

1. Considered 3-17, 19 76 1345-2
2. Name of Applicant OLSON RANCH, INC.
3. Post Office Address MIDLAND
4. Amount of water claimed 9.02 (140 ACRE FT STORAGE)
5. Source of water supply BAD RIVER, TITLE PRAIRIE DOG CREEK & GR DRAWS
6. Water to be used for IRRIGATION
Acres to be irrigated 631.5
7. Water to be diverted and used in JONES county
about 1E, 3N miles of MIDLAND
8. Proof of Publication Received _____
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1345-2
 Map No. 1137-2 Water Division No. 2 BAD RIVER
 (Blanks to be filled by the Engineer for the W. B. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Olson Ranch Inc.
 Postoffice address Midland, State South Dakota
 If a corporation show date and place of incorporation Jan. 1, 1967 - Pierre, South Dakota
 2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor
 3. Name of diversion work Olson Ranch Inc. Irrigation Project No. 1
 4. Amount of water claimed (cubic feet per second) 9.02 cfs
 5. Source of water supply Bad River, Little Prairie Dog & other Dry Draws
 6. Location of point of diversion See attached sheet

- County Jones
 7. Annual period or periods during which water is to be used April 30 to November 15
 8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 631.5

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.
See attached sheet			

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 Murdo Coyote
 12. Principal Features of the Proposed Water Supply System.

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

Pump & Gravity

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

Pipe & Gravity

C. Works proposed to apply water to beneficial use.

Gravity, Sprinkler, Gated PipeEstimated Total Cost \$100,000.00

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 Haskell)
Olson Ranch, Inc.

I, Olson Ranch, Inc. 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 Olson Ranch, Inc.
 5th day of February 1978
Charles S. Kudall
 (Notary Public (or other qualified officer))

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1345-2OLSON RANCH, INC.

(Applicant)

MIDLAND

(Post Office Address)

SOUTH DAKOTA 57552

(State)

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS
MUST BE BY-PASSED

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 140 ACRE FEET
OF WATER ANNUALLY.

Date of first receipt of application FEBRUARY 24 19 76

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

Date of receipt of corrected application _____ 19 _____

Approved MARCH 17 19 76 Recorded in Book 15 Page 64WATER RIGHT PERMIT NO. 1345-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1345-2 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 FEBRUARY 24 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17 19 78
3. The whole of said work is to be completed on or before MARCH 17 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17 19 85
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 9.02 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 MARCH 17 19 85; said water to be used during the
following prescribed annual period: APRIL 30 TO NOVEMBER 15

Witness my hand this 21ST day of APRIL 19 76

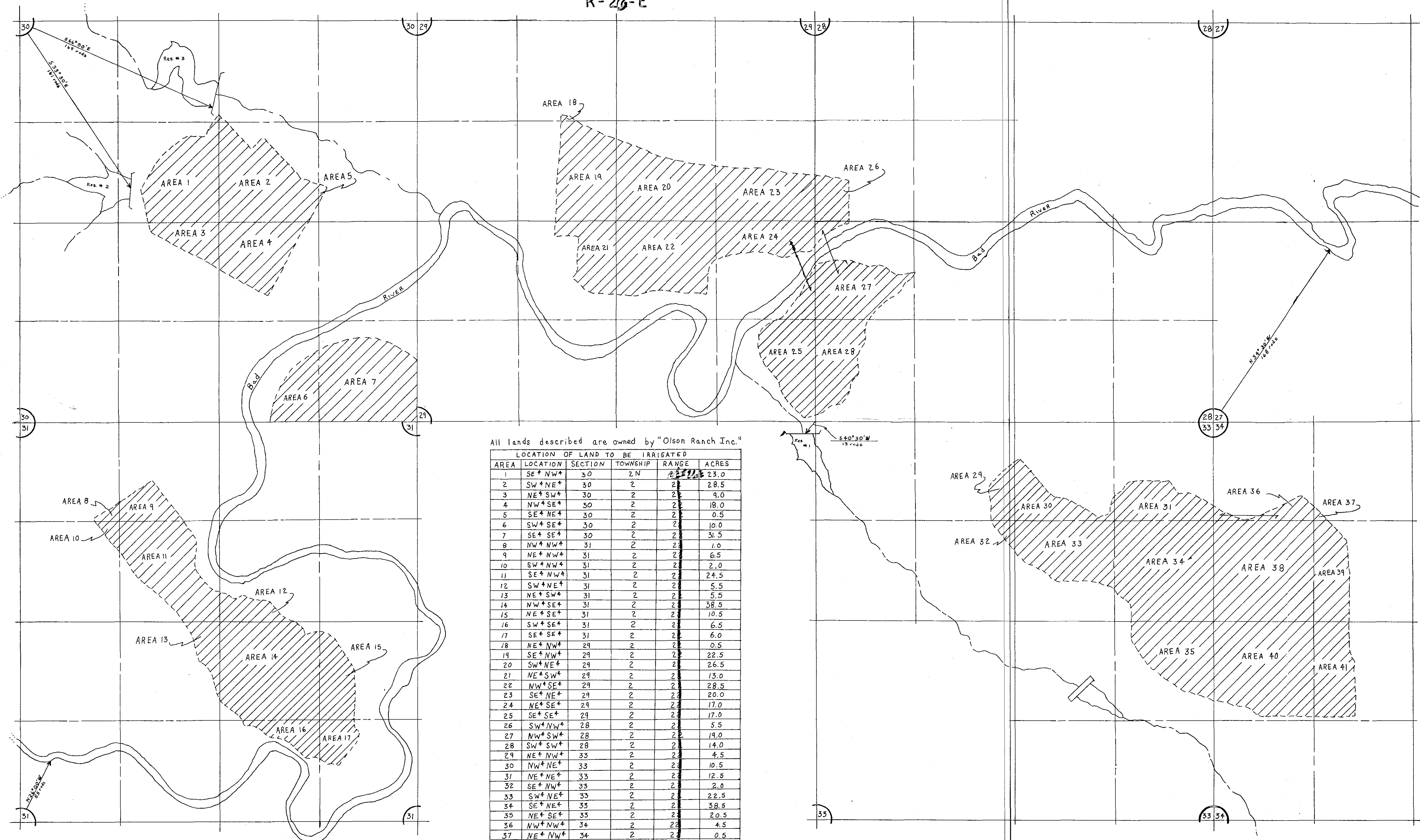
WATER RIGHTS COMMISSION

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

R-26-E



All lands described are owned by "Olson Ranch Inc."

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SE 1/4 NW 1/4	30	29	26	23.0
2	SW 1/4 NE 1/4	30	2	26	28.5
3	NE 1/4 SW 1/4	30	2	26	9.0
4	NW 1/4 SE 1/4	30	2	26	18.0
5	SE 1/4 NE 1/4	30	2	26	0.5
6	SW 1/4 SE 1/4	30	2	26	10.0
7	SE 1/4 SE 1/4	30	2	26	31.5
8	NW 1/4 NW 1/4	31	2	26	1.0
9	NE 1/4 NW 1/4	31	2	26	6.5
10	SW 1/4 NW 1/4	31	2	26	2.0
11	SE 1/4 NW 1/4	31	2	26	24.5
12	SW 1/4 NE 1/4	31	2	26	5.5
13	NE 1/4 SW 1/4	31	2	26	5.5
14	NW 1/4 SE 1/4	31	2	26	38.5
15	NE 1/4 SE 1/4	31	2	26	10.5
16	SW 1/4 SE 1/4	31	2	26	6.5
17	SE 1/4 SE 1/4	31	2	26	6.0
18	NE 1/4 NW 1/4	29	2	26	0.5
19	SE 1/4 NW 1/4	29	2	26	22.5
20	SW 1/4 NE 1/4	29	2	26	26.5
21	NE 1/4 SW 1/4	29	2	26	13.0
22	NW 1/4 SE 1/4	29	2	26	28.5
23	SE 1/4 NE 1/4	29	2	26	20.0
24	NE 1/4 SE 1/4	29	2	26	17.0
25	SE 1/4 SE 1/4	29	2	26	17.0
26	SW 1/4 NW 1/4	28	2	26	5.5
27	NW 1/4 SW 1/4	28	2	26	19.0
28	SW 1/4 SW 1/4	28	2	26	14.0
29	NE 1/4 NW 1/4	33	2	26	4.5
30	NW 1/4 NE 1/4	33	2	26	10.5
31	NE 1/4 NE 1/4	33	2	26	12.5
32	SE 1/4 NW 1/4	33	2	26	2.0
33	SW 1/4 NE 1/4	33	2	26	22.5
34	SE 1/4 NE 1/4	33	2	26	38.5
35	NE 1/4 SE 1/4	33	2	26	20.5
36	NW 1/4 NW 1/4	34	2	26	4.5
37	NE 1/4 NW 1/4	34	2	26	0.5
38	SW 1/4 NW 1/4	34	2	26	40.0
39	SE 1/4 NW 1/4	34	2	26	13.5
40	NW 1/4 SW 1/4	34	2	26	36.5
41	NE 1/4 SW 1/4	34	2	26	15.0
Total					631.5

T-2-N

Scale: 1" = 660'

OLSON RANCH INC.
IRRIGATION PROJECT No. 1
(OLSON RANCH INC.)
Jones County, South Dakota
West River Conservancy Sub-District
Keith Kuehnlecker, Manager

MAP # 113722 APPL # 21345-2

OLSON RANCH INC. IRRIGATION PROJECT NO. 1

AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SE $\frac{1}{4}$ NW $\frac{1}{4}$	30	2N	22E	23.0
2	SW $\frac{1}{4}$ NE $\frac{1}{4}$	30	2N	22E	28.5
3	NE $\frac{1}{4}$ SW $\frac{1}{4}$	30	2N	22E	9.0
4	NW $\frac{1}{4}$ SE $\frac{1}{4}$	30	2N	22E	18.0
5	SE $\frac{1}{4}$ NE $\frac{1}{4}$	30	2N	22E	0.5
6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30	2N	22E	10.0
7	SE $\frac{1}{4}$ SE $\frac{1}{4}$	30	2N	22E	31.5
8	NW $\frac{1}{4}$ NW $\frac{1}{4}$	31	2N	22E	1.0
9	NE $\frac{1}{4}$ NW $\frac{1}{4}$	31	2N	22E	6.5
10	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31	2N	22E	2.0
11	SE $\frac{1}{4}$ NW $\frac{1}{4}$	31	2N	22E	24.5
12	SW $\frac{1}{4}$ NE $\frac{1}{4}$	31	2N	22E	5.5
13	NE $\frac{1}{4}$ SW $\frac{1}{4}$	31	2N	22E	5.5
14	NW $\frac{1}{4}$ SE $\frac{1}{4}$	31	2N	22E	38.5
15	NE $\frac{1}{4}$ SE $\frac{1}{4}$	31	2N	22E	10.5
16	SW $\frac{1}{4}$ SE $\frac{1}{4}$	31	2N	22E	6.5
17	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31	2N	22E	6.0
18	NE $\frac{1}{4}$ NW $\frac{1}{4}$	29	2N	22E	0.5
19	SE $\frac{1}{4}$ NW $\frac{1}{4}$	29	2N	22E	22.5
20	SW $\frac{1}{4}$ NE $\frac{1}{4}$	29	2N	22E	26.5
21	NE $\frac{1}{4}$ SW $\frac{1}{4}$	29	2N	22E	13.0
22	NW $\frac{1}{4}$ SE $\frac{1}{4}$	29	2N	22E	28.5
23	SE $\frac{1}{4}$ NE $\frac{1}{4}$	29	2N	22E	20.0
24	NE $\frac{1}{4}$ SE $\frac{1}{4}$	29	2N	22E	17.0
25	SE $\frac{1}{4}$ SE $\frac{1}{4}$	29	2N	22E	17.0
26	SW $\frac{1}{4}$ NW $\frac{1}{4}$	28	2N	22E	5.5
27	NW $\frac{1}{4}$ SW $\frac{1}{4}$	28	2N	22E	19.0
28	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28	2N	22E	14.0
29	NE $\frac{1}{4}$ NW $\frac{1}{4}$	33	2N	22E	4.5
30	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33	2N	22E	10.5
31	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33	2N	22E	12.5
32	SE $\frac{1}{4}$ NW $\frac{1}{4}$	33	2N	22E	2.0
33	SW $\frac{1}{4}$ NE $\frac{1}{4}$	33	2N	22E	22.5
34	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33	2N	22E	38.5
35	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33	2N	22E	20.5
36	NW $\frac{1}{4}$ NW $\frac{1}{4}$	34	2N	22E	4.5
37	NE $\frac{1}{4}$ NW $\frac{1}{4}$	34	2N	22E	0.5
38	SW $\frac{1}{4}$ NW $\frac{1}{4}$	34	2N	22E	40.0
39	SE $\frac{1}{4}$ NW $\frac{1}{4}$	34	2N	22E	13.5
40	NW $\frac{1}{4}$ SW $\frac{1}{4}$	34	2N	22E	36.5
41	NE $\frac{1}{4}$ SW $\frac{1}{4}$	34	2N	22E	15.0
TOTAL					631.5

DIVERSION POINTS:

On Bad River 55 rods N26°00'E of the Southwest corner of Section 31, T2N, R22E and 168 rods N34°30'E of the Southwest corner of Section 27, T2N, R22E.

On dry draws at proposed Reservoir sites 161 rods S33°30'E and 169 rods S66°00'E of the Northwest corner of Section 30, T2N, R22E and 13 rods S40°30'W of the Northeast corner of Section 32, T2N, R22E.

Publish first publication, on or before March 4, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 24, 1976

Notice is hereby given that Olson Brothers

whose post office address is Midland, 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

Bad River, Little Prairie Dog Creek,
9.02 cubic feet of water per second of time from the & dry draws through the

Olson Irrigation Project, the point of diversion of which is to be located in the
from the Bad River between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31 and in the
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, and from points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 30, and NE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 32, Twp. All in 2N, Range 26E. Said water to be used for the purpose
of providing irrigation on ^{portions of} the following described land:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28; NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 29; S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$
SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31; E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33; NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 34, all in T2N, R26E

This application No. 1345-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Olson Brothers

Midland, SD 57 552

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Reservoir #1

Height..... 27 ft.
Maximum Water Depth.... 20 ft.
Surface Area.....5.5 ac.
Storage Capacity..... 33 AF

Reservoir #2

Height..... 25 ft.
Maximum Water Depth.... 20 ft.
Surface Area.....6.5 AC
Storage Cap city..... 39 AF

Reservoir #3

Height..... 33 ft.
Maximum Water Depth.... 25 ft.
Surface Area.....9.0 AC
Storage Capacity..... 68 AF

Allen R. R. D. Inc.

Signature of Applicant
Allen R. R. D. Inc.

Affidavit of Publication

STATE OF SOUTH DAKOTA)
County of Jones) SS

T. A. Ingalls, of said County and State, being first duly sworn, on her oath says: That THE MURDO COYOTE is a weekly newspaper of general circulation, printed and published in Murdo, in said County and State by T. A. Ingalls, and has been such newspaper during the times hereinafter mentioned; and that I, T. A. Ingalls, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and the advertisement headed

*Notice of Intent
to appropriate
Water*

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in a supplement, once each week for 2 successive weeks, the first publication being made on Thursday, the 11th day of March, 1976.

and that succeeding publications were made as follows:
On Thursday, the 11th day of March, 1976,

On Thursday, the day of , 197 ,

On Thursday, the day of , 197 ,

On Thursday, the day of , 197 ,

On Thursday, the day of , 197 ,

On Thursday, the day of , 197 ,

On Thursday, the day of , 197 ,

The said newspaper is a legal newspaper as defined by Section 65.0508 of the 1939 South Dakota Revised Code, as amended, and has a bona fide circulation of more than two hundred copies weekly and has been published within the County of Jones for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in part in an office maintained in Murdo, South Dakota, the place of publication of said newspaper. That the full amount of the fees for the publication of the annexed notice is \$ 12.50, and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person whatsoever.

T. A. Ingalls

Subscribed and sworn to before me this 15th

day of March, 19 76

Grace J. Ingalls

Notary Public, Jones County, South Dakota

NOTICE OF INTENT TO APPROPRIATE WATER

February 24, 1976
Pierre, S. D. 57501

Notice is hereby given that Olson Brothers whose post office address is Midland, 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 9.02 cubic feet of water per second of time from the Bad River, Little Prairie Dog Creek and dry draws through the Olson Irrigation Project, the point of diversion which is to be located from the Bad River between points in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31 and in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, and from points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, Twp. all in 2N, Range 26E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 28; N $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 29; S $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31; E $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33; NE $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 34, all in T2N. R26E.

This application No. 1345-2 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested persons may appear and be heard.

Water Resources Commission
Burton F. Jones
Water Rights Specialist



 **Department of
Water & Natural Resources**

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

March 31, 1986

Notice

Olson Ranch Inc.
SR 61, Box 6
Midland, SD 57552

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 1345-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 1345-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

Sincerely,



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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

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

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Olson Ranch Inc.
SR 61, Box 6
Midland SD 57552

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



SUBJECT: Amendment to Water Permit No(s). 1345-2

Pursuant to the provisions of the notice dated March 21, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 1345-2 to add the following qualification:

"This permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3151

Attachment to Water Permit No. 1345-2

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 1345-2 to add the following qualification:

"This Permit is subject to the Irrigation Water Use Questionnaire being submitted each year."

Equal Opportunity Employer

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

March 23, 1987

OLSON RANCH INC, Robert Olson
SR 61 BOX 6
MIDLAND, SD 57552

NOTICE

Re: Violation of Water Permit No(s). 1345-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1345-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1345-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

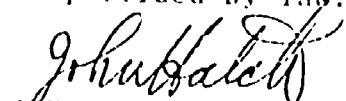
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1345-2 until either the 1986 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota Department of
Water & Natural Resources

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

May 14, 1987

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: ROBERT OLSON- OLSON RANCH INC
SP 61 BOX 6
MIDLAND, SD 57552

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

John Hatch

SUBJECT: One Year Suspension Of Water Permit No(s). 1345-2 If
The 1986 Irrigation Questionnaire Is Not Received By
June 1, 1987

Pursuant to the provisions of the Notice dated March 23, 1987,
and following the Hearing May 6, 1987, the Water Management Board
ordered:

That Water Permit No(s). 1345-2 be **SUSPENDED** until December 31,
1987 unless the required 1986 Irrigation Water Use Questionnaire
is received by June 1, 1987.

Suspension of a permit means water may not be pumped during the
1987 Irrigation Season. Decisions of the Board may be appealed
to the Circuit Court and the Supreme Court as provided.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

June 3, 1987

Permit No. 1345-2

Robert Olson
Olson Ranch Inc
SR 61 Box 6
Midland, SD 57552

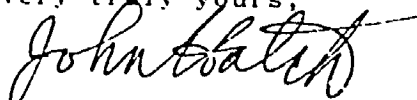
Dear Mr. Olson:

I am writing to acknowledge receipt of your 1986 Irrigation Questionnaire. A notice was sent to you May 14, 1987 regarding the Board action taken May 6, 1987 to suspend your permit(s) if the 1986 irrigation questionnaire was not received before June 1, 1987.

You may disregard the May 14 notice. With receipt of your 1986 questionnaire, your permit will not be suspended.

If you have any questions, please contact us.

Very truly yours,



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

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to: ROBERT OLSON - OLSON BROS. INC.
SR 61 BOX 8
MIDLAND, SD 57552

4. Article Number **P321925627**

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee
X

6. Signature - Agent
X *Robert C. Olson*

7. Date of Delivery
5-15-87

8. Addressee's Address (ONLY if requested and fee paid)
Midland, SD 57552

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 9, 1990

ROBERT OLSON- OLSON RANCH INC
SR 61 BOX 6
MIDLAND, SD 57552

NOTICE

RE: Violation of Water Permit No(s). 1345-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1345-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1345-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City SD.

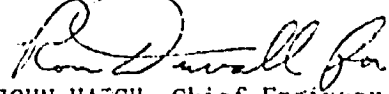
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1345-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,


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

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 28, 1990

1345-2

Bob Olson
Olson Ranch Inc.
SR 61, Box 6
Midland SD 57552

Dear Mr. Olson:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1345-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall

RON DUVALL
Natural Resources Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 1993

SECOND NOTICE
PERMIT NO. 1345-2

Gail Miller
907 N. Madison
Pierre, SD 57501

Dear Mr./Ms Miller:

On December 29, 1992, notice was sent to you concerning the transfer of Water Permit No. 1345-2 in the name of Robert Olson - Olson Ranch, Inc. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water 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 Genny McMath, (605) 773-3352.

Very truly yours,

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

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

3. Article Addressed to:

Gail Miller
907 W. Madison
Pierre, SD 57501

1345-2

4a. Article Number

P 906 559 969

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-19-93

5. Signature (Addressee)

Gerry Ann Whitmyre

6. Signature (Agent)

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

PS Form 3811, December 1991 * US G.P.O. : 1992-367-530

DOMESTIC RETURN RECEIPT

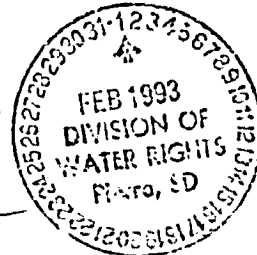
Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1345-2

Date: 1-28-92



I/We request that Water Permit No. 1345-2

formerly owned by: Robert Olson - Olson Ranch, Inc

be transferred to: (name & address) Gail V Miller - DeLaves Miller
907 N Madison, Pierre, SD 57501
(Telephone No.) 224-7147

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

631.6 acres in portions of Sec 28, 29, 30, 31, 33 and 34, T2N, R26E further described in the Water Permit

I/We understand that the validity of Water Permit No. 1345-2 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 Hughes)

I/We Gail V. Miller 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.

Gail V. Miller
(Signed)

Subscribed and sworn to before me this 28th day of January, 1993.

Brian Thompson
(Notary Public)

BRIAN THOMPSON, NOTARY PUBLIC
My Comm. Expires Dec. 14, 1997

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1345
413611

Pierre, February 1, 19 93

RECEIVED OF Gail V. Blöcher, 907 North Madison, Pierre, SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Permit No. 1345-2	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

1345-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 1993

No. 1345-2

Gail V. and Delores Miller
907 N. Madison
Pierre, SD 57501

Dear Mr. and Ms. Miller:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 1345-2.

Our records now show you as the owner of Water Permit No. 1345-2.

Sincerely,

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

enclosure



1345-2 JN/BD
ROBERT OLSEN- OLSEN RANCH INC
HCR 61 BOX 6
MIDLAND
SD 57552

enclosures

This property was sold to
Gail Miller 907 N. Madison
Pierre, S.D. as of April
1992 (224-7147)

Alton Ranch Inc.
Robert H. Alton
RRS Box 2210
Rapid City, S.D.
57702
348-5724



1345-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 29, 1992

Gail Miller
907 N Madison
Pierre, SD 57501

1345-2

Dear Mr. Miller:

Our office has been contacted by Robert Olson concerning ownership of land described in Water Permit No. 1345-2. Mr. Olson stated the property was sold in April, 1992.

Under State Water Law, a water permit stays with the land. In order to change the name of the permit to your name, you will need to file a "Notice of Transfer of Ownership". I have enclosed a partially completed transfer form. Please complete the form and then sign it in the presence of a notary public. Upon completion, return the form to our office with a \$2.50 filing fee.

Also enclosed is the 1992 irrigation questionnaire pertaining to any irrigation done under this permit, and a copy of the cover letter sent to all irrigators. If no irrigation was done in 1992, it is still mandatory that the questionnaire be returned to our office.

You may keep the enclosed copy of Water Permit No. 1345-2. Please return the completed "Notice of Transfer", filing fee and the irrigation questionnaire to our office as soon as possible. I have included a postage paid envelope for your convenience.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures: Notice of Transfer of Ownership
1992 irrigation questionnaire and cover letter
Copy of Permit No. 1345-2
Postage paid envelope



1345-2

January 30, 1996

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

TO: GAIL V/DELORES MILLER, 907 N MADISON, PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 1345-2

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1345-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1345-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, March 6, 1996 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1345-2 in accordance with applicable provisions of SDCL 46-1-12;
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 March 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

Is your RETURN
sent on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

GAIL V/DELORES MILLER
907 N MADISON
PIERRE SD 57501

4a. Article Number

Z 1161 984066

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

FEB 5 1996

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

Gerry Ann White

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

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

1345-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 1996

1345-2

Terryann Whitmyre
101 Lakeview Court
Pierre, SD 57501

Dear Ms. Whitmyre:

I am writing to acknowledge receipt of 1995 irrigation questionnaire for Gail and Delores Miller. The January 30, 1996, Notice of Violation of Water Permit No. 1345-2 can be disregarded.

I completed a questionnaire for the Miller's based on our February 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and their names have been deleted from the agenda.

Enclosed, as we discussed, is a copy of Water Permit No. 1345-2. You indicated the Miller's did not irrigate and the permit could probably be canceled. When we originally spoke, I thought this could be done, however after reviewing the file, I noticed the permit authorized three storage dams to be used for irrigation purposes. If the storage dams were constructed, even if they are not used for irrigation, they will require permitting if they store more than 25 acre feet (each).

In order to update the permit, we will need to gather information concerning the existence of the dams and their approximate storage capacity. The permit is scheduled for inspection this spring, perhaps this information could be obtained at that time.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath

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

c: Gail & Delores Miller, 907 N Madison, Pierre, SD 57501



extra copy

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 1996

1345-2

Terryann Whitmyre
101 Lakeview Court
Pierre, SD 57501

Dear Ms. Whitmyre:

I am writing to acknowledge receipt of 1995 irrigation questionnaire for Gail and Delores Miller. The January 30, 1996, Notice of Violation of Water Permit No. 1345-2 can be disregarded.

I completed a questionnaire for the Miller's based on our February 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and their names have been deleted from the agenda.

Enclosed, as we discussed, is a copy of Water Permit No. 1345-2. You indicated the Miller's did not irrigate and the permit could probably be canceled. When we originally spoke, I thought this could be done, however after reviewing the file, I noticed the permit authorized three storage dams to be used for irrigation purposes. If the storage dams were constructed, even if they are not used for irrigation, they will require permitting if they store more than 25 acre feet (each).

In order to update the permit, we will need to gather information concerning the existence of the dams and their approximate storage capacity. The permit is scheduled for inspection this spring, perhaps this information could be obtained at that time.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McNath

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

c: Gail & Delores Miller, 907 N Madison, Pierre, SD 57501

REPORT ON INSPECTION OF PERMIT NO. 1345-2

DATE OF INSPECTION: April 10, 1996

NAME & ADDRESS OF INSPECTION CONTACT: Carl Mathews, Midland, SD

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Renter

NAME & ADDRESS OF PERMIT HOLDER: Gail V/Delores Miller, 907 N Madison, Pierre, SD 57501

DIVERSION POINT LEGAL LOCATION: 580 feet north and 1170 feet west of the center of Section 30-T2N-R26E.

DAM INFORMATION:

- 1) Height to crest 25 feet
- 2) Height to primary spillway 20 feet
- 3) Height to secondary spillway N/A ft
- 4) Crest width 20 feet
- 5) Crest length 400 feet
- 6) Spillway length 125 feet
- 7) Spillway width 50 feet
- 8) Approx. storage 39 ac-ft
- 9) Approx. storage to crest 53 ac-ft
- 10) Date constructed: N/A
- 11) Outlet tubes:
 - a) diameter 12 inches
 - b) type steel
 - c) valved Y
 - d) valve type N/A
 - e) location on structure center of dam

12) Category of Dam: 3

13) Inspection Sheet Completed N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

Permit No. 1345-2
Bad River River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, April 10, 1996, made a thorough examination of the water use system constructed by Gail V/Delores Miller of 907 N Madison, Pierre, SD 57501 holder of Permit No. 1345-2, bearing the priority of February 24, 1976 authorizing the diversion of 2.02 cu. ft. per second and/or the storage of 140 acre-feet of the waters of the Bad River and dry draws for irrigation purposes, in Jones County.

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

- A. Works used to divert the water:
One storage dam for stock watering
- B. Works used to transport water to place of use:
None
- C. Works used to apply water to beneficial use:
None

The system is in the following condition good. The point of diversion is located 580 feet north and 1170 feet west of the center of Section 30-T2N-R26E. The works are capable of diverting and storing 39 acre-feet of water which is to be used for stock watering. The license should be issued for 39 acre-feet of storage. (on dry draw)
Applicable permit qualifications have been complied with: N

Exceptions to compliance are: Stock watering was not listed as a use. It was requested that the permit be licensed for stock watering pursuant to SB 27 passed by the 1996 Legislature.

Delvin D. Brosz
Delvin D. Brosz, PE
Natural Resources Engineer
DENR, Water Rights Program

4-18-96
Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 10, 1996

Gail V and Delores Miller
907 N Madison
Pierre, SD 57501

1345-2

Dear Mr. & Mrs. Miller:

This letter is in regard to your Water Permit No. 1345-2. The permit authorizes storage of water from the Bad River, Little Prairie Dog Draw and other dry draws to irrigate 631.5 acres. In February, 1996, it came to our attention that you no longer irrigate; however, the storage dam(s) which were once a part of the irrigation system still exist and are used for stockwatering.

On April 10, 1996, Del Brosz, with our program contacted your renter, Carl Matthews, and conducted an investigation of the storage dam constructed in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T2N, R26E. The investigation found the dam capable of storing 39 acre feet of water. Water Permit No. 1345-2 was issued for irrigation purposes, however pursuant to SDCL 46-5-31.1 stock watering may be added as a water use to the license provided no diversion is made from the dam.

A water license for Water Permit No. 1345-2 can be issued authorizing storage of water for stock watering purposes. The irrigation portion of the water permit has been abandoned and will not be included on the water license. Statutes require that we charge a \$50.00 fee for the investigation and issuance of a Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License. Please remit fee to: Department of Environment & Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181.

Sincerely,

Genny McMath

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 1997

SECOND NOTICE
Permit No. 1345-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Gail V. and Delores Miller
907 N. Madison
Pierre, SD 57501

Dear Mr. and Ms. Miller:

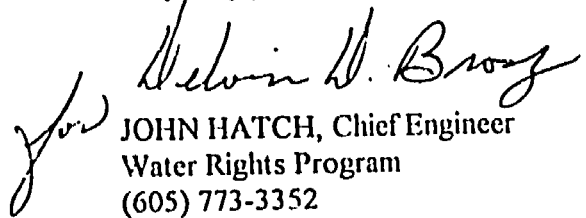
On October 10, 1996, you were notified the final inspection fee of \$50.00 is due before Water License No. 1345-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

SENDER:

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

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

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

3. Article Addressed to:

Gail V. and Delores Miller
907 N. Madison
Pierre, SD 57501

1345-2

4a. Article Number

BP 422 707 468

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4 5-8-97

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Delores Miller*

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

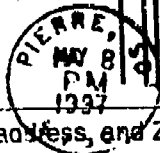
PS Form 3811, December 1994

Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box.

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501



RECEIPT

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

415379

Pierre, _____ June 4, 1997

RECEIVED OF Gail V. or Delores Miller, 907 North Madison, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct		
Fee for Application for Permit No. _____ Use _____	to Appropriate Water, for Future		
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. <u>134562</u>			
Fee for Filing Transfer Form _____			
Fee for Filing Extension Request _____			
Fee for _____			

(Any Other Work Provided by Law)			
	Total	50	00

By John Hatch
Chief Engineer

Licensing of Irrigation Water Permit for Livestock Water

NAME: Gail V/Delores Miller

ADDRESS: 907 N Madison, Pierre, SD 57501

DATE: June 6, 1997

COUNTY: Jones

TELEPHONE:

AUTHORITY

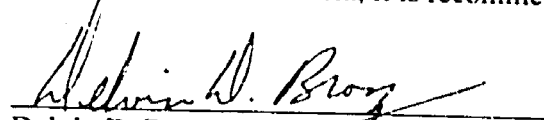
Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST:

During an investigation of Water Permit No. 1345-2 it was determined that irrigation was no longer being done. The storage dam is being used for livestock watering. It was requested that the permit be licensed for livestock watering

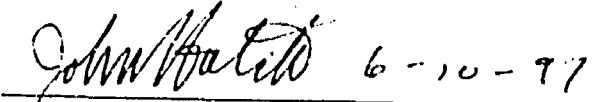
RECOMMENDED ACTION

Based on the above criteria, it is recommended that the water license be issued for livestock watering.


Delvin D. Brosz, PE
Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of livestock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for livestock watering may occur without application or publication pursuant to SDCL 46-2A-4.

 6-10-97
John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 23 1997

1345-2

Gail V. and Delores Miller
907 N. Madison
Pierre, SD 57501

Dear Mr. and Ms. Miller:

Enclosed is Water License No. 1345-2 and Receipt No. 415379 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1345-2 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

gm
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1345-2

(1) Olson Ranch, Inc., made Application No. 1345-2, February 24, 1976 for a water permit to divert 2.02 cubic feet of water per second with storage of 140 acre feet of water annually from the Bad River, Little Prairie Dog Draw and other dry draws, Jones County, South Dakota for irrigation purposes. Permit No. 1345-2, with a priority date of February 24, 1976 was approved March 17, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 17, 1981 and for the application to beneficial use of said water on or before March 17, 1985.

On February 1, 1993, Water Permit No. 1345-2 was transferred from Olson Ranch, Inc., to Gail V and Delores Miller.

An April 10, 1996, investigation of the water use system found the irrigation use from the permitted storage dam(s) had been abandoned and/or forfeited. Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer makes a finding that adding stock watering use to the license will not impair existing water rights.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to store 39 acre feet of water for beneficial use. The location of the storage dam (spillway): 580'N and 1,170'W of the center of Section 30, T2N, R26E (SE 1/4 NW 1/4).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for livestock watering purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gail V and Delores Miller, 997 N. Madison, Pierre, SD 57501 the holders and/or owners of Water Permit No. 1345-2 are issued a license to appropriate water, the right to store 39 acre feet of water from a dry draw with a priority date of February 24, 1976 from the location specified in (2) of this license, for livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 1345-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 23 1997

date

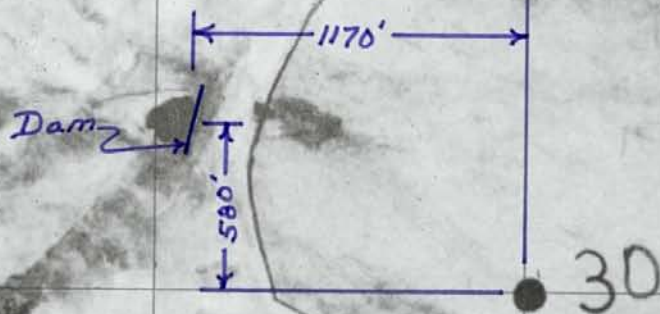


1345-2

NOT TO SCALE

1996

Prepared by:
Melvin D. Brown, PE
Natural Resources
Engineer
Water Rights
Program



2N-26

1345-2

MIDLAND SE QUADRANGLE
SOUTH DAKOTA
7.5 MINUTE SERIES (TOPOGRAPHIC)

(CAPA NW)

R. 25 E. R. 26 E. 2'30"

1 820 000 FEET

101°00'

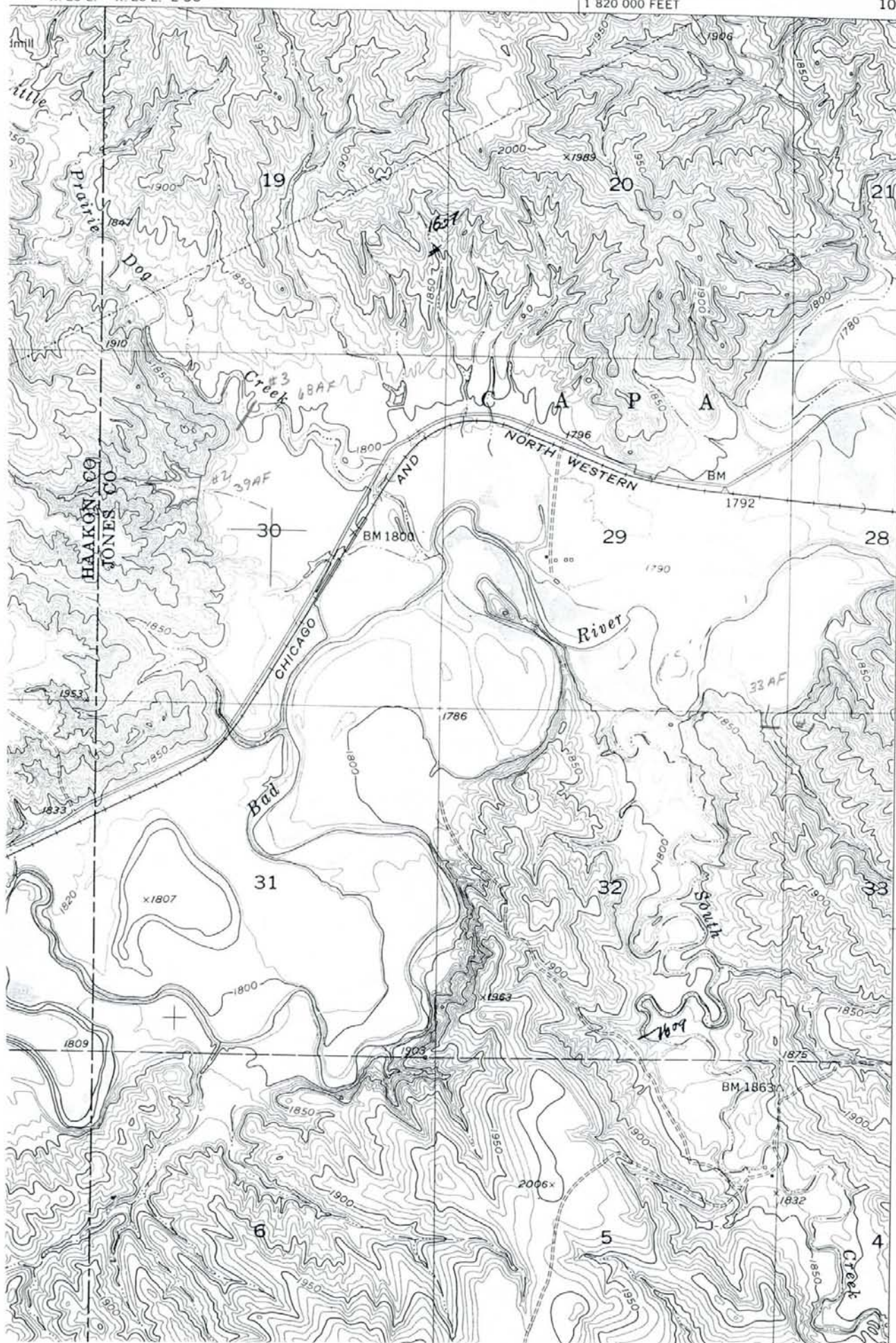
44°07'30"

650 000
FEET

CAPA 1.2 MI.

5'
T. 2 N.

T. 1 N.





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 14, 2021

1345-2

Carl Mathews
25620 Capa Rd
Midland SD 57552

Dear Mr. Mathews:

I am writing regarding Water Right No. 1345-2, currently listed under Gail & Delores Miller. The water right authorizes storage of 39 acre feet of water from a dry draw for livestock watering purposes.

Information obtained from the Jones County Treasurers Office indicates you own the land where the storage dam is located. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is a copy of the water right for your records. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

1345-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date July 1, 2021RECEIVED OF Carl F. Mathews 25620 Capa Rd. Midland SD 57552

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>1345-2</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief EngineerEric

PAID

JUL - 1 2021

Ck# 10507

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUL 01 2021

WATER RIGHTS
PROGRAM

No. 1345-2

Date: 6-25-2021

I/We request that Water Right No. 1345-2

formerly owned by: Gail V & Delores Miller

be transferred to: (name & address)

Carl F. Mathews
25620 Capa Rd.
Midland, SD 57552

Telephone No. 605-843-2285

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

Storage dam located in the NW ¼ Section 30, T2N, R26E

I/We understand that the validity of Water Right No. 1345-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Carl F. Mathews, the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 1, 2021

1345-2

Carl F Mathews
25620 Capa Rd
Midland SD 57552

Dear Mr. Mathews:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1345-2. The water right authorizes impoundment of water in a storage dam in the NW ¼ Section 30, T2N, R26E, Jones County.

The ownership change has been completed. Water Right No. 1345-2, formerly held by Gail V and Delores Miller is now listed in your name.

Enclosed is a receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

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

enclosure