

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

RECORD OF PROCEEDINGS

Application No. 18

Water Div. No. 2 to Cheyenne Water Dist.

Application Received March 18 - 1907

Maps Received

Acknowledgment

Notice for Pub. Mailed

Receipt from Newspaper

Copy of Newspaper Rec'd.

Notice of Correction

Proof of Pub. Rec'd.

Hearing May - 18 - 1907

Approved May 23rd - 1907

Recorded and Filed

REMARKS:

Water License renewed

June 4 - 1912

No. 16

OFFICE OF STATE ENGINEER
DOCUMENT FILE

Division No. 2 to Cheyenne Water Dist.
Name of Applicant - Dennis O'Connell

Name of Division - Cheyenne
Preservation and Ditch Co.

Date of Receipt - April 18, 1907

Returned to Applicant for correction
March 19, 1907

Corrected application received
April 1, 1907

Location of point of diversion -
173 ft on right bank of preservation
687 ft on right bank from the S.E. sec
cor 12, 712 S. R. 4 E. B. 4 M.

Beneficial Use - Irrigation
Approved - March 25, 1907

Recorded in Book - 1 - page 29

Remarks - La. dist. to be irrigated
are in sec 12, 712 S. R. 4 E. B. 4 M.
Name of stream, Long Branch
and dry creek

No. 18

Water Division No. 2, So. Cheyenne Water District.
[Blanks to be filled by the State Engineer.]

00.00

COPY

APPLICATION FOR A PERMIT

of TRANSFERRED TO: 10/31/77 the State of South Dakota

Mr. & Mrs. M. Kelly Birchfield
204 W. 12th Street
Gillette, Wyoming 82716

[Not applicable.]

1. Name of applicant Bennis O'Connell ReservoirPostoffice address Ardmore, County Fall River, State South Dakota.

I. If a corporation:

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors:

This dam and reservoir were commenced in December 1898 and finished in January 1899 and have been in use ever since. Ditches No. 1 and 3 are in use but ditch No. 2 is not built yet and ditches No. 1 and 2 have no headgate but will be used during flood water running.

[NOTE—A certified copy of articles of incorporation must accompany the application.]

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) Direct labor.

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works The O'Connell Reservoir and Ditches.3. Quantity of water claimed 1-3/4 cubic feet per second.4. Source of water supply Flood water from Long Branch, a dry creek.5. Location of point of diversion 175 ft. on right bank of reservoir and 687 ft. on left bank from the S.E. sec. cor. 17, T 12 S, R 4 E, B. H. M.6. Annual periods during which water is to be used when there is any flood water running.

7. To be used for:

I. Irrigation and domestic use:

(a) Number of acres to be irrigated 120 acres.

(b) Legal subdivisions to be irrigated Lot 4 & NE 1/4 of SE 1/4 and 60 acres of the N 1/2 of SW 1/4 of Sec. 17, T 12 S, R 4 E, B. H. M.

[NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereon, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.]

(c) Statement as to domestic use (giving location, etc.)

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use

(b) Amount of power to be generated horse power

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP No 19-2

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant \$.....
 (c) Fluming, \$..... (d) Canal—earth, \$..... rock, \$.....
 (e) Other structures for Dam, Ditches and all..... Total, \$500.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) Lumber waste-
 gate 6 ft. wide, 5 ft. high, 36 ft. long; for setting water back into
 creek when not wanted.

(a) Dam: Height 13 feet; length at bottom 13 feet; length at
 top 200 feet; thickness at bottom 7.5 feet; thickness at
 top 8 feet; slope of front (water) face 3 to 1; slope of
 back face 2 to 1; material used in construction earth, willows & rock.

(b) Reservoir: Capacity when filled 22-4/5 acre feet. Surface area at highwater
 mark 4-3/4 acres.

