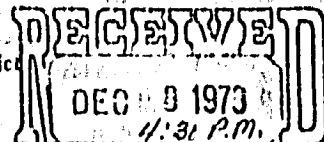


Water Right Number 1163-2

1. Considered January 16, 1974
2. Name of Applicant Jerry Roseth
3. Post Office Address Philip, So. Dak.
4. Amount of water claimed 1.00
5. Source of water supply Dry Draw
6. Water to be used for Irrigation
- Acres to be irrigated 70.35
7. Water to be diverted and used in Haakon County
about 13E 1N Miles of Philip
8. Proof of Publication ☒ Received 12-26-73
☐ Not received
9. Application ☐ Approved
☐ Subject to
☐ Not approved
☐ Action deferred
10. Remarks:

No. 1163-1Map No. 987-2 Water Division No. 2 BAD RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

District



APPLICATION FOR PERMIT

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Jerry Roseth
Postoffice address Philip, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Roseth Waterspreading System #3
4. Amount of water claimed (cubic feet per second) 80 cfs 1.00
5. Source of water supply Dry Draw
6. Location of point of diversion South center NW 1/4 SE 1/4 Sec. 18 T1N R23 E
200' West of SE 1/4 Corner of the NE 1/4 SE 1/4 Sec. 18 T1N R23 E
400' East of SW 1/4 Corner of the NW 1/4 SW 1/4 Sec. 17 T1N R23 E County Haakon
7. Annual period or periods during which water is to be used High Runoff
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Waterspreading (Irrigation)
9. For irrigation use, _____ Total number of acres to be irrigated 70.35 Ac

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW 1/4 SE 1/4 Sec. 18 T1N R23E	18.0		
NE 1/4 SE 1/4 Sec. 18 T1N R23E	16.35		
NW 1/4 SW 1/4 Sec. 17 T1N R23E	18.4		
SW 1/4 NW 1/4 Sec. 17 T1N R23E	17.6		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pioneer Review
12. Principal Features of the Proposed Water Supply System.

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

Diversion - \$208.00

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

Waterspreading System - Dikes

Control Structures - \$2315.00

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 3023.00Attachments: 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 HughesI, Jerry Roseth, 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 Jerry RosethSubscribed and sworn to before me this 3rd day of December 1973

Notary Public (or other qualified officer)

Betty Westlund
Deputy Assistant, W.R.C.

WATER RIGHT APPLICATION APPROVAL

WATER RIGHTS COMMISSION

The Water ~~Commission~~ Commission hereby approves Water Right Application No. 1163-2JERRY ROSETH

(Applicant)

PHILIP

(Post Office Address)

S. DAK.

(State)

With the following modifications:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows,

Date of first receipt of application DECEMBER 3, 1973

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

Date of receipt of corrected application _____, 19____

Approved JANUARY 16, 1974, Recorded in Book 12 Page 294WATER RIGHT PERMIT NO. 1163-2

WATER RIGHTS COMMISSION

The Water ~~Commission~~ Commission hereby grants and issues this Water Right Permit No. 1163-2 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 DECEMBER 3, 1973
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 16, 1975
3. The whole of said work is to be completed on or before JANUARY 16, 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 16, 1977
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 1.00 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 JANUARY 16, 1977; said water to be used during the following described annual period: HIGH RUNOFF PERIODS

Witness my hand this

18TH

day of

JANUARY, 1974

WATER RIGHTS COMMISSION

By:

Donald Driscoll

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

J. 1163-2

Publish first publication, on or before January 3, 19 74

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 7, 19 73

Notice is hereby given that Jerry Roseth

whose post office address is Philip, 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

1.0 cubic feet of water per second of time from the a dry draw through the Roseth Watersprings #3, the point of diversion of which is to be located in the

NW 1/4 SE 1/4, NE 1/4 SE 1/4, Section 18; NW 1/4 SW 1/4

of Section 17, Twp. 1N, Range 23E. Said water to be used for the purpose of providing irrigation of portions of the following described land:

N 1/2 SE 1/4, Section 18, NW 1/4 SW 1/4 and SW 1/4 NE 1/4, Section 17, T1N, R23E

This application No. 1163-2 will be considered by the Water ~~Resources~~ ^{Rights} Commission at their office at Pierre upon the 16th day of January, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

MURTON F. JONES, Water Rights Specialist

cc: Jerry Roseth, Philip, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Haakon) ss.

I, Les Ravellette hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pioneer-Review

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

City of Philip

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

December 13

December 20

Les Ravellette
(Signature)

Bookkeeper
(Title)

December 21st, 1973
(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

Notice is hereby given that
Jerry Roseth whose post office
address is Philip, South Dakota,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.0 cubic feet of
water per second of time from
a dry draw through the Roseth
Waterspreading #3 the point of
diversion of which is to be lo-
cated in the NW1/4 SE1/4, NE1/4
SE1/4, Section 18; NW1/4 SW1/4
of Section 17, Twp. 1N, Range
23E. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land: N1/2 SE1/4,
Section 18, NW1/4 SW1/4 and
SW1/4 NW1/4, Section 17, T1N
R23E.

This application No. 1163-2
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 16th day
of January, 1974, at 2:30 p.m.
All interested persons may ap-
pear and be heard.

WATER RIGHTS COM.
BY: Burton F. Jones
Burton F. Jones, Water
Rights Specialist
cc: Jerry Roseth, Philip, S.D.
(Publish Dec. 13-20, 1973)

DEC 26 1973
STATE OF SOUTH DAKOTA
WATER RIGHTS COM.



GRAIN TERMINAL ASSOCIATION

BOX 43594
SAINT PAUL, MINN. 55164
(612) 646-9433

1161-2

Mr. John Hatch
Chief Engineer
Dear Sir:

We have just recently
purchased Jerry Roseth's
place and have as yet
irrigated any of the land.

We plan to irrigate
some in the future when
we get the place
operating as we want
it. Please let me know
what I have to do to
keep my permit.

Sincerely,
Presbuck Ranch Inc.
Allen Berry Pres.
S.R. 2 Box 167
Long-Valley S.D. 57547

**South Dakota Department of
Water & Natural Resources**
Jon Foss Building
523 East Capitol
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

October 14, 1982

1161-2
1162-2
1163-2

Pass Creek Ranch
Allen Berry, Pres.
St Rt 2, Box 16
Long Valley SD 57547

Dear Mr. Berry:

This will acknowledge the receipt of your recent letter indicating you have just recently purchased the Jerry Roseth place.

There are three water permits on file in this office listed in Jerry Roseth's name. Permit No. 1161-2 authorizes diversion of 0.80 cfs of water from the Bad River to irrigate 55.20 acres. Permit No. 1162-2 authorizes diversion of 0.70 cfs of water from a dry draw to irrigate 50 acres. Permit No. 1163-2 authorized diversion of 1.00 cfs of water from a dry draw to irrigate 70.35 acres (see enclosed transfer forms for land descriptions of each).

Enclosed please find copies of our "Notice of Transfer" forms, which you should sign before a notary public and return them to this office with a \$2.50 filing fee for each permit (total of \$7.50). The permits can then be transferred to your name. If you only own part of the land, please indicate on the transfer forms which parts you do not own.

If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

1161-2
1162-2
1163-2

January 11, 1983

Pass Creek Ranch
Allen Berry, President
Star Route #2, Box 16
Long Valley, South Dakota 57547

Dear Mr. Berry:

On October 14, 1982 notice was sent to you concerning the transfer of Water Permit Nos. 1161-2, 1162-2 and 1163-2 in the name of Jerry Roseth which covers irrigation of portions of Section 13, T1N, R 22E and Sections 17 & 18, T1N, R23E. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find additional forms. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 each (total of \$7.50). The permits can then be transferred to your name. If you are not the present owner of the land covered under these permits, please notify this office. It is very important that ownership records be kept current.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GY.ms
Encs.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 9126

PIERRE, January 26, 1923

RECEIVED OF Pass Creek Ranch, Allen Berry, SR#2, Box 16, Long Valley, SD 57547

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 WR# 1163-2	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 (ES)

NO. 1163-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 26 Jan 83

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

70.35 acres - N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, T11N, R23E

formerly owned by Jerry Roseth

has been transferred to Pass Creek Ranch, Star Route #2, Box 16, Long Valley, SD 57547
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1163-2 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 Office 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 SOCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of HAAKEN) ss.

1. Allen Barry Pines 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 infor-
mation herein stated is true.

Pass Book Page 1 (Allen Boring)
(Signed)

Subscribed and sworn to before me this 20 Day of January, 1983.

[Signature]
(Notary Public)

LEROY LONG, NOTARY PUBLIC
HARRISON COUNTY, S. C.
MY COMM. EXPIRES 12-11-64



No. 1161-2

1162-2

1163-2



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

November 27, 1983

Pass Creek Ranch
c/o Allen Berry
SR#2, Box 16
Long Valley, South Dakota 57547

Dear Sir:

4 9124,

(totalling \$7.50)

Enclosed is receipt No. 4 9125 & 4 9126 in the amount of \$2.50 each, which you

paid for transfer of Water Right No. 1161-2, 1162-2 & 1163-2.

Our records now show you as the owner of ^{these} ~~this~~ Water Rights.

Sincerely,

Maxine Scirling
Staff Assistant

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

1163-2

June 6, 1990

SD Dept of Water & Natural Resources.

We are interested in obtaining any information in regards to water rights on land we have purchased in Jackson County, Township 1 N, Range 22 E in Sections 13, 18 & the west half of 17, on Bad River!

Sincerely,
Glen L Hostutler
Hostutler, Inc.
HGR 69 Box 523
Middletown, SD 57552



1163-2

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1990

1161-2

1162-2

1163-2

Glen H Hostutler
Hostutler Inc
HCR 69 Box 523
Midland, SD 57552

Dear Mr. Hostutler:

With regard to your recent inquiry, enclosed are copies of water permits on file within the legal description you mentioned. The permits are currently listed in the name of Pass Creek Ranch.

Water Permit No. 1161-2 describes irrigation in portions of Section 13, T1N, R22E from the old channel of the Bad River.

Water Permit No. 1162-2 is for irrigation of 50 acres in portions of Section 13, T1N, R22E and Section 18, T1N, R23E from a dry draw (Buzzard Draw).

Water Permit No. 1163-2 is for irrigation of 70.35 acres in portions of Sections 17 & 18, T1N, R23E from a dry draw.

If you now own the above described land, the permits should be transferred to your name. Enclosed are partially completed "Notice of Transfer of Ownership" forms. Please check them over for accuracy and then complete the forms as indicated. They should be signed (by you, as the new owner) in the presence of a notary public. Upon completion of the forms, please return them to our office with a filing fee of \$2.50 each (total of \$7.50).

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 743-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 1163-2

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: 7-31-90



I/We request that Water Permit/Right No. 1163-2

formerly owned by: Pass Creek Ranch

be transferred to: (name & address) Hostutler, Inc. H&R 69 Bay 233

Midland SD 57532 (telephone No. 605-843-2183)

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

70.35 acres - N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 18, NW $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T1N, R23E

I/We understand that the validity of Water Permit/Right No. 1163-2 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 Harlan)

I/We Glen H. Hostutler, 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.

Hostutler Glen H Hostutler Inc
(Signed)

Subscribed and sworn to before me this 31st day of July, 1990.

Jalene Haynes
(Notary Public)

My Comm. Expires 4-3-95

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.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 1, 1990

RECEIVED OF Hostutler, Inc, HCR 69 Box 523, Midland, SD

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 _____ Water Permit No. 1163-2 _____	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 M. Lee
Chief Engineer



Department of Water & Natural Resources

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

1161-2

1162-2

1163-3

August 15, 1990

Glen Hostutler
Hostutler, Inc.
HCR 69 Box 523
Midland SD 57552-9103

Dear Mr. Hostutler:

Enclosed are Receipt Nos. 412328, 412329 and 412330 in the amount of \$2.50 each which you paid for transfer of Water Permit Nos. 1161-2, 1162-2, and 1163-2.

Our records now reflect Hostutler, Inc, HCR 69 Box 523, Midland, SD 57552-9103 as the owner of these Water Permits.

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure