of providing irrigation of the following described land:~~
portions of

SE $\frac{1}{4}$, Section 14; NE $\frac{1}{4}$, Section 23 and NE $\frac{1}{4}$, Section 24, T1S, R10E

This application No. 1010-3 will be considered by the Water Resources Commission at their office at Pierre upon the 20th day of May, 1970, at 2:00 P. M. All interested persons may appear and be heard.

cc: Joe L. May, Farmingdale, S.D.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

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

No. 1018-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Pennington) ss.

I, R. F. Lewis hereby
certify that the annexed printed copy of Notice of Intent to Appropriately
Water was taken from the Rapid Creek

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

County Courier of Wall

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

April 9, 1970

April 16, 1970

April 23, 1970

April 30, 1970

R. F. Lewis
(Signature)

Editor
(Title)

April 30, 1970

(Date Signed)

No. 1018-2

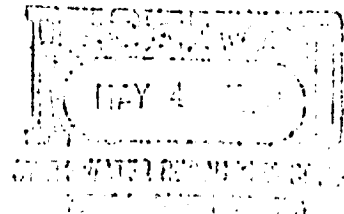
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501
March 25 1970

Notice is hereby given that Joe
L. May whose post office address
is Farmingdale, * South Dakota,
has made an application in accord-
ance with the provisions of the
water laws of South Dakota for a
permit to appropriate for beneficial
use 3.90 cubic feet of water per
second of time from Rapid Creek
through the May Irrigation Pro-
ject, the point of diversion of
which is to be located between
points in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section
14, and in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section
24, T1S, R10E. Said water to be
used for the purpose of providing
irrigation on portions of the fol-
lowing described land:

S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14; NE $\frac{1}{4}$, Sec-
tion 23 and NE $\frac{1}{4}$, Section 24,
T1S, R10E.

This application No. 1018-3 will
be considered by the Water Re-
sources Commission at their office
at Pierre upon the 20th day of May
1970, at 2:00 P.M. All interested
persons may appear and be heard
Water Resources Commission
By: Burton F. Jones,
Water Rights Specialist
pub. April 2, 9, 16, 30. 31



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7872

PIERRE, January 5, 1981

RECEIVED OF Darlene May, Caputa, SD 57725

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for Inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of WP# 1018-2	2.50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	2.50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *JD*

er 30, 1982

TO: Water Rights
Foss Building
Pierre, SD 57501

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

WNR-820-7/79
Notice of Transfer of Water Permit

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 7871

PIERRE, January 6, 1931

RECEIVED OF Darlene May, Caputa, SD 57125

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 1013-2	12	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 1018-2		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By *[Signature]*
Chief Engineer, Executive Officer
JOHN HATCH / *[Signature]*

1018-2 Joe L May

Particulars How occurred

Motor Jamboree House

1765 L.M., Type KTR.

Jump Jamboree House

Age 5" 5522

No. 410954

Jumping - 600 7257

6' Aluminum Man 722

Like 2nd Jamboree first time

Permit No. 1018-2Water Division 2 Rapid Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLVD., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Darlene May
 _____ of Copute, S. Dak. holder _____
 of Permit No. 1018-2, bearing date of priority of March 16, 19 70
 authorizing the diversion of 3.7 cu. ft. per second of the waters of Rapid Creek
 for Irrigation purposes, in Pennington County.

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

The Water Use System consists of:

A. Works used to divert the water:

Motor - Fairbanks Morse, 20 H.P., 1765 RPM, Type KLR
Pump: Fairbanks Morse, No 410 964. Size 5, 5372
Pumping 700 gpm.

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

6" Aluminum Main, 750 ft.

C. Works used to apply water to beneficial use.

Diversion Ditches and Level DitchesThe system is in the following condition: Good

The point of diversion is located From Pt "A" 7640' N of Center of Sec. 23
to Pt "B" 300' W of E $\frac{1}{4}$ Cor. of Sec. 23, T1S R10E

The works are capable of diverting and conveying to the place of use 1.56cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: The following in Sec. 14 T1S R10E

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 37 Ac., SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 6 Ac.
The following in Sec. 23, T1S R10E. NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 25 Ac.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 34 Ac., SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 21 Ac.

comprising a total of 123 acres of land. $123 \div 10 = 1.16$ cfs.license for 1.56 cfs.Date April 30, 1980
Leroy J. McLaughlin
 (Signature)

1018-2



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

DARLENE MAY
HCR 36 BOX 72
CAPUTA SD 57725

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 397-2 & 1018-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 397-2 & 1018-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ron Duvall", is written over a horizontal line.

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 1992

397-2
1018-2

Darlene May
HCR 36 Box 72
Caputa, SD 57725

Dear Ms. May:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 397-2 and 1018-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were completed during your telephone conversation with Ron Duvall, of this office. Since they were received prior to the Water Management Board meeting, your name was deleted from the agenda.

Enclosed, as you requested, are two "Notice of Transfer of Ownership" forms. They must be completed and then signed (by the new owner) in the presence of a notary. A \$2.50 filing fee is required for each transfer submitted.

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

Sincerely,

Gerny McMath
Natural Resources Analyst
Water Rights Division



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

I, We request that Water Permit/Right No. 1772

formerly owned by: Donna M. Perry

be transferred to: (name & address) Chang in Kibara Kibara Kibara and

Jun May HR365473 Capital, SYSTEMS (telephone No.) 373-7749

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

See attached Page

I/We understand that the validity of Water Permit/Right No. 1018-2 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 Bennington)

Mr. Robin Jim 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.

Cathy Keler June 70 1970
 (Signed) Robin Keler

Subscribed and sworn to before me this 26 day of August, 1992.

Notary Public

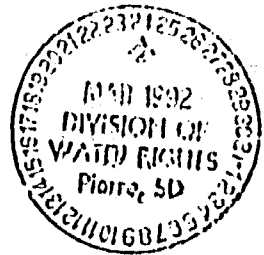
NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

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

CONTRACT FOR DEED.

In consideration of the payments hereinafter stipulated to be made and the mutual and reciprocal covenants flowing between the parties, and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, DARLENE L. MAY, of Caputa, South Dakota, hereinafter referred to as Seller, hereby agrees to sell an undivided one-half (1/2) interest in the following described real estate to CRAIG ROBERTSON and ROBIN ROBERTSON, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, of HCR 36, Box 73, Caputa, South Dakota 57725, and an undivided one-half (1/2) interest in the following described real estate to JIM MAY, a single person, of HCR 36, Box 72, Caputa, South Dakota, 57725, hereinafter collectively referred to as Buyers,

Lots One (1), Two (2) and Three (3) and the East Half of the Southwest Quarter (E½SW¼) and Southeast Quarter (SE¼) of Section One (1); Northwest Quarter of the Southeast Quarter (NW¼SE¼), West Half of the Northeast Quarter (W½NE¼) of Section Twelve (12); those portions of the Southwest Quarter of the Southeast Quarter (SW¼SE¼) and the South Half of the Southwest Quarter (S½SW¼) lying South of Old Highway No. 40 in Section Thirteen (13); that portion of the East Half of the Southeast Quarter of the Southeast Quarter (E½SE¼SE¼) lying South of Old Highway No. 40; and Outlot D in the East Half of the Southwest Quarter of the Southeast Quarter (E½SW¼SE¼) and Outlot E in the West Half of the Southeast Quarter of the Southeast Quarter (W½SE¼SE¼), said Outlots being within the original townsite of Farmingdale; and the West Half of the Southwest Quarter of the Southeast Quarter (W½SW¼SE¼); and the South Half of the Southwest Quarter (S½SW¼) of Section Fourteen (14); North Half (N½) (except railroad right of way); and the Southeast Quarter (SE¼) of Section Twenty-Three (23); All of Section Twenty-Four (24) except railroad right of way; East Half (E½); Northeast Quarter of the Northwest Quarter (NE¼NW¼); Northwest Quarter of the Southwest



Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-Five (25), all in Township One (1) South, Range Ten (10) East of the Black Hills Meridian, Pennington County, South Dakota.

All of the above described real estate subject to all existing roads, highways, rights of way, existing oil, gas and mineral leases, patent reservations, easements, vested water rights and prior oil, gas and mineral reservations and the rights of the public, state and federal governments, if any, existing at the time this Contract is executed.

for a total consideration of One Hundred Seventy-Six Thousand Eight Hundred Dollars (\$176,800.00)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 27, 1992

RECEIVED OF Craig or Robin Robertson, HCR 36, Box 73, Capota, SD 57735
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1016-2</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 (P.E.)
Chief Engineer



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

March 30, 1992

No. 397-2
1018-2

Craig or Robin Robertson
and Jim May
HCR 36, Box 73
Caputa, SD 57725

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 397-2 and 1018-2.

Our records now show you as the owner of Water Right Nos. 397-2 and 1018-2.

Sincerely,

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

enclosure

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 is not permitted. • 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): ☒ Addressee's Address ☐ Restricted Delivery Consult postmaster for fee.							
3. Article Addressed to: 1018-2		4a. Article Number P 837 692 491							
CRAIG/ROBIN ROBERTSON HCR 36 BOX 73 CAPUTA SD 57725		4b. Service Types <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COI</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table>		☐ Registered	☐ Insured	☒ Certified	☐ COI	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured								
☒ Certified	☐ COI								
☐ Express Mail	☐ Return Receipt for Merchandise								
5. Signature (Addressee) <i>Robin Robertson</i>		7. Date of Delivery 1/1/92							
6. Signature (Agent) <i>Helen Leake c/o Caputa</i>		8. Addressee's Address (Only if requested and fee is paid)							
PS Form 3811, December 1991 • U.S. P.O. 1992-07-530		DOMESTIC RETURN RECEIPT							

Is your RETURN #

Thank you for using Return Receipt Service.



1018-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

CRAIG/ROBIN ROBERTSON
HCR 36 BOX 73
CAPUTA SD 57725

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 397-2 & 1018-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 397-2 & 1018-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

1018-2

Don't
2/24/94

Don Duvall - Natural Resources Engineer

I am writing in regard to the letter I received about the 1993 Irrigation Questionnaire for Permit Nos. 397-2 and 1018-2. I have looked for them and I cannot find them, they must have been thrown out or lost. If it would be possible to get another Questionnaire I would be glad to fill them out and return them. I am sorry for the inconvenience but would appreciate another Questionnaire if possible.

Thank you
Craig and Robin Robertson
15937 E Hwy 44
Capota SD, 57725

New Address





1018-2

**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1994

397-2
1018-2

Craig & Robin Robertson
15937 E Hwy 44
Caputa, SD 57725

Dear Mr. & Mrs. Robertson:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaires were received in our office prior to the Water Management Board meeting and your names were deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1018-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

CRAIG & ROBIN ROBERTSON
HCR 36 BOX 73
CAPUTA SD 57725

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 397-2 & 1018-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 397-2 & 1018-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Davall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



1018-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1995

397-2

1018-2

Craig & Robin Robertson
15937 E Hwy 44
Caputa, SD 57725

Dear Mr. & Mrs Robertson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaires.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1018-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 9, 1999

397-2

1018-2

Craig & Robin Robertson
15937 E Hwy 44
Caputa, SD 57725

Dear Mr. & Mrs. Robertson:

I am contacting you in regard to your Water Right Nos. 397-2 and 1018-2. The purpose of my inquiry is to find out what type of irrigation system you use for each one. On the yearly irrigation questionnaires, I noticed you have been reporting "flood irrigation".

If you use only flood systems (water spreading systems) and do not use any pumping equipment, you will not be required to submit yearly irrigation questionnaires. I reviewed the information contained in Water Right No. 397-2 and it would seem the type of system used has always been a flood system. The examination of works done in 1980 for Water Right No. 1018-2 shows a Fairbanks Morse pump (700 gpm capacity) was being used to divert the water to the diversion ditches. Do you still use the pump?

As I stated above, if you no longer use any pumping equipment, I can omit your names from those having to submit yearly irrigation questionnaires. Please get in touch with me regarding the type of irrigation systems you use, and I will update your water rights accordingly.

Thank you in advance for your help.

Sincerely,

Genny McMath

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

File No. 397-2
1018-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Craig Robertson

ADDRESS: 15937 E Hwy 44, Caputa, SD 57725

DATE: April 16, 1999

TELEPHONE: 605 393-1769

RE: type of systems used under Water Right Nos. 397-2 and 1018-2

COMMENTS:

Mr. Robertson called in response to my letter of April 9th concerning the type of irrigation systems they use for Water Right Nos. 397-2 and 1018-2.

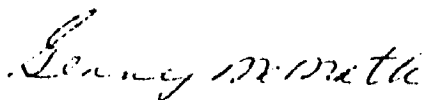
He indicated they use waterspreading systems (flood type systems) and do not have pumping equipment. He stated that the pump that used to be used no longer works and it hasn't been used for several years. At some point down the road they may consider getting it fixed, but he doesn't think that will happen.

I told him that WMB rules do not require irrigators with water spreading systems to report annual water use by submitting irrigation questionnaires. Since they do not use pumping equipment, I would take their names off the list of those to receive questionnaires. I also explained that this would not jeopardize their water rights and that as long as they continued to irrigate at least once every three years, they could maintain their rights. I explained legal excuse and he indicated he was aware of necessity for irrigating when water was available.

Mr. Robertson wanted to know how hard it was to get back on the list if they ever decided to buy a pump. I told him that if his system changes in any way, to give us a call and we could add him back to the questionnaire list.

RECOMMENDED ACTION:

Delete Water Right Nos. 397-2 and 1018-2 from the questionnaire database because the water right holders use waterspreading systems.



Genny McMath
Environmental Scientist