DEPTH AT OUTLET—FEET	SURFACE AREA AT EACH..... FEET OF DEPTH AT OUTLET—ACRES	CAPACITY— ACRE-FEET
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

(c) Head gate: Width 6 feet; height 5 feet

Material: lumber

(d) Ditches: Total length 7,920 ft.

LOCATION BELOW HEADGATE—MILE	DEPTH—FEET	BOTTOM WIDTH—FEET	WIDTH AT WATER LINE—FEET	GRADE PER MILE
No. 1 ditch At 1 mile	0.8 feet	5.0 feet	17-1 feet	feet
No. 2 ditch At 1 mile	5 to 5 feet	5.0 feet	feet	feet
No. 3 ditch At 1 mile	1.0-5 feet	3.0 feet	feet	feet
At 1 mile	feet	feet	feet	feet
At 1 mile	feet	feet	feet	feet

[Give dimensions where reductions in size are made.]

10. Time required for completion of work 3 years.
 11. Time required for complete application of water to the proposed beneficial use 4 years.
 12. Choice of newspaper for publication of notice of intention to appropriate
 Edgemont Express

STATE OF SOUTH DAKOTA

County of Fall River ss

I, Dennis O'Connell, 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 and
 foregoing statement, and examined the map accompanying the same, and that I know of my own
 personal knowledge that the matters therein stated and shown are true.

Signed Dennis O'Connell

Subscribed and sworn to before me this 23th day of March 1907

Dora Anderson

Notary Public (or other qualified officer).

My commission expires Nov. 14, 1908.

Sec. 17. T. 12. S. R. 4. E. B. H. M.



The O'Connell Reservoir & Ditches

Scale of map 1 inch to 400 feet

- Reservoir
- Headgate
- Dam
- Wastegate
- Dike
- Bridge
- Ditch
- Creek
- Land to irrigate
- Sec Line
- Lateral

County of Fall River
State of S. Dakota

J. Robert Wallace. Do. swear that this
Survey & map were made by me & the same
are correct

Robert Wallace
Deputy State Surveyor

State of S. Dak
County of Fall River

Subscribed & sworn to before me this 28 day of
March 1907

Dora Anderson
Notary Public

APPROVED
Samuel H. Lea
State Engineer

(WR # 18-2)
May # 19-2

Remarks by State Engineer:

This application is for the right to appropriate and store for beneficial purposes the intermittent flow of a watercourse in which water does not flow continuously.

STATE OF SOUTH DAKOTA } ss
County of Hughes.

Pierre, South Dakota, May 23 1907.

This is to certify that the foregoing application was received at this office at four o'clock p. m. upon the 18th day of March 1907 and that after examination it was returned to applicant for correction. The corrected application was received and publication was duly made in compliance with the Irrigation Code of South Dakota.

Samuel H. Lea

State Engineer.

By

Deputy.

Number of permit 18

Date of first receipt of application March 18 1907

Date of return to applicant for correction March 19 1907

Date of receipt of corrected application April 1 1907

Date from which application may claim right March 16 1907

Approved May 23 1907, Recorded in Book 1 Page 29

This is to certify that I have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions.

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 23 1908.

2d. The whole of said work is to be completed on or before May 23 1910.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 23 1911.

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed two cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied on or before May 23 1911; said water to be used during the following described annual periods.

When flood water is available.

Witness my hand this 23rd day of May 1907.

Samuel H. Lea

State Engineer.

By

Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 18

WHEREAS, On the 18th day of March A. D. 1907

of ~~Donnie O. Connell~~ Ray Turnbull
of Ardmore County of Fall River and State of
South Dakota duly made application (No. 18) to me for a permit to use 1 1/4
cubic feet per second of the waters of Long Branch
County of Fall River State of South Dakota, for Irrigation
purposes; and

WHEREAS, On the 23rd day of May A. D. 1907

Permit No. 18 was issued to said applicant for the diversion of said water, and providing for the com-
pletion of the works of diversion therein described on or before the 23rd day of
November A. D. 1908 and for the application to beneficial use of said
water on or before the 23rd day of May A. D. 1911
and,

WHEREAS, On the day of A. D. 19

the holder of said permit duly made proof of the completion of adequate works for the diversion of
1 1/4 cubic feet per second of said waters, as evidenced by my Certificate No.
dated confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use cubic feet per second of water,
with date of priority of and,

WHEREAS, On the day of A. D. 19

proof was duly made of the application to beneficial use of cubic feet per second of
said water;

WHEREAS, the diversion works comprised under permit No. 18 were com-
pleted and in operation at the time application was made for same; and
whereas any additional proof of completion of works or of the applica-
tion of water to beneficial use is not considered necessary,

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to.....Dennis O'Connell.....

of Ardmore, Fall River Co., S.D. the holder... and owner... of said permit No. 18.....

a water right, dating from.....May 23,.....1907..... to the use of.....1 1/4.....

cubic feet per second of the waters of.....Long Branch.....

in the County of.....Fall River..... and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned. to be diverted at the place described in said permit No. 18.....

and conducted to and upon Lot 4 and NE 1/4 of SE 1/4, and 80 acres of the N 1/2 of SW 1/4 of Sec. 17, Twp. 12 S., R. 4 E., B.H.M.....

for the purpose... of.....Irrigation.....

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Pierre, South Dakota, this Fourth.....day of.....June.....A. D. Nineteen

Hundred and Twelve.....

Samuel H. Lin

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 18

To Dennis O'Connell

Ardmore

S.D.

Source of Supply

Long Branch

Fall River County

Am't - 1 1/4 - Sec. Feet

Point of Diversion (As designated

in Permit No. 18)

Place of Use Lot 4 & NE 1/4 SE 1/4 & 80 acres of N 1/2 SW 1/4 of Sec. 17 Twp. 12 S., R. 4 E., B.H.M.

Purpose Irrigation

Date of Priority March 19, 1907

Recorded May 23, 1907

in Book 1 of Record Page 33

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
 County of Full River
W. G. Goddard being duly sworn, deposes and says the annexed printed copy of Notice Intention to appropriate Water was taken from the Edgemont Express 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 Edgemont County of Full River and State of South Dakota, That the said notice was published in said newspaper on the following dates:
March 27, April 5, 12, 1907
 in each and every issue of the full number thereof, the first publication being made on the 27 day of March 1907 and the last publication on the 19 day of April 1907, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was W. G. Goddard the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 19th day of May A. D. 1907
W. G. Goddard
 Notary Public. Full River County, S. D.

Appropriation of Water, Form 12—NOTICE OF INTENTION TO APPROPRIATE WATER No. 18.
 (First Publication March 20, 1907.)
 Office of the State Engineer, Pierre, S. D., March 19, 1907.
 Notice is hereby given that Dennis O'Connell, whose postoffice address is Arundel, Fall River County, S. D., has made an application in accordance with the provisions of the Irrigation Law of South Dakota to permit to appropriate for irrigation public feet of water per second of time from Long Creek through the O'Connell Dam, the point of diversion of which is to be located upon the right bank of said stream in the SE 1 of the SE 1 of Section 17, Township 12 S., Range 1 E., B. 12. M. said water to be used for the purpose of irrigation upon the NE 1 SW 1 NW 1 SW 1 and Lot 1 of Section 17, T. 12 S., R. 1 E., B. 12 M. This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 18th day of May 1907, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowances of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.
 SAMUEL H. LEE,
 State Engineer.

Field Notes & Location of the Reservoir (Dam & Ditches. The

Dam is located from the S.E. cor. of Sec 17
Township 12 S. Range 4 E. B & H On. & runs by the line
Omeridian N 46° W. 687 feet to west end of dam. Then
dam runs E 10° S. 200 feet. Then dike runs S 39° E. 668^{ft}
Then from the sec. cor. The headgate in the dike is N 24° W.
173 feet & the overflow gate is in the dam & is 67 feet from
the west end of dam & it is 5 feet deep 6 feet wide &
36 feet long & made of lumber & the height of the dam from
the centre of the creek is 13 feet & the overflow gate is 3 feet
below the level of ditches No 1 & 2 so that the water can
all be turned back into the creek when not wanted
& the so called Reservoir is 2840 feet long with an
average width of 70 feet & when full with an average
depth of 5 feet & a large portion of said Reservoir
is across the state line in Nebraska on land
belonging to the said O'Connell starting at the west
end of dam & following west bank of Reservoir. said
Reservoir runs S 47° E. 800 feet Then W 4° S. 1300 feet Then S 6° E
740 feet. Then starting at west end of dam Ditch No 1
Runs set compass at marks A,

A	N. 30° W.	100
	N. 20° W.	100
A	N. 38° E.	100
	N. 50° E.	100
	N. 58° E.	100
	N. 63° E.	100
	N. 66° E.	100
A	N. 1° E.	1320

Ditch No 2 starts at west end of dam & runs

Λ	N. 39°	N.	1 000
Λ	N. 9°	N.	1 00
Λ	N. 13°	N.	1 00
	N. 21°	N.	1 00
	N. 29°	N.	1 00
	N. 35°	N.	1 00
Λ	N. 24°	N.	3 00
	N. 23°	N.	1 00
Λ	N.		11 00
Λ	N. 44°	S.	3 00
Λ	S. 8°	N.	1 00
	S. 10°	N.	1 00
	S. 4°	N.	1 00
	S. 3°	N.	1 00
Λ	S.		1 00
	S. 2°	N.	1 00
	S. 4°	N.	1 00
	S. 7°	N.	1 00
	S. 8°	N.	1 00
Λ	N. 38°	S.	1 00
	N. 31°	S.	1 00
	N. 29°	S.	2 00

Dimensions of Headgate on the Lake are 14 inches wide 2 feet deep & 6 feet long & Ditch No 3 starts from said Headgate & runs

Λ	N. 17°	N.	2 00 ^{feet}
	N. 23°	N.	1 00
Λ	N. 13°	N.	1 00
	N. 23°	N.	1 00
	N. 40°	N.	1 00
Λ	E. 10°	N.	1 00
	E. 6°	N.	1 00

By
 Surveyed March 22-1907
 Robert Wallace
 Deputy State Surveyor

February 24, 1927

H. F. Turnbull
Ardmore, So. Dak.

Dear Sir:

We are informed that there is some difficulty as to the use of water between you and the Chicago Burlington and Quincy Railroad Company.

Files in our office indicate that the Dennis O'Connell water right, under which you operate, has priority as to time over that of the Railroad Company, but the amount of water to which you have a right is limited to one-seventieth ($1/70$) of a cubic foot of water per second of time to each acre of land to which water is actually and beneficially applied. Thus, if you have, say, 35 acres of land under irrigation, and ditches and laterals so constructed that you can properly and effectively distribute this water to this irrigable land, then you have a right to one-half ($1/2$) cubic foot of water per second during the irrigating season.

The Railroad Company, on the other hand, has a water right to ninety (90) cubic feet of water per second of time, and its reservoir can receive water at all times, while you can only irrigate during the irrigating or growing season. The diversion of any of the water outside of the irrigation season under your license must necessarily be a waste, and this under the law is a misdemeanor and is therefore prohibited.

The closing of head gates and a stopping of delivery of water through ditches or flumes is likewise a misdemeanor under the statutes and is prohibited by law. The closing of the head gates is permitted in your case only to direct waters for immediate application to irrigable land, and this amount is in proportion to the rate as above mentioned.

I am writing this letter to you and mailing carbon copies to the Railroad Company in the hope that it will avoid any further action on my part as State Engineer. I trust that each of you will act within your respective rights and without friction or violation of any of our State laws.

Trusting that this will be sufficient, and that we will hear of no further complaints, I am,

Yours very truly,

CC: F. T. Darroz, Chief Engineer
C. B. & Q. Railroad Company
Lincoln, Nebraska

State Engineer

O. F. Hamilton
C. B. & Q. Railroad Company
Allamore, Nebraska

RECEIVED

DEC 13 1930

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

RE WATER RIGHT NUMBER 18-2

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

YES

NO ☒

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

Ernest Turnbull Ardmore S. D. K

3. How many acres did you irrigate during the

1930 crop season? _____ acres.

1929 crop season? _____ acres.

1928 crop season? _____ acres.

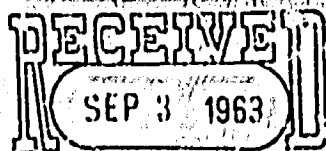
4. If your original application was for industrial or domestic purposes, was the water used in substantially the amount and for the purpose stated in the application during the years 1928, 1929, and 1930?

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

SIGNED, Dennis O. Cornell

(OVER)

18.2"
27.2"
0543.2



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

W.L.
18-2

August 30, 1963

State Water Resources Comm.

Pierre

S.D.K.

Dear Sir:

Mr Samuel C. Turnbull
in 1926 purchased from Mr. Jean's
O'Connell Section 17 Township 12
Range 4 and part of Section 16
Township 12 Range 4 in Fall
River County. Part of Section 16,
West of the Railroad Track
approx. 120 acres was purchased
from C.D. and L. Railroad Company
in approx. 1942.

I, Ray Turnbull purchased
the above land from my father,

Samuel C. Turnbull in 1957.

I have contacted the
Soil Conservation Service about
constructing dikes and ditches
on Long Branch Creek to
irrigate on higher ground, and
help present further irrigation.

I am unable to locate the
Water Rights. Please send me the
number of the Water Rights and
the pertinent details of Rights.
If I do not have the above
rights please inform me how
to acquire them.

Sincerely,
Ray A. Turnbull

18-2 ✓
27-2

September 12, 1963

Mr. Ray A. Turnbull
Ardmore, South Dakota

Dear Mr. Turnbull:

Reference is made to your letter of August 30th regarding existing water rights in Sections 16 and 17, T12S, R4E, Fall River county.

Water right 18-2 was issued to Dennis O'Connell May 23, 1907, and the water license denoting completion of the project on June 4, 1912. It called for the diversion of 1.75 cubic feet per second from Long Branch Creek for irrigating 120 acres in Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 60 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17, T12S, R4E. A letter from Mr. O'Connell in December, 1930 indicates the lands were sold to Casy Turnbull, but no official transfer of the water right was made. If the water has been used when available since issuance of the water right, it would be considered a valid right.

Water Right 27 A-2 was issued to the Chicago, Burlington and Quincy Railroad Company for diverting up to 50 cubic feet per second into a storage reservoir in Section 9, T12S, R4E, for use in their locomotive and engines, and for domestic use at their station in Ardmore. The water was to be diverted from Long Branch Creek in the SW $\frac{1}{4}$, Section 16, T12S, R4E, and carried to the reservoir site by ditch. No irrigation was included under this water right.

If you should have further questions, feel free to contact this office.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf

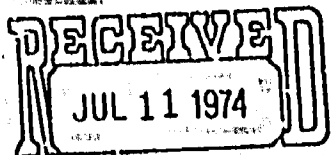
NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**State Office Building No. 2
Pierre, South Dakota 57501Date July 10, 1974This is to notify you that title to the lands described as follows: 120 acres in
Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 60 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17, T12S, R4E, BHMformerly owned by Dennis O'Connellhas been transferred to Ray Turnbulltogether with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
18-2, provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the Office of Water Resources Commission as evidence of the change of ownership.**WATER RIGHTS COMMISSION**A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960
Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA

County of Fall River

ss.

I, Ray A. Turnbull, 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.Ray A. Turnbull
(Signed)Subscribed and sworn to before me this 10 th day of July, 19 74Anna M. Merrill
(Notary Public)ANNA M. MERRILL, Notary Public
My Commission expires March 27, 1982STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

MARTIN P. FARRELL
LAWYER
44 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA
57747



TELEPHONE
(605) 745-5161

October 12, 1977

Office of the Water Commissioner
State of South Dakota
Pierre, SD 57501

RE: Water rights of Ray A. and Vernes Turnbull

Gentlemen:

By a Contract for Deed, the Turnbulls are selling the below real estate in Fall River County, South Dakota, to M. Kelly Birchfield and Darlyn Birchfield, husband and wife as joint tenants, wros, namely:

Outlot 12 in Ardmore, and
All of Section 17, and
N $\frac{1}{2}$, and ~~SW $\frac{1}{4}$~~
SW $\frac{1}{4}$ of Section 16, and
Lot 4 in SW $\frac{1}{4}$ of Section 9, and
That part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ lying west of
the railroad tracks in Section 9, and
S $\frac{1}{2}$ (LESS 50 acres for highway and refinite)
in Section 8, and
SE $\frac{1}{4}$ of Section 7, and
SE $\frac{1}{4}$ NE $\frac{1}{4}$, and
N $\frac{1}{2}$ SE $\frac{1}{4}$, and
Lots 6 and 7 of Section 18,
all in Township 12 South, Range 4,
East of Black Hills Meridian,
Fall River County, South Dakota.

There are certain water rights the Turnbulls have pertaining to the above property. The only number I can find is 18-2. I am enclosing a copy of a June 24, 1974, letter to Ray Turnbull from your office.

Please send me the forms on which the water right may be assigned.

Thank you very much for the extra trouble this will cause you.

Sincerely,

Martin P. Farrell

MARTIN P. FARRELL

MPF/ra
Enclosure (1)

Form 20.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

No. 18-2
Date: October 13, 1977



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

Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and 60 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 17,

T12S, R4E, BHM

formerly owned by Ray Turnbull

has been transferred to M. Kelly Birchfield and Darlyn Birchfield

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 18-2 as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
Permit" in its appropriate file at the Office of Water Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Faulk) SS.

Birchfield

I, M. Kelly & Darlyn being first duly sworn on my oath despose
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.

M. Kelly & Darlyn Birchfield
(Signed)

Subscribed and sworn to before me this 15 day of OCTOBER

19 77.

W. P. Parrell
(Notary Public)

NO. 18-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 8-18-86

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

Lot 4, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, T12S, R4E

formerly owned by M. Kelly & Darlene Burchfield

has been transferred to John DeGering / Box 125, Lusk, Wyoming 82225

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

Water Right Permit 18-2 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.

WYOMING
STATE OF SOUTH DAKOTA

County of Niobrara ss.

I, John DeGering, 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.

John DeGering
(Signed)

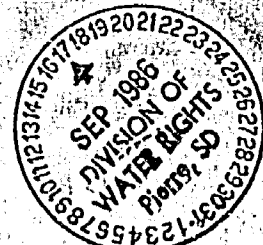
Subscribed and sworn to before me this 18th Day of August, 1986.

Shirley B. Hill
(Notary Public)

My Commission Expires: 3-6-88

WNR-820-9/83

Notice of Transfer of Water Permit



RECEIPT

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

410564

Pierre, September 17, 19 86

RECEIVED OF John DeGaring, Box 136, Lusk, Wyoming 82225

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 _____ 13-2 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH (IS)

No. 18-2



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

September 19, 1986

John DeGering
Box 136
Lusk, Wyoming 82226

Dear Mr. DeGering:

Enclosed is receipt No. 410564 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 18-2.

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

Sincerely,

Maxine Stirling
Secretary

ms
Enc.

WNR-821-7/73

Receipt & Notice of filing of Transfer of Water Right

18-2

WATER RIGHTS DIVISION
(605) 773-3352

March 26, 1987

John DeGering
Star Route 1, Box 136
Lusk, Wyoming 82225

Dear Mr. DeGering:

With response to your letter of March 20, 1987 enclosed is a copy of Water License No. 18-2. The water rights includes irrigation in Section 17, T12S-R4E but does not refer to lands in Section 8. I was unable to find any water rights listed in your name in Section 8, T12S, R4E.

If you have any questions, please contact our office.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:Ms
Enc.



Department of Water & Natural Resources

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

March 23, 1990

18-2

NOTICE

TO: John DeGering
SR 1, BOX 136
LUCK, WY 82225

FROM: *for Del Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 18-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

18-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 28, 2012

18-2
1994-2

Cynthia K Walker
30301 Cascade Rd
Ardmore SD 57735

Dear Ms. Walker:

Thank you for your letter of February 26th concerning the ownership changes needed for Water Rights held by John DeGering. There are two on file. Water Right No. 18-2 and Vested Water Right No. 1994-2. I have included copies of both of them for your records.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

18-2

RECEIVED

FEB 28 2012

WATER RIGHTS
PROGRAM

February 26, 2012

SD Department of Water and Natural Resources
Joe Foss Building
523 East Capitol
Pierre SD 57501

To Whom It May Concern,

My husband and I purchased the ranch owned by my father, John DeGering, Lusk, WY, and would like to get any water right he has transferred to us. The Water Right Permit No is 18-2 as provided for in SDCL 46-5-32 and 46-5-33. Would you please send the forms necessary for us to complete so we can complete the change of ownership. If you need to contact me, my cell number is 605-890-1392.

Thank you.

Sincerely,

Cynthia K Walker

Cynthia K Walker
30301 Cascade Rd
Ardmore, SD 57735
605-459-2145 (Home)

RECEIVED

MAR - 2 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 18-2

Date: 2-29-12

I/We request that Water Right No. 18-2

formerly owned by: John DeGering

be transferred to: (name & address) Fred S. Walker & Cynthia K. Walker
30301 Cascade Rd Ardmore SD 57735
Telephone No. 605-459-2145

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

Lot 4, NE ¼ SE ¼, N ½ SW ¼ Section 17, T12S, R4E

I/We understand that the validity of Water Right No. 18-2 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 Fred & Cynthia Walker, the new owner, certify that the above information is true and correct.

Fred S. Walker Cynthia K. Walker
(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 ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 5, 2012

18-2
1994-2

Fred S & Cynthia K Walker
30301 Cascade Rd
Ardmore SD 57735

Dear Mr. & Mrs. Walker:

I am writing to acknowledge receipt of the transfer forms you submitted for changing ownership on Water Right No. 18-2 and Vested Water Right No. 1994-2.

Prior to filing the ownership changes, a fee of \$50.00 each (total of \$100) needs to be submitted. My first letter may not have been clear with respect to the fee.

Please remit a total of \$100 as soon as possible. The check or money order for the fee can be made payable to the Water Rights Program. I have enclosed a postage paid envelope for your convenience.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/8, 20 12

RECEIVED OF Fred or Cindy Walker 30301 Cascade Rd Ardmore SD 57735

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>18-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05373**

By

Leland Erdreich
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 12, 2012

18-2
1994-2

Fred S & Cynthia K Walker
30301 Cascade Rd
Ardmore SD 57735

Dear Mr. & Mrs. Walker:

The fee you submitted for filing of the transfer forms for Water Right No. 18-2 and Vested Water Right No. 1994-2 has been received.

The ownership changes have been completed. The water rights formerly held by John DeGering are now listed in your names.

Enclosed for your records are Receipt Nos. 05373 and 05374 in the amounts of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures