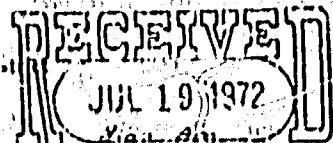


Water Right Number 117-2

1. Considered Sept. 6, 19 72.
2. Name of Applicant Merritt Patterson
3. Post Office Address Wall, S.D.
4. Amount of water claimed 2.42
5. Source of water supply Chayenne River
6. Water to be used for Irrigation  
Acres to be irrigated 340.00
7. Water to be diverted and used in Pennington County  
about 4 Miles N of Wata
8. Proof of Publication  
Received Aug. 15, 1972  
Not received \_\_\_\_\_
9. Application  
Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

10. Remarks:

No. 111-2  
 Map No. 949-2 Water Division No. 2 EAST CHEYENNE RIVER  
 (Blanks to be Filled by the Engineer for the W. R. C.)


## APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

 1. Name of Applicant Merritt Patterson  
 Post Office address Wall, State S. Dak.  
 If a corporation show date and place of incorporation \_\_\_\_\_

2. Method of accomplishing work (contract, employment of others, or by direct labor) \_\_\_\_\_

3. Name of diversion work Merritt Patterson irrigation project no. 14. Amount of water claimed (cubic feet per second) 3.42 MAXIMUM ALLOWABLE5. Source of water supply Cheyenne River
 6. Location of point of diversion east bank 1st Red 556' 30' W  
of NW corner of Section 25, T3N-R14E-B4M.
County Pennington7. Annual period or periods during which water is to be used spring & summer8. Use to be made of water: (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 341

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

| No. | Land Description                 | No. Acres | No. Acres Irr. |
|-----|----------------------------------|-----------|----------------|
| 1   | NE 1/4 Sec. 24, T3N-R14E         | 50        |                |
| 2   | SE 1/4 " "                       | 79        |                |
| 4   | SW 1/4 " "                       | 52        |                |
| 5   | N 1/2 NW 1/4 Sec. 25, T3N-R14E   | 44        |                |
| 6   | NW 1/4 NE 1/4, Sec. 25, T3N-R14E | 25        |                |
| 7   | SE 1/4 Sec. 26, T3N-R14E         | 43        |                |
| 8   | NE 1/4 Sec. 25, T3N-R14E         | 75        |                |

Attach sheet if more space is needed

 10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pennington County Courier

12. Principal Features of the Proposed Water Supply System

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

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

C. Works proposed to apply water to beneficial use.

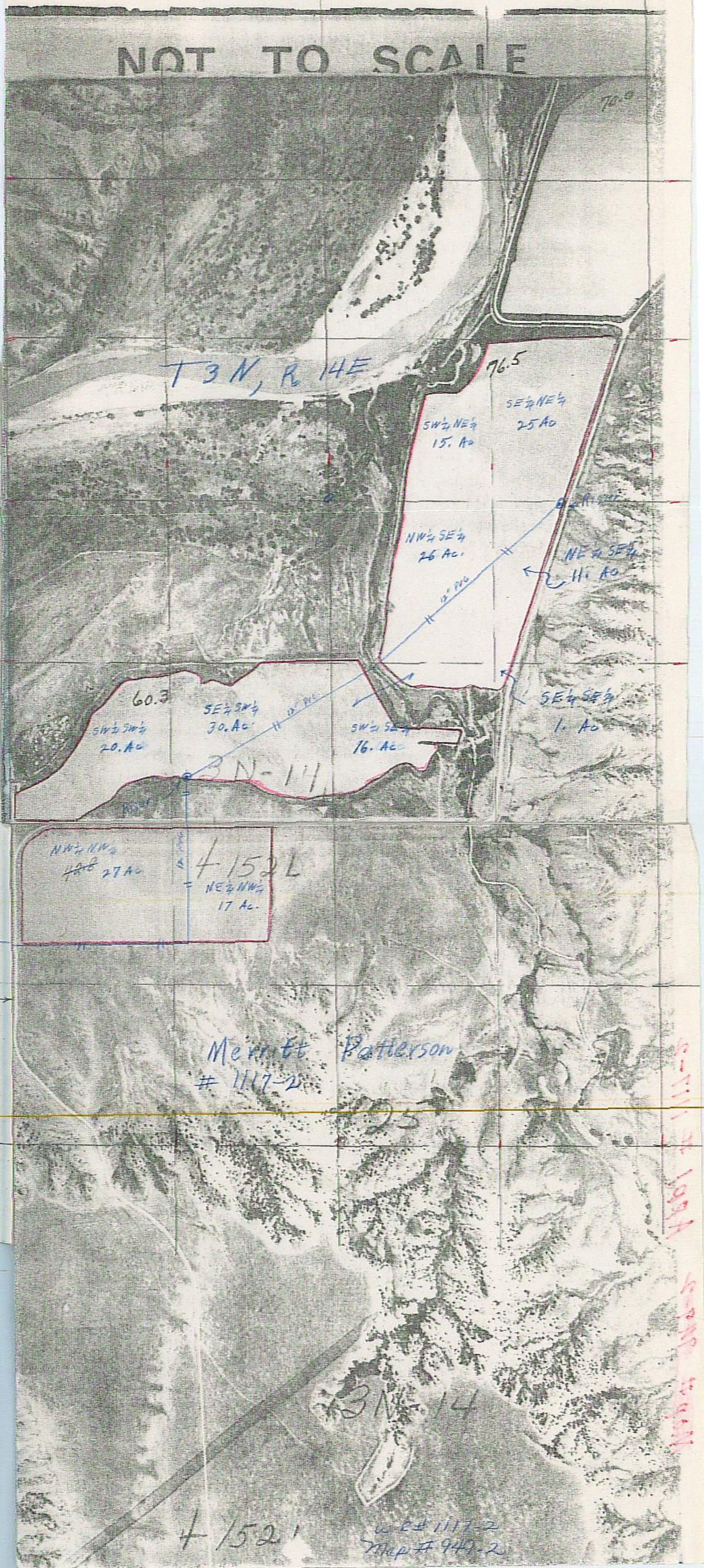
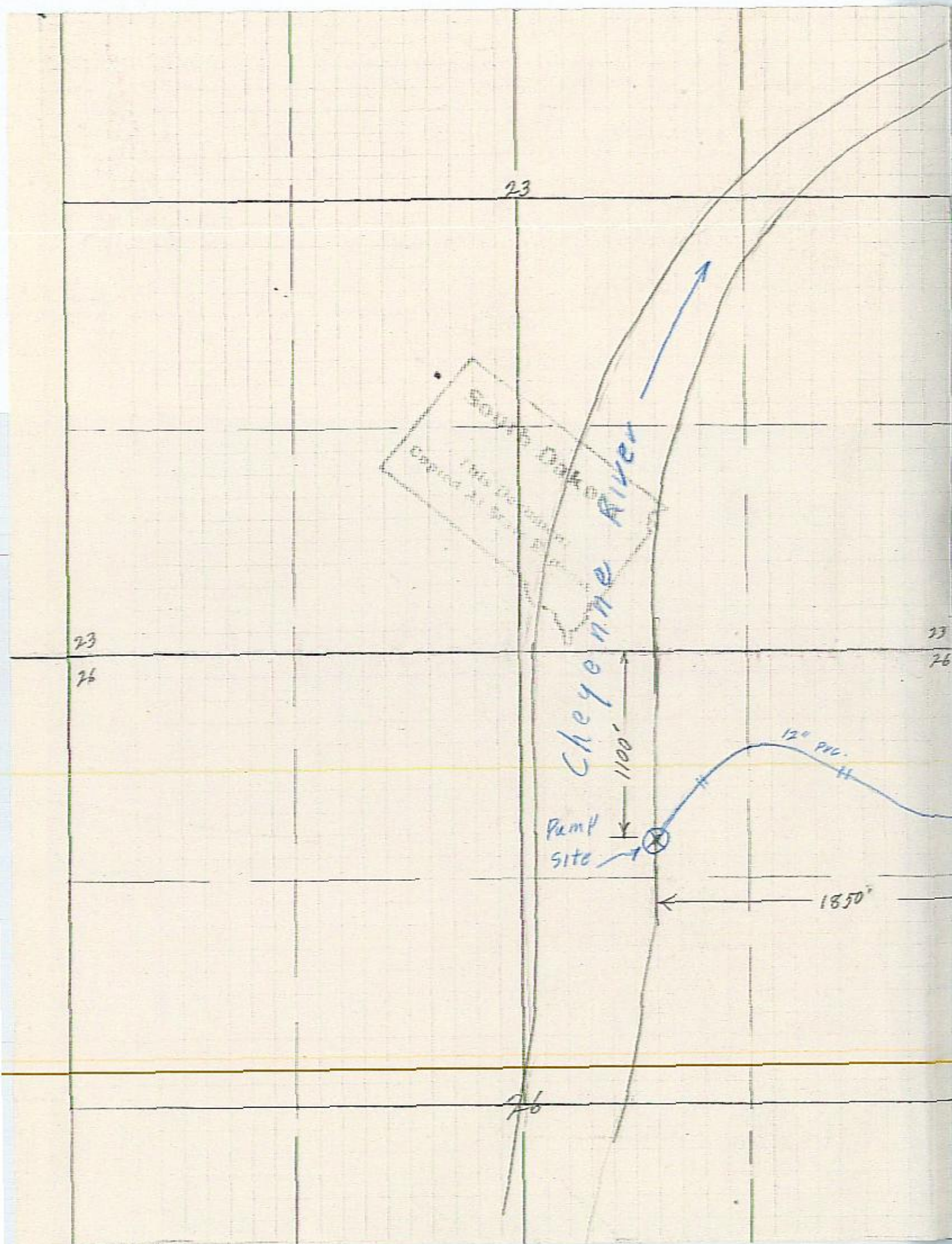
Estimated Total Cost \$ \_\_\_\_\_

 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.  
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Penn.
 I, Merritt T. Patterson, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.
Signed Merritt T. PattersonSubscribed and sworn to before me this 29th day of June, 1972

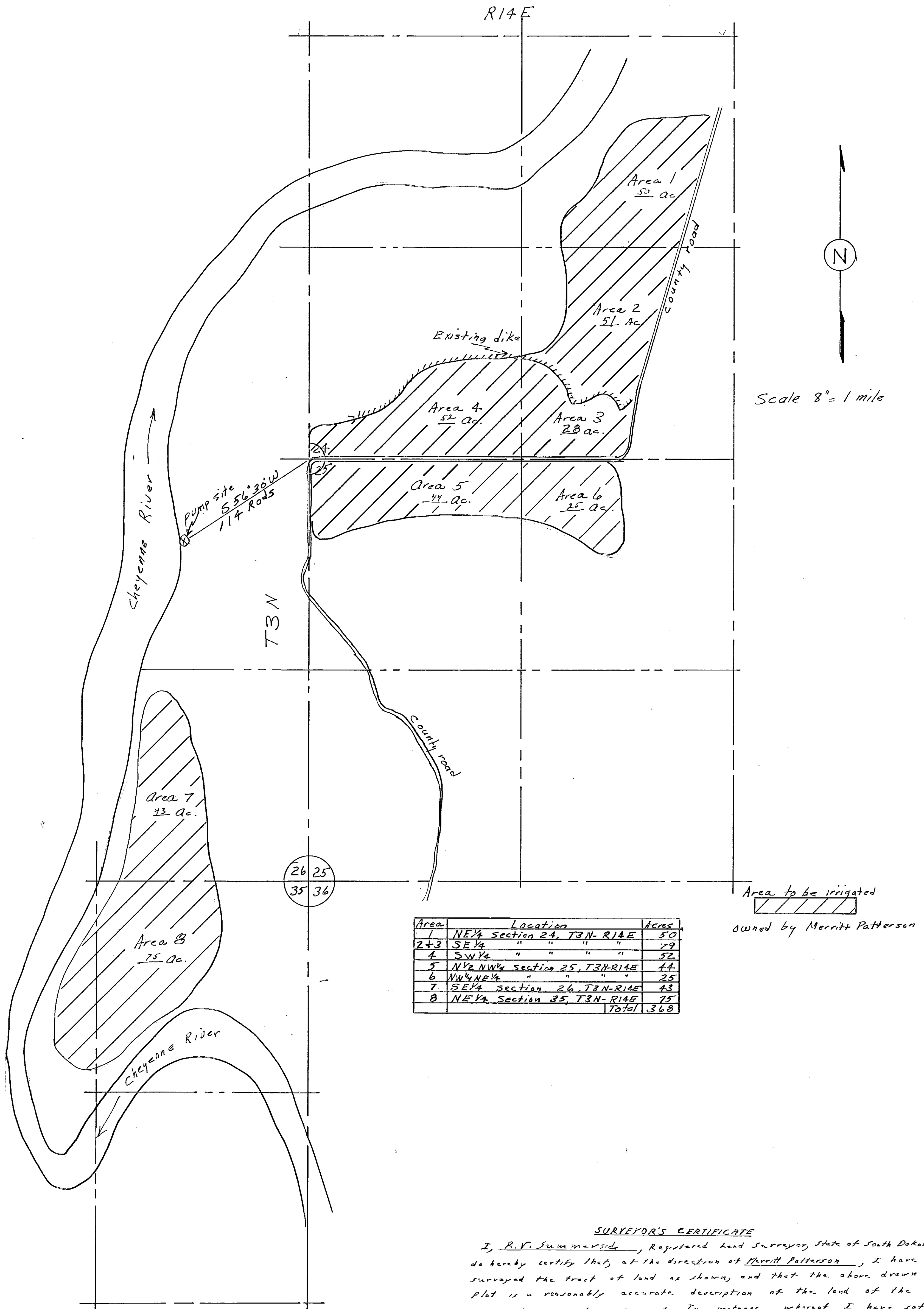
Notary Public (or other qualified officer)



MERRITT PATTERSON  
IRRIGATION PROJECT No. 1

Pennington County

South Dakota



SURVEYOR'S CERTIFICATE

I, R.V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Merritt Patterson, I have surveyed the tract of land as shown, and that the above drawn plat is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 19th day of June, 1972, A.D.

R.V. Summerside  
REGISTERED LAND SURVEYOR

MAP NE999.2 (APPL NO 1117-2)

# WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1117-2

MERRITT PATTERSON  
(Applicant)

WALL

(Post Office Address)

SOUTH DAKOTA  
(State)

With the following modifications:

DIVERSIONS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO PRIOR WATER RIGHTS DOWNSTREAM ON THE CHEYENNE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHEYENNE RIVER ARE DEFINITELY AND RECOGNIZABLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST & SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS.

Date of first receipt of application JULY 19 19 72

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

Date of receipt of corrected application — 19 —

Approved SEPTEMBER 6 19 72 Recorded in Book 12 Page 144

WATER RIGHT PERMIT NO. 1117-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1117-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JULY 19 19 72

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 6 19 75

3. The whole of said work is to be completed on or before SEPTEMBER 6 19 77

The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 6 19 81

5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 3.42 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before SEPTEMBER 6 19 81; said water to be used during the following described annual period: SPRING & SUMMER

Witness my hand this 5TH day of SEPTEMBER 19 72

WATER RESOURCES COMMISSION

By:

John L. Quinn  
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 16 19 81

Water License Issued JUNE 16 19 81

Permit No. 1117-2

Water Diversion No. 2 Upper Cheyenne Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That Merritt Patterson

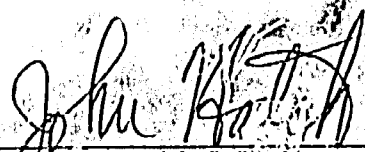
the holder of

Permit No. 1117-2, issued upon Application No. 1117-2, bearing date of priority of July 19, 1972 authorizing the diversion of 3.42 cu. ft. per second of the water of the Cheyenne River County of Pennington, State of South Dakota at a point 1'00' south and 1850' west of the NE corner Section 26, T3N, R14E

for Irrigation

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 4.0 cu. ft. per second of wa

Date June 16, 1981

  
JOHN HATCH, Chief Engineer  
Water Rights Division

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1117-2

(1) WHEREAS, On the 12th day of July A. D. 19 72  
Horritt Patterson

made Water Right Application No. 1117-2 for a permit to use 3.42 cubic feet per second of the waters  
of the Choyenne River  
County of Pennington, State of South Dakota, for Irrigation

purposes; and  
(2) WHEREAS, On the 6th day of September A. D. 19 72  
Permit No. 1117-2 with a date of priority of July 19, 1972

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water  
supply system therein described on or before the 6th day of September A. D. 19 77 and for the  
application to beneficial use of said water on or before the 6th day of September A. D. 19 81

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
relating to completion of the construction of the water supply system and is entitled to divert 2.69 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 T3N, R14E

Section 24 SW $\frac{1}{4}$  NE $\frac{1}{4}$  15 acres

SE $\frac{1}{4}$  NE $\frac{1}{4}$  25 "

NW $\frac{1}{4}$  SE $\frac{1}{4}$  26 "

NE $\frac{1}{4}$  SE $\frac{1}{4}$  11 "

SW $\frac{1}{4}$  SE $\frac{1}{4}$  16 "

SE $\frac{1}{4}$  SE $\frac{1}{4}$  1 "

SW $\frac{1}{4}$  SW $\frac{1}{4}$  20 "

SE $\frac{1}{4}$  SW $\frac{1}{4}$  30 "

Section 25 NW $\frac{1}{4}$  NW $\frac{1}{4}$  27 "

NE $\frac{1}{4}$  NW $\frac{1}{4}$  17 "

188 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 Merritt Patterson

of Hall SD

the holder and owner of SD permit No. 1117-2 a water right, dating from 3 June 1972

to use of 2.69 cubic feet per second of the waters

of the Cheyenne River

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 1100' south and 1850' west of the NE corner

Section 26, T3N, R14E

and conducted to and upon portions of lands in Sections 24 and 25, T3N, R14E, more

fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1117-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 16th day of June A. D.

Nineteen Hundred and Eighty-one

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer JOHN HATCH

Form 6 - Notice of Intent to Appropriate Water

1117-2

Publish first publication, on or before August 24, 19 72

NOTICE  
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 24, 19 72

Notice is hereby given that Marriott Patterson  
whose post office address is Wall, South Dakota, has made an application in accordance  
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use  
3.42 cubic feet of water per second of time from the Cheyenne River through the  
Patterson Irrigation Project #1, the point of diversion of which is to be located in the \_\_\_\_\_

NW 1/4 Sec 25

of Section 25, Twp. 3N, Range 14E. Said water to be used for the purpose  
of providing irrigation on the following described land:

NE 1/4, SW 1/4, SE 1/4, Section 24; NW 1/4, NE 1/4, Section 25, SE 1/4, Section 26 and  
NE 1/4, Section 35, E 3/4, R 14E

This application No. 1117-2 will be considered by the Water Resources Commission at their office at  
Pierre upon the 6th day of September, 19 72, at 2:00 P. M. All interested  
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

BFJ/bw

cc: Marriott Patterson, Wall, S.D. 57790

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

No. \_\_\_\_\_

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Penn. ) ss.

I, R. F. Lewis hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Penn. Co. Channel

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

Wall of Wall

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

July 27, 1972

Aug 3, 1972

R. F. Lewis  
(Signature)

E. L. Jones  
(Title)

Aug 3, 1972  
(Date Signed)

NOTICE No. 1117-2  
Intent to Appropriate Water  
Pierre, South Dakota 57501  
July 24, 1972  
Notice is hereby given that  
Merritt Patterson, whose post office  
address is Wall, South Dakota, has made an application in  
accordance with the provisions of  
the water laws of South Dakota  
for a permit to appropriate for  
beneficial use 2.42 cubic feet of  
water per second of time from the  
Cheyenne River through the Pat-  
terson Irrigation Project No. 1,  
the point of diversion of which is  
to be located in the NW 1/4 NE 1/4  
of Section 26, Twp. 33N, Range  
14E. Said water to be used for  
the purpose of providing irriga-  
tion on the portions of the follow-  
ing described land: NE 1/4, SE 1/4,  
SW 1/4, Section 24, N 1/4, NW 1/4,  
NW 1/4 NE 1/4, Section 25, SE 1/4,  
Section 26, and Section 35,  
T3N, R14E. This application No. 1117-2 will  
be considered by the Water Re-  
sources Commission at their  
office at Pierre upon the 6th day  
of September, 1972, at 2:00 P.M.  
All interested persons may appear  
and be heard.  
By: Burton Jones  
Water Resources Commission  
Rights Specialist

RECEIVED  
AUG 15 1972

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

Permit No. 1117-2Water Division 2 - Upper Cheyenne Water District

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

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

I have this day made a thorough examination of the water use system constructed by Merritt Patterson of Wall, South Dakota holder of Permit No. 1117-2, bearing date of priority of July 19, 1972, authorizing the diversion of 3.42 cu. ft. per second of the waters of Cheyenne River 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, U.S. Elec., I.D.# R-8891-02-D-121, R# 2064643  
50 HP, 1765 RPM

Pump = Johnston Ser # ATF 100

Pumping 1800 gpm

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

8700 ft 12" PVC Pipe

## C. Works used to apply water to beneficial use.

3000 ft - 10" Gated Pipe

The system is in the following condition: GoodThe point of diversion is located 1100 ft S and 1850 ft W of the NE Cor Sec. 26, T3N R14EThe works are capable of diverting and conveying to the place of use 4.0cu. 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. 24,T3N R14E, SW 1/4 NE 1/4 - 15 Ac., SE 1/4 NE 1/4 - 25 Ac., NW 1/4 SE 1/4 - 20 Ac.NE 1/4 SE 1/4 - 11 Ac., SW 1/4 SE 1/4 - 16 Ac., SE 1/4 SE 1/4 - 1 Ac.,SW 1/4 SW 1/4 - 20 Ac., SE 1/4 SW 1/4 - 30 Ac.,T3N R14E, NW 1/4 NW 1/4 27 Ac., NE 1/4 NW 1/4 - 17 Ac.,comprising a total of 188 acres of land.

License for

 $188 \div 70 = 2.69$  cfs.

Date April 28, 1980  
LeRoy J. McNamee  
(Signature)

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 8233

May 20 81

PIERRE, SD 57790  
Merritt Patterson & Sons, Wall, SD 57790

RECEIVED OF \_\_\_\_\_  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                     |        |    |    |
|---------------------------------------------------------------------------------------------------------------------|--------|----|----|
| Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____ | 1117-2 | 50 | 00 |
| Fee for inspecting Construction, and Issuing Cert. of Construction No. _____                                        | 1117-2 |    |    |
| Fee for inspecting Beneficial Use, and Issuing Water License No. _____                                              |        |    |    |
| Fee for Issuing Location Certificate-Dry Draw, No. _____                                                            |        |    |    |
| Fee for filling _____                                                                                               |        |    |    |
| Fee for certified copy of _____                                                                                     |        |    |    |
| Fee for Print copy of map _____                                                                                     |        |    |    |
| Fee for Certifying _____                                                                                            |        |    |    |
| Fee for _____<br>(any other work as provided by law)                                                                |        |    |    |
| TOTAL                                                                                                               |        | 50 | 00 |

WATER RIGHTS COMMISSION

By John Hatch  
Chief Engineer, Executive Officer

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

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3354

No. 1117-2

January 30, 1985

Herritt Patterson & Sons  
RR#1, Box 20  
Wall, South Dakota 57790

Dear Mr. Patterson:

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

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

Please advise if you have any questions.

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc.

DWNR-820A-8/83

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

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

Second Notice

Permit No. 1117-2

July 8, 1985

Merritt Patterson & Son  
RR 1, Box 20  
Wall, South Dakota 57790

Dear Sirs:

On January 30, 1985 notice was sent to you concerning the transfer of Water Permit No. 1117-2 in the name of Merritt Patterson which covers irrigation of 188 acres in the NW1/4 Section 25 and portions of Section 24, T3N, R14E. To date, we have not heard from you on this matter.

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

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer  
Water Rights Division  
Phone: (605) 773-3352

S509.WR

1117-0

PS Form 3811, Dec 1980

● **SENDER:** Complete Items 1, 2, 3, and 4.  
Add your address in the "RETURN TO" space on reverse.

**(CONSULT POSTMASTER FOR FEES)**

1. The following service is requested (check one).  
☒ Show to whom and date delivered .....  
☐ Show to whom, date, and address of delivery...  
2. ☐ **RESTRICTED DELIVERY** .....  
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**  
Morris Patterson, Son  
Rt 1 Box 20  
Wall SD 57790

4. **TYPE OF SERVICE:**  
☐ REGISTERED ☐ INSURED  
☒ CERTIFIED ☐ CC  
☐ RETURN RECEIPT

**ARTICLE NUMBER**  
P404786 SW

(Always obtain signature of addressee or agent)

I have received the article described above.  
**SIGNATURE** ☐ Addressee ☐ Authorized agent  
Lavelle Patterson

5. **DATE OF DELIVERY**  
7-10-85

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

**POST OFFICE**  
101  
1985  
57790

**POST OFFICE INITIALS**  
[Signature]

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

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

Second Notice

Permit No. 1117-2

July 8, 1985

Merritt Patterson & Son  
RR 1, Box 20  
Wall, South Dakota 57790

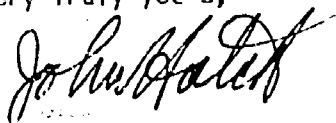
Dear Sirs:

On January 30, 1985 notice was sent to you concerning the transfer of Water Permit No. 1117-2 in the name of Merritt Patterson which covers irrigation of 188 acres in the NW1/4 Section 25 and portions of Section 24, T3N, R14E. To date, we have not heard from you on this matter.

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

If you have any questions, please contact us.

Very truly yours,



John Hatch, Chief Engineer  
Water Rights Division  
Phone: (605) 773-3352

S509.WR

NO. 1117-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: July 15, 1985

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

188 acres - NW $\frac{1}{4}$  Section 25 and portions of Section 24, T3N, R14E

formerly owned by Merritt Patterson

has been transferred to Merritt Patterson & Son, PO Box 20, Wall SD 57790

(please include complete mailing address)

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

Water Right Permit No. 1117-2 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 Beauvoir ) ss.

I, Merritt Patterson 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.

Merritt Patterson  
(Signed)

Subscribed and sworn to before me this 15 Day of July, 1985.

[Signature]  
(Notary Public)

WNR-820-9/83

Notice of Transfer of Water Permit



1117-2

WATER RIGHTS DIVISION  
(605) 773-3352

July 16, 1985

Merritt Patterson & Son  
RR#1, Box 20  
Wall, South Dakota 57790

Dear Sirs:

This will acknowledge receipt of the "Notice of Transfer" you submitted to transfer Permit No. 1117-2 to you. However, as stated on the transfer form, a \$2.50 filing fee is required before the transfer can be processed.

Please remit the \$2.50 filing fee as soon as possible. The transfer will be processed upon receipt of this fee.

Sincerely,

Genny McMath  
Natural Resources Analyst

Glm:s

# RECEIPT

Division of Water Rights

Nº 410161

South Dakota Department of Water and Natural Resources

Pierre, August 26, 1935

RECEIVED OF Merritt Patterson & Son/, RR#1, Box 20, Wall, SD 57790

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>1117-2</u>                                                                                 | 2     | 00   |
| Fee for Filing Extension Request _____                                                                                     |       |      |
| Fee for Certified Copy of _____                                                                                            |       |      |
| Fee for Print Copy of Map _____                                                                                            |       |      |
| Fee for Certifying _____                                                                                                   |       |      |
| Fee for _____                                                                                                              |       |      |
| (Any Other Work Provide I by Law)                                                                                          | Total | 2 50 |

By

Chief Engineer

JOHN HATCH (CS)

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

No. \_\_\_\_\_

1117-2

August 27, 1985

Merritt Patterson & Son  
RR#1, Box 20  
Wall, South Dakota 57790

Dear Sirs:

Enclosed is receipt No. 4 10161 in the amount of \$ 2.50 which you  
paid for transfer of Water Right No. 1117-2.

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

Sincerely,

Maxine Stirling  
Staff Assistant

ms/  
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right



1117-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 24, 2003

1117-2

Merritt Patterson & Sons  
18520 228<sup>th</sup> St  
Wall SD 57790-6102

Dear Sirs:

Enclosed is your 2003 irrigation questionnaire. You indicated on the front side of the form that you irrigated 210 acres this year. In order for the form to be complete, please fill out the back side of the form which requests information on the crops, pump rate, days and average hours per day your system was running.

We use the information to determine how much water was used from a particular source. Water use data supplied by the irrigators is one of the tools used to determine water availability for new permit applications.

Please complete the form and return it to us by December 1<sup>st</sup>. I have enclosed a postage paid envelope for your convenience.

Thanks again for your help.

Sincerely,

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

enclosures



1117-2  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
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October 14, 2005

Russell Wyatt  
Wyatt Real Estate  
646 Jennings Ave., Suite 10  
Hot Springs SD 57747

Dear Mr. Wyatt:

As per our phone conversation, please find enclosed a copy of Water Right No. 1117-2 in the name of Merritt Patterson.

I did conduct a quick check of past irrigation questionnaires submitted for this water right. This shows that irrigation has not taken place since 1996. As you are aware, water rights are subject to forfeiture for nonuse if water is not put to beneficial use for the purpose it was appropriated for a period of three years unless there is legal excuse for the not irrigating. Comments on irrigation questionnaires submitted since 2000 indicate the system underwent major repairs for a few years, that it was too wet one year and in another year the Cheyenne River was too low to sustain irrigation.

I hope this information is helpful. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Eric Gronlund  
Water Rights Program DENR  
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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June 30, 2006

**NOTICE OF SHUTOFF ORDER**

**TO:** MERRITT PATTERSON & SONS  
18520 228TH ST  
WALL SD 57790

**FROM:** GARLAND ERBELE, Chief Engineer  
Water Rights Program

**SUBJECT:** Cheyenne River Shutoff Order for Junior Priority Date Water Rights

**Shutoff Order for Water Right Nos. 1117-2**

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT  
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1117-2

August 28, 2006

Merritt Patterson and Sons  
18520 228<sup>th</sup> St  
Wall, SD 57790

Dear Mr. Patterson:

This letter is in regards to your Water Right No. 1117-2 from the Cheyenne River. The Chief Engineer recently issued you a shutoff order due to low flows in the Cheyenne River. Recently a rainstorm over the area is causing flows to for the short term increase downstream on the Cheyenne River. The Chief Engineer is going to temporarily allow you pump under this water right due to this increased runoff until noon September 1, 2006. After that, the shutoff order will go back into effect.

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

Sincerely,

Mark D. Rath  
Natural Resources Engineering Specialist  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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September 5, 2006

1117-2

MERRITT PATTERSON & SONS  
18520 228TH ST  
WALL SD 57790

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to [sd.water.usgs.gov](http://sd.water.usgs.gov) and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

**NOTICE OF SHUTOFF ORDER**

June 27, 2007

**TO:** MERRITT PATTERSON & SONS  
18520 228TH ST  
WALL SD 57790

**FROM:** GARLAND ERBELE, Chief Engineer  
SD DENR Water Rights Program

**SUBJECT:** Cheyenne River Shutoff Order for Junior Priority Date Water Rights

**Shutoff Order for Water Right Nos. 1117-2**

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

**<http://waterdata.usgs.gov/sd/nwis/rt>**

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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November 8, 2007

1117-2

Dale Patterson  
18521 228<sup>th</sup> St  
Wall SD 57790

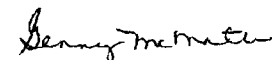
Dear Mr. Patterson:

I am writing to you in regard to Water Right No. 1117-2 currently listed in the name of Merritt Patterson and Son. Aaron Tieman with our regional office in Rapid City indicated he spoke with you concerning the water right and found that an ownership change was needed.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosure

**File No. 1117-2**

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME & ADDRESS:** Dale Patterson, 18521 228<sup>th</sup> St, Wall SD 57790

**DATE:** November 13, 2007

**TELEPHONE:**

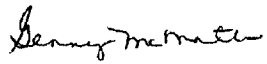
**RE:** Water Right No. 1117-2 – Merritt Patterson and Sons

**COMMENTS:**

Mr. Patterson called in response to a "Notice of Transfer of Ownership" form I had mailed to him for filing an ownership change on Water Right No. 1117-2. He wondered why we had thought it should be changed.

I told him Aaron Tieman had visited with him this summer concerning shut off orders on the Cheyenne River and was told that Merritt Patterson had passed away. Dale Patterson indicated this was true but for now they wish to leave the water right under the name "Merritt Patterson and Sons".

No transfer will be done at this time. Dale indicated he would get in touch with us if they decided to formally change the name on the water right.

  
Genny McMath  
Environmental Scientist



1117-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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January 15, 2016

**NOTICE**

TO: MERRITT PATTERSON & SONS, 18520 228TH ST, WALL, SD 57790 6102

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire has not been submitted for Permit No(s) 1117-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1117-2 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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denr.sd.gov

February 3, 2016

1117-2

Merritt Patterson & sons  
18520 228<sup>th</sup> St  
Wall SD 57790-6102

Dear Mr. Patterson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 1117-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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