

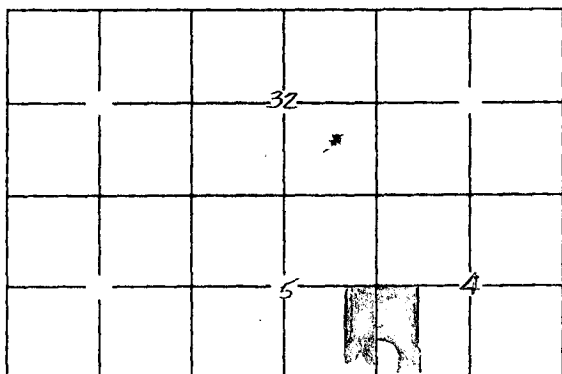
VESTED RIGHT

1. Considered: 10-5, 19 83 Water Right No. 1854-2
 2. Name of Applicant JOHN BEARD
 3. Post Office Address Buffalo Gap, RR #1, Box 101, Buffalo Gap 57722
 4. Amount of Water Claimed 2.25 maximum acre feet
 5. Source of Water Supply Beaver Creek
 6. Water to be used for IRR acres to be irrigated 112.40
 7. County Fall River about miles of
 8. PROOF OF PUBLICATION: Received N/A Not Received
- APPLICATION: Approved 10-5-83 Subject to Undivided Joint Smith-Lane
 Not Approved Action Deferred *diversion of 1/2*

PRIORITY 7-1-1883 Dated Received 8/30/83 Application complete-yes x no FEE 10.50
 Remarks

Corrected Application ^{Fee} Received 9-21-83 Period of Annual Use 3/1 to 11/31

WATER QUALITY Received yes no APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes no Remarks
vested right, not applicable
 Disapproved Returned



Diversion Point
NE 1/4 SE 1/4 Section 32-T6S-R7E

Land to be irrigated
E 1/2 SE 1/4, Section 5 and W 1/2 SW 1/4 Section 4
T7S R7E

WELL LOG Driller Licensed - yes no
 Depth
 Remarks

MAP Map No. 1854-2 Map located in Water Right x Map file _____
Type of Map drawn Prepared by Tim Schaal W/R's

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

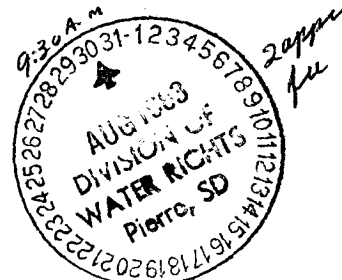
9/22/83

Ruby Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____

No. 1854-2Map No. 1854-2 Water Division No. 2 UPPER CHEYENNE District
Above for Office Use 10120109

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

Check one of the following:

New ☐ Vested Right ☒ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐1. Name of Applicant John Beard Phone No. 833-6771Post Office Address Buffalo Gap RR#1 Box 101 State SD 57722
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) existing3. Name of diversion work John Beard Irrigation Project #24. Amount of water claimed (cubic feet per second) 2.255. Source of water supply Beaver Creek6. Location of point of diversion North 26° West, 1865 ft. from the SE corner of Section 32,
T6S, R7E (NE¼ SE¼)County Fall River7. Annual period or periods during which water is to be used March - November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 112.4

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.
NE¼ SE¼ Sec 5, T7S, R7E	23
SE¼ SE¼ "	19.6
NW¼ SW¼ Sec 4, T7S, R7E	40
SW¼ SW¼ "	29.8

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system COMPLETED years. Additional time required to complete application of water to the proposed beneficial use existing years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water NA

12. Principal Features of the Proposed Water Supply System.

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

Smith Conger Dam

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

Smith Conger Ditch

C. Works proposed to apply water to beneficial use.

Flood Irrigation

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
County of Fall River) ss.I, John Beard 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 John BeardSubscribed and sworn to before me this 27 day of Aug, 1983

Notary Public (or other qualified officer)

VESTED WATER RIGHT APPLICATION ~~APPROVAL~~

The Water Management Board hereby ~~approves~~ recognizes Vested Water Right Application No. 1854-2

John Beard RR #1, Box 101, Buffalo Gap

(Applicant)
South Dakota 57722

(Post Office Address)

With the following qualifications.

"Vested Right" Claimed (State)

The land covered by this Vested Right ~~Permit~~ is part of the original Smith-Conger Irrigation Project dating back to July 7, 1883. This "Vested Right" conveys the original "undivided 1/2 interest" in the Smith-Conger diversion works.

Application No. 1854-2 is recognized as a vested right and the applicable portions of Water Right Filings No. 0412-2 and 0411-2 have been incorporated into No. 1854-2 and the abandoned portions of Filings No. 0412-2 and 0411-2 have been cancelled.

Date of first receipt of application August 30, 1983

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

Date of receipt of corrected application, 19

Recognized October 5, 1983, Recorded in Book Page

VESTED WATER RIGHT ~~PERMIT~~ NO. 1854-2

The Water Management Board hereby ~~grants and issues~~ recognizes this Vested Water Right Permit No. 1854-2 recognizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the ~~Vested~~ Water Right Application ~~approval~~, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is July 7, 1883, ~~18~~
2. ~~The equivalent of at least one-fifth of the work above specified is to be completed on or before~~ ~~18~~
3. The whole of said work is ~~to be completed on or before~~ ~~18~~
4. ~~The limit of time from proof of beneficial use of water appropriated in accordance herewith is~~ Completed, ~~18~~
5. The water appropriated ~~shall be~~ is 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 2.25 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 irrigation purposes said appropriation must be limited to not more than 2 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 this date~~, ~~18~~; said water to be used during the following described annual period: March 1 to November 31st

Witness my hand this 7th day of November, 1983

THE WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued November 7, 1983

Water License Issued November 7, 1983

State of South Dakota

VESTED **Water License No.** 1854-2

(1) John Beard

of RR #1, Box 101, Buffalo Gap SD 57722

made ~~Vested~~ ^{Vested} Right Application No. 1854-2, ~~for a water permit~~ ^{Vested} ~~to appropriate~~ ^{Right}

2.25 cubic feet per second of water from Beaver Creek,

Fall River County, South Dakota for irrigation purposes.

Vested Water Right ~~Permit~~ No. 1854-2, with a priority date of July 7, 1883

recognized ~~approved~~ October 5, 1983 and issued to applicant(s) for diversion of water ~~with~~ **recognizing the** construction of the described

water supply system ~~to be completed on or before~~ and for the application to beneficial use of said

water ~~on or before~~

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.25 cubic feet per second of water for beneficial use. The location of the diversion point(s) is north 26⁰ West, 1865 feet from the SE

Corner, Section 32, T6S, R7E (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands:

Section 5, T7S, R7E	NE $\frac{1}{4}$ SE $\frac{1}{4}$ (DA)	23.00 acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$ (DD)	19.60 acres
Section 4, T7S, R7E	NW $\frac{1}{4}$ SW $\frac{1}{4}$ (CB)	40.00 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$ (CC)	29.80 acres
TOTAL		112.40 acres

(4) Pursuant to §46-5-30.1 John Beard
of RR #1, Box 101, Buffalo Gap SD
the holder(s) and/or owner(s) of ^{Vested} ~~Water Right~~ No. 1854-2 is issued a license to appropriate water, the right to use 2.25 cubic feet per second of water from Beaver Creek with a priority date of July 7, 1883 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in ^{Vested Right No. 1854-2} ~~Water Right No. 1854-2~~ and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

November 7, 1983

This Water License No. 1854-2 is based on a Vested Right claim filed ^{with} ~~by~~ the Water Management Board.

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) John Beard

Post Office Address Buffalo Gap, State South Dakota

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting July 7, 1883 Date of Recording July 16, 1883

Recording Data B4, Loc. Page 192, Custer County Register of Deeds

14. Date of start of construction of water supply system 1883

15. Date that water was first applied to beneficial use 1883

16. Name of owner of original water supply system James M Smith

17. Amount of water originally applied to beneficial use 2.25 c.f.s.

18. Present Use of Water undivided 1/2 interest from Smith-Conger

Amount of water now being used 2.25 c.f.s.

Date that this amount of water was first used reasonable time after May 23, 1883

19. Chronological History of Water Use

On July 7, 1883, James M Smith dated and filed a water location notice claiming 500 inches of water to be diverted from Beaver Creek and conducted to and upon W $\frac{1}{2}$, SW $\frac{1}{4}$ Section 4 and E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 8 and W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 9 all in Township 7 South, Range 7 East. This is Water Right Location Notice 0412-2.

In the Court case of Edwin D Bond and Jennie Bond vs Charles L. Conger, James M Smith and Frank Allen the "Findings of Facts" and "Conclusions of Law" dated December 12, 1892, included "1. James M Smith made a valid water right location notice on July 7, 1883."

The water has been used for irrigation purposes nearly every year since the system was constructed.

Attach to this Form 2B. any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Fall River) ss.

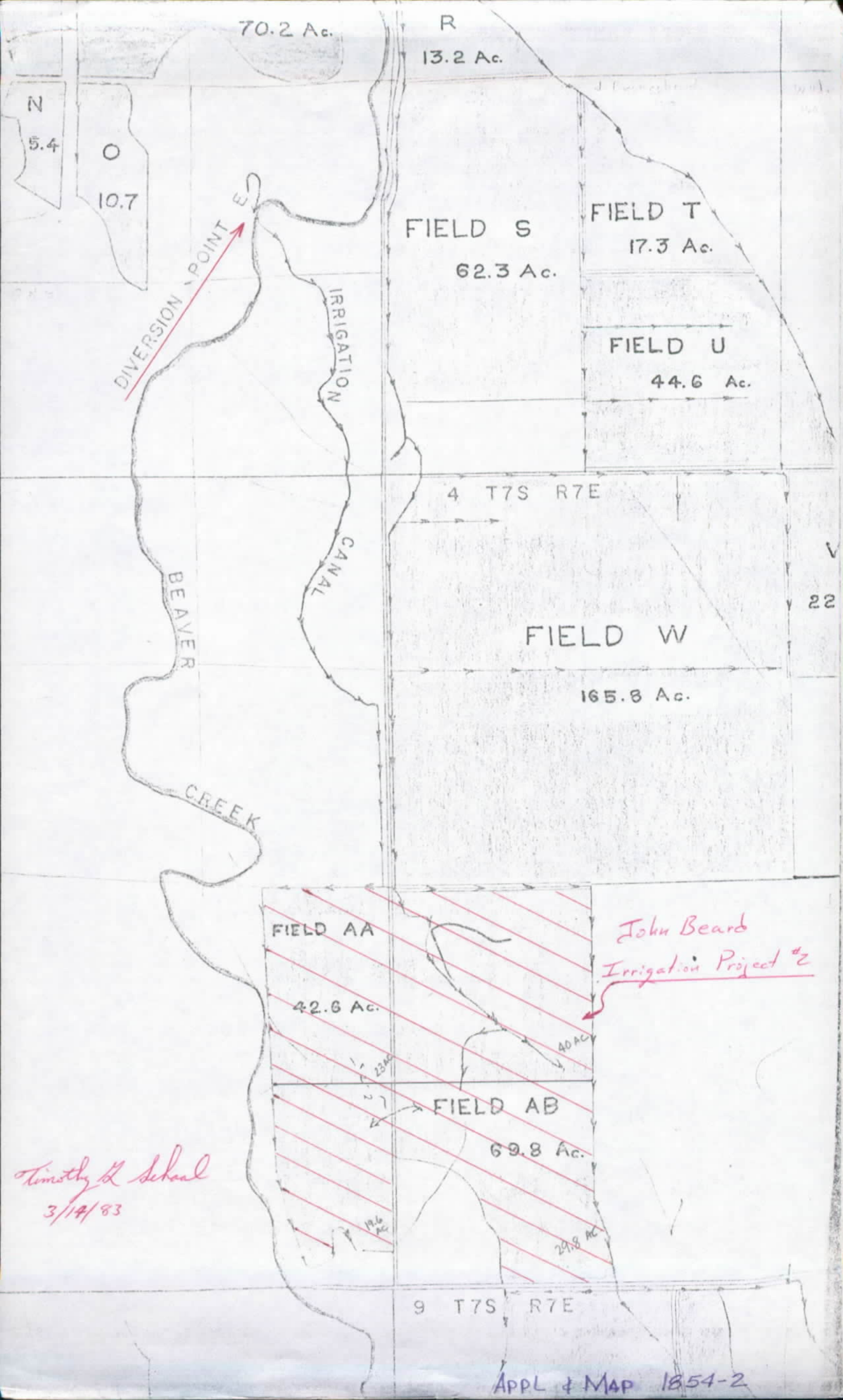
I, John Beard, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed John Beard

Subscribed and sworn to before me this 29 day of Aug, 1983

[Signature]
(Notary Public - or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.



70.2 Ac.

R

13.2 Ac.

N

5.4

O

10.7

DIVERSION POINT

FIELD S

62.3 Ac.

FIELD T

17.3 Ac.

FIELD U

44.6 Ac.

4 T7S R7E

FIELD W

165.8 Ac.

FIELD AA

42.6 Ac.

FIELD AB

69.8 Ac.

9 T7S R7E

John Beard
Irrigation Project #2

Timothy L School
3/14/83

APPL & MAP 1854-2

Recorded - May 23, 1883

Set 1759-2 4 1903 Red
D. Conger action

COPY,

Water Right, James Smith and Frank Allen.

Territory of Dakota, County of Custer, ss.

Know all men by these presents that the undersigned James M. Smith and Frank Allen of the County of Custer and Territory of Dakota and citizens of the United States of America claims by right of location, diversion and appropriation 500 inches of the water of Beaver Creek for agricultural and domestic purposes. Said water is to be diverted from the channel of said Beaver Creek at a point about 40 rods E and W of the dwelling house of Brunschmidt and Brooks in the vicinity of Buffalo Gap in Custer County and Dak. Territory and is to be conducted to and on the W1/2 of SW1/4 of Sec. 4 and E1/2 of SE1/4 Sec. 5 and E.P.M. W1/4 Sec. 8 and W.H.W1/4 Sec. 9 Township 7 Range 7 B.H.M. all on range 7 Town. 7 in Custer County, Dak. Territory. Said water right was located by the undersigned on May 23rd 1883.

James Smith
Frank Allen.

Date of Certificate May 23rd 1883.

Filed for record at 7:30 P.M. May 23rd 1883 and recorded in Book 4 page 189 of Locations.

L.H. Flynn, Register of Deeds.
P.H. Pickert, Deputy.

Water Right, James Smith & Frank Allen.

Territory of Dakota, County of Custer, ss.

Know all men by these presents that the undersigned James M. Smith and Frank Allen of the County of Custer and Territory of Dak and citizens of the United States of America claims by right of location diversion and appropriation 500 inches of the water of Beaver Creek for agricultural and domestic purposes. Said water is to be diverted from the channel of said Beaver Creek at a point about 40 rods E and W of the dwelling house of Brunschmidt and Brooks in the vicinity of Buffalo Gap in Custer County and Dak. Territory and is to be conducted to and on the W1/2 of SW1/4 of sec 4 and E1/2 SW1/4 Sec. 5 and E.P.M. W1/4 Sec. 8 and W.H.W1/4 Sec 9 Township 7 Range 7 B.H.M. all on range 7 Town. 7 in Custer County Dak. Territory. Said water right was located by the undersigned on May 23rd 1883

James
James Smith
Frank Allen

Date of Certificate May 23rd 1883

COPY.

Water Right. J.M. Smith

Territory of Dakota, Custer County, ss.

Know all men by these presents the undersigned J.M. Smith a citizen of the United States and the County of Custer and Territory of Dakota claims by right of Location five hundred inches of the water of Beaver Creek, for agricultural and domestic purposes. Said water to be diverted from the channel of said Beaver Creek about three hundred yards South and West from the dwelling house now occupied by Booke and Brunschmitt and 2 1/2 miles from Buffalo Gap in Custer County and Territory Dakota and is to be conducted to and upon (W1/2 SW1/4 Sec. 4) and (E1/2 SE1/4 Sec. 4) and the E1/2 of NE1/4 S. 8 and W1/2 of NW1/4 of S. 9 all in Town 7 Range 8 in said County of Custer Dak. Territory. Said water was located on July the 7, 1887.

James M. Smith

Filed July 16th at 3:30 P. M. Recorded in Book 4 page 192 of Locations.

E.H. Flynn, Register of Deeds.
Pr. J. Hal Rickert, Deputy.

Water Right. J.M. Smith.

Territory of Dakota, Custer County, ss.

Know all men by these presents the undersigned J.M. Smith a citizen of the United States and the County of Custer and Territory of Dakota claims by right of Location five hundred inches of the water of Beaver Creek, for agricultural and domestic purposes. Said water to be diverted from the channel of said Beaver Creek about three hundred yards South and West from the dwelling house now occupied by Booke and Brunschmitt and 2 1/2 miles from Buffalo Gap in Custer County and Territory Dak. and is to be conducted to and upon W1/2 SW1/4 Sec. 4 and E1/2 SE1/4 Sec. 4 and the E1/2 of NE1/4 S. 8 and W1/2 of NW1/4 of S. 9 all in Town 7 Range 7 in said County of Custer Dak. Territory. Said water was located on July the 7 1887

James M. Smith

Filed July 16th at 3:30 P.M. Recorded in Book 4 page 192 of Locations.

E.H. Flynn, Register
Pr. J. Hal Rickert, Deputy

Water Rights Division
605 773-3352

March 15, 1983

John Beard
Buffalo Gap,
South Dakota 57722

Dear Mr. Beard:

Enclosed please find the application forms which should be filed to establish your "vested right". These forms need to be signed and notarized and returned to this office along with the fee of \$11.50.

If you have any questions, concerning this matter, please contact this office.

Sincerely,

TIMOTHY G SCHAAL
Water Resources Engineer

TGS:ks

enclosures



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

August 30, 1983

John Beard
Rural Route #1, Box 101
Buffalo Gap, South Dakota 57722

Dear Mr. Beard:

We are returning your check in the amount of \$11.50 as the correct fee for a Vested Right if only \$10.50. Please submit another check for \$10.50 and we will continue processing your application.

Sincerely,

A handwritten signature in cursive script that reads "Maxine Stirling".

Maxine Stirling
Staff Assistant

ms/
Enc.

file rec'd 9-21-83



Equal Opportunity Employer

RECEIPT

Division of Water Rights

No 4 9349

South Dakota Department of Water and Natural Resources

Pierre, September 21, 19 83

RECEIVED OF John Beard, RR#1, Box 101, Buffalo Gap, SD 57722

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 _____	8	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. _____	2	50
Fee for Filing Transfer Form _____		
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	10 50

By John Hatch
Chief Engineer JOHN HATCH (ms)

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: March 7, 1985

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

E/2 SW/4; NW/4 SW/4; N/2 NW/4 SW/4 SW/4; NW/4 NE/4 SW/4 SW/4; E/2 NE/4 SW/4 SW/4;
E/2 SE/4 SW/4 SW/4; Section 4; Township 7 South, Range 7 East, BHM, Fall River County,
South Dakota
formerly owned by John Beard

has been transferred to Conger Ranch Partnership, Rt. 1, Box 99, Buffalo Gap, SD 57722
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1854-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Fall River) ss.

I, Dane H. Conger, Gen. Partner 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.

Dane H. Conger
(Signed)

Subscribed and sworn to before me this 1st Day of March, 1985.

Dane B. Boushke
(Notary Public)

My Commission Expires June 17, 1985



No. 1854-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

November 7, 1983

John Beard
RR #1, Box 101
Buffalo Gap SD 57722

Dear Mr. Beard:

Enclosed herewith are your Vested Right Permit, Water License No. 1854-2.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosures

The applicable portions of Water Right Filings No. 0412-2 and 0411-2 have
been incorporated into Vested Right No. 1854-2 and the abandoned portions
of Filings No. 0412-2 and 0411-2 have been cancelled.

Nov 1983

The land covered by this Vested Right
Berhitt is part of the original Smith-
Conger Irrigation Project dating back to
July 7, 1883. This Vested Right conveys
the original "undivided interest" in the
Smith-Conger diversion works.

JW



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1755-2

October 19, 1984

John Beard
RR#1, Box 101
Buffalo Gap, South Dakota 57722

Dear Mr. Beard:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1755-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

We do not have a copy of the court record you requested from Del Brosz.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

February 5, 1985

John Beard
RR 1, Box 101
Buffalo Gap SD 57722

Dear Mr. Beard:

Enclosed is your Vested Right Water License No. 1854-2. The water license has been reissued to incorporate Water Permit No. 1755-2. The relicense is based on a April 10, 1984 inspection of your water use system.

Enclosed is your receipt which you paid for the inspection of Water Permit No. 1755-2 and the reissuance of Vested Right Water License No. 1854-2.

If you have any questions concerning the enclosed Vested Right Water License, please contact us.

Very truly yours,

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

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

State of South Dakota

RE-ISSUANCE OF **Water License No.** 1854-2

(1) John Beard
of RR #1, Box 101, Buffalo, South Dakota
Vested Right
made Application No. 1854-2, August 30, 1983 for recognition of ~~for a water permit~~ a vested right to appropriate
2.25 cubic feet per second of water from Beaver Creek,
Fall River County, South Dakota for irrigation purposes.
Permit No. 1854-2, with a priority date of February 6, 1981
was approved March 25, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 25, 1982 and for the application to beneficial use of said
water on or before March 25, 1983. **Permit No. 1755-2 was issued for irrigation of an
additional 80 acres using water appropriated by Vested Right No. 1854-2 with no additional
appropriation of water.**

**The applicable portions of Water Permit No. 1755-2 have been incorporated into the re-
issuance of this Water License No. 1854-2. The lands and cfs recognized under Vested
Right No. 1854-2 will retain a July 7, 1983 priority date and 78 acres actually irrigated
from Permit No. 1755-2 will retain a February 6, 1981 priority date.**

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.25 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is north 26⁰ West, 1865 feet from the SE
corner, Section 32, T6S, R7E (NE 1/4 SE 1/4)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T7S, R7E

Section 5 NE 1/4 SE 1/4 23.00 acres

SE 1/4 SE 1/4 19.60 "

Section 4 NW 1/4 SW 1/4 40.00 "

SW 1/4 SW 1/4 29.80 " 17.5

*NE 1/4 SW 1/4 40.00 "

*SE 1/4 SW 1/4 38.00 "

190.40 acres

* E 1/2 SW 1/4 Section 4: February 6, 1981 priority date

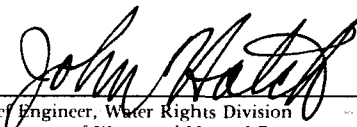
W 1/2 SW 1/4 Section 4 and E 1/2 SE 1/4 Section 5: July 7, 1883 priority date

(4) Pursuant to §46-5-30.1 John Beard

of RR #1, Box 101, Buffalo Gap SD

the holder(s) and/or owner(s) of Water ^{Right} Permit No. 1854-2 is issued a license to appropriate water, the right to use 2.25 cubic feet per second of water from Beaver Creek with a priority date of July 7, 1883 & February 6, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water ^{Vested Right} Permit No. 1854-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

February 5, 1985

RECEIPT

Division of Water Rights

No 4 9922

South Dakota Department of Water and Natural Resources

Pierre, February 5, 19 85

RECEIVED OF John Beard, Route #1, Box 101, Buffalo Gap, SD 57722

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. 1755-2	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH (ms)

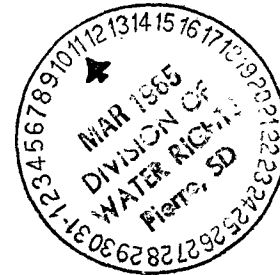
Ralph A. Kemnitz
Thomas C. Barnett, Jr.

Becky Buhmann
OFFICE MANAGER

LAW OFFICES OF
KEMNITZ & BARNETT
ATTORNEYS AT LAW
P.O. BOX 489
PHILIP, SOUTH DAKOTA 57567
TELEPHONE (605) 859-2540

Wall Office
Telephone
(605) 279-2575

March 8, 1985



Chief Engineer
Water Management Board
Division of Water Rights
Dept. of Water & Natural Resources
Pierre, SD 57501

NOTICE OF TRANSFER OF WATER RIGHTS

Dear Sir:

Please be advised that on March 1, 1985, John Beard and Irene Beard, as owner of water right #1854-2, sold and transferred said water right to Conger Ranch, a partnership consisting of Dane H. Conger, Evelyn M. Conger, Thomas D. Conger and Ramona Dell Conger, of Route 1, Box 99, Buffalo Gap, South Dakota.

Water right #1854-2 is a pre-1907 vested water right, not appurtenant to land, and was transferred apart from the land upon which it was previously used.

Also transferred was an easement in all irrigation ditches, canals and pipes upon the following described real property upon which the water right was previously used:

The East Half of the Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$),
Section 5, Township 7 South, Range 7 East,
Black Hills Meridian, Fall River County, South
Dakota.

Said water right will now be used for the benefit of real property of Conger Ranch, including the following described real property simultaneously acquired by Conger Ranch from John Beard and Irene Beard:

The East Half of the Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$);
the Northwest Quarter of the Southwest Quarter
($NW\frac{1}{4}SW\frac{1}{4}$); the North Half of the Northwest Quarter
of the Southwest Quarter of the Southwest Quarter
($N\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$); the Northwest Quarter of the North-
east Quarter of the Southwest Quarter of the South-
west Quarter ($NW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$); the East Half of the
Northeast Quarter of the Southwest Quarter of the
Southwest Quarter ($E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$); the East Half of
the Southeast Quarter of the Southwest Quarter of
the Southwest Quarter ($E\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$); all in Section 4;

Chief Engineer
Page 2
March 8, 1985

that portion of the Southeast Quarter ($SE\frac{1}{4}$) of Section 7 that lies south of the county highway;

all of the Southwest Quarter lying West of Hat Lode and West of Hat No. 1 Lode in Section 8; (not irrigated)

The West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$); and a portion of Lot 2 in the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) more particularly described as follows:

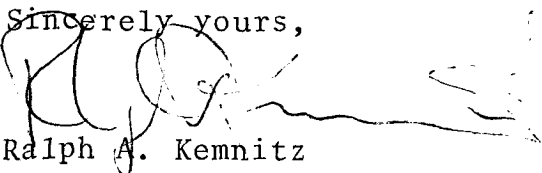
Commencing at the Northwest corner of Lot 2 in the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) of Section 17, running thence South 726' along the line between the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of said Section, thence East 300' parallel to the Section line between Section 8 and 17, Township 7 South, Range 7 East, of the Black Hills Meridian, running thence North 726' parallel to the line between the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$) and the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}NW\frac{1}{4}$) of said Section 17, thence West 300' along the Section line between Section 8 and 17, Township 7 South, Range 7 East, of the Black Hills Meridian, to the place of beginning containing 5 acres more or less; all in Section 17; (not irrigated)

The East Half of the Northeast Quarter ($E\frac{1}{2}NE\frac{1}{4}$) of Section 18; (not irrigated)

All in Township 7 East, Range 7 East, of the Black Hills Meridian, Fall River County, South Dakota.

I believe your office is familiar with this transaction. We did seek the guidance of both Jim Winterton in your office, and Dan Doyle in the Attorney General's office, in setting the appropriate form for this transfer; but if you do desire any further information or documentation, please merely so advise and we shall hasten to oblige.

Sincerely yours,



Ralph A. Kemnitz

RAK/kw

Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by John Beard
 of Buffalo Gap, S.D. holder of
 Permit No. 1755-2, bearing the priority of Feb 6, 1981 authorizing
 the diversion of No Addit. cu. ft. per second of the waters of Beaver Creek
 for irrigation purposes, in Fall River County.

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

A. Works used to divert the water:

Smith-Anger dam - 30" cmp culvert, flow is controlled by
placing a piece of plywood across the culvert inlet

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

Canal from diversion point to the field. Average 4' deep, 3'
bottom and 4 to 6' wide at the top.

C. Works used to apply water to beneficial use:

Small ditch at the head of the field. Average 2' deep, 2'
bottom and 4' wide at the top. Water is allowed to flow onto the
field by cutting a hole thru. the side of the ditch.

The system is in the following condition good

The point of diversion is located NE¹SE¹ Sec. 32, T6S, R7E. N26°W 1865'
from the SE corner of Sec 32, T6S, R7E.

The works are capable of diverting and conveying to the place of use 10 cfscu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

NE¹SW¹ Sec 4, T7S, R7E - 40 acres

SE¹SW¹ " " " - 38 acres

comprising a total of 78 acres of land and the license should be issued for No Addit. cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 4/10/82

Helwin H. Berg, P.E.
 (signature) Hydrologist

State of South Dakota

RE-ISSUANCE OF Water License No. 1854-2

(1) A water right license was reissued to John Beard
of RR 1, Box 101, Buffalo SD, February 5, 1985
made Application No. _____, for a water ^{right} permit to appropriate
2.25 cubic feet per second of water from Beaver Creek
Fall River County, South Dakota for Irrigation purposes.
Reissued Water License
Permit No. 1854-2, with a priority date of February 6, 1981 and July 7, 1983
was approved _____ and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before _____ and for the application to beneficial use of said
water on or before _____.

Water Right License No. 1854-2 is being reissued due to the transfer of
water rights held by John Beard on Beaver Creek to Conger Ranch documented
by "Notice of Transfer of Water Right" dated March 8, 1985 from Ralph A.
Kemnitz, Attorney of Law. Prior to the sale of land, John Beard abandoned
the irrigation of 42.6 acres in Section 5, T7N, R7E; the water rights to
these lands have been transferred to Conger Ranch for use on the SW 1/4 of
Section 4, T7S, R7E and for use on the lands described in Conger Ranch
Water Right No. 1794-2 and 1759-2.

and

(2) It is certified that ~~the application has complied with~~ the provisions of South Dakota State Law relating to completion of
the construction of the water supply system ^{have been complied with} and is entitled to divert 2.25 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is ^{the water right owner} north 26° West, 1865 feet from the
SE corner, Section 32, T6S, R7E (NE 1/4 SE 1/4)

and

water right owner

(3) The ~~applicant~~ has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following lands all in T7S, R7E

Section 4 NW 1/4 SW 1/4 40.00 acres

SW 1/4 SW 1/4 29.80 "

*NE 1/4 SW 1/4 40.00 "

*SE 1/4 SW 1/4 38.00 "

TOTAL 147.80 acres

*E 1/2 SW 1/4 Section 4; February 6, 1981 priority date

W 1/2 SW 1/4 Section 4: July 7, 1983 priority date

(4) Pursuant to §46-5-30.1 Conger Ranch

of Route 1, Box 99, Buffalo Gap SD

Vested Water Right

the holder(s) and/or owner(s) of ~~Water Permit~~ No. 1854-2 is issued a license to appropriate water, the right to use

2.25 cubic feet per second of water from Beaver Creek with ~~priority dates~~

of February 6, 1981 & July 7, 1883 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

Vested Water Right

This license is subject to any limitations or qualifications listed in ~~Water Permit~~ No. 1854-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

NOV 6 1985

RECEIPT

Division of Water Rights

No 4 9967

South Dakota Department of Water and Natural Resources

Pierre, March 13, 1985

RECEIVED OF Dane H. Conger, Route #1, Box 99, Buffalo Gap, SD 57722

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1854-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatch
JOHN HATCH/ms

Water Rights Division
605 773-3352

November 6, 1985

1854-2

Dane Conger
Conger Ranch
RR 1, Box 99
Buffalo Gap SD 57722

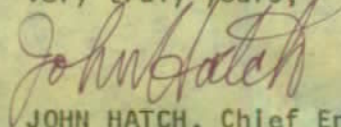
Dear Mr. Conger:

Enclosed is Receipt No. 49967 in the amount of \$2.50 which you paid for the transfer of Vested Right No. 1854-2 to Conger Ranch. Also enclosed is reissued Water License No. 1854-2.

The lands in Section 5, T7S, R7E were abandoned by John Beard prior to the sale of this land and have been deleted from the reissued license. Vested Right Water License No. 1854-2 listed in the name of Conger Ranch now authorizes irrigation in the SW 1/4 of Section 4, T7S, R7E.

If you have any questions concerning the transfer or reissued water license, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1854-2 FOR IRRIGATION

Date of Receipt of Claim August 30, 1983.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1854-2 for irrigation purposes for Conger Ranch, Rt 1, Box 99, Buffalo Gap SD 57722 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1854-2 appropriates 2.25 cubic feet of water per second from Beaver Creek located in the NE 1/4 SE 1/4 Section 32-T6S-R7E to irrigate 69.8 acres located in the W 1/2 SW 1/4 Section 4-T7S-R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 - November 31st.
3. The priority date of the Vested Water Right is July 7, 1883.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

The land covered by this Vested Right is part of the original Smith-Conger Irrigation Project dating back to July 7, 1883. This "Vested Right" conveys the original "undivided 1/2 interest" in the Smith-Conger diversion works.

The applicable portions of Water Right Filings No. 0412-2 and 0411-2 have been incorporated into No. 1854-2 and the abandoned or forfeited portions of Filings No. 0412-2 and 0411-2 have been cancelled.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

JUN 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

NOTE: Vested Water Right No. 1854-2 is also included as a part of Water License No. 1854-2 for a total of 2.25 cfs to irrigate 112.40 acres.



Department of Water & Natural Resources

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

November 4, 1988

1759-2

1794-2

1854-2

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City SD 57709

Dear Mr. Hollenbeck:

Enclosed, as you requested are copies of Vested Water Right Claim Nos. 1759-2, 1794-2 and 1854-2. These are currently listed in the name of Dane H. Conger.

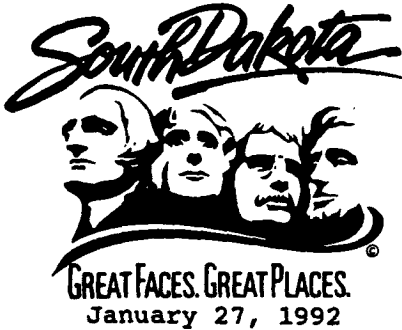
If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

CONGER RANCH PTR
RR #1 BOX 99
BUFFALO GAP SD 57722

NOTICE

RE: Violation of Water Permit No(s) 1854-2

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1854-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of 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) 1854-2 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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) 1854-2 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 before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1992

1854-2

Dane H Conger
Conger Ranch
HC 56 Box 99
Buffalo Gap, SD 57722

Dear Mr. Conger:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 1854-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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:

CONGER RANCH PTR
RR #1 BOX 99
BUFFALO GAP, SD 57722

4a. Article Number

P 906 557 742

4b. Service Type

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

7. Date of Delivery

1-29-92

5. Signature (Addressee)

Lovelyn Conger

6. Signature (Agent)

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

UNITED STATES POSTAL SERVICE



Official Business



PENALTY FOR PRIVATE
USE, \$300



Print your name, address and ZIP Code here

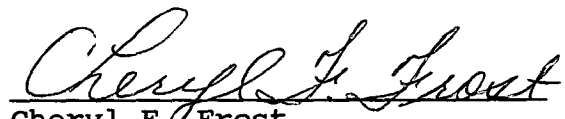
DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WATER RIGHTS
JOE FOSS BUILDING
PIERRE, SOUTH DAKOTA 57501



CERTIFICATION

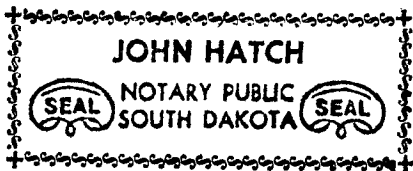
I hereby certify that on August 29, 1995, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 29, 1995, regarding Deletion of the Irrigation Questionnaire Qualification from Vested Water Right No. 1854-2, addressed as stated below:

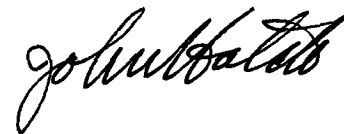
Dane Conger, Conger Ranch Partnership, HC 65, Box 99, Buffalo Gap, SD 57722.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of August, 1995




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 5, 1995

NOTICE

TO: Dane Conger, Conger Ranch Partnership, HC 56 Box 99, Buffalo Gap, SD 57722

FROM: John Hatch, Chief Engineer
Water Rights Program 

SUBJECT: Irrigation Questionnaire Qualification - Vested Water Right No. 1854-2

On October 4, 1995, the Water Management Board deleted the "irrigation water use questionnaire" qualification from Vested Water Right No. 1854-2. This action was taken as outlined in our Notice to you dated August 29, 1995.

Submission of yearly irrigation questionnaires will no longer be required. Deletion of the questionnaire qualification from your water right does not jeopardize your water right.

If you have any questions concerning the Water Management Board action, please contact Genny McMath with the Water Rights Program, at (605)773-3352.

CERTIFICATION

I hereby certify that on October 5, 1995, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 5, 1995, regarding Deletion of the "Irrigation Water Use Questionnaire" qualification from Water Right No. 600-1, and Vested Water Right No. 1854-2, addressed as stated below:

W.R. #600-1: Wayne Vig, 2 Hub Road, Box Elder, SD 57719.

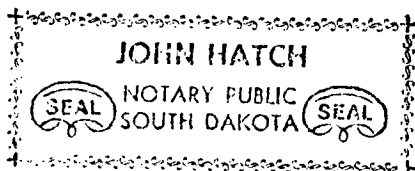
W.R. #600-1: Barry Vig, Box 50, Opal, SD 57765.

V.W.R. #1854-2: Dane Conger, Conger Ranch Partnership, HC 56, Box 99, Buffalo Gap, SD 57722.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of October, 1995




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



JUN 11 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Conger Ranch
Rt 1, Box 99
Buffalo Gap SD 57722

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 1854-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 27, 1995

1854-2

Dane Conger
Conger Ranch Partnership
HC 56 Box 99
Buffalo Gap, SD 57722

Dear Mr. Conger:

Each year, an irrigation questionnaire is mailed to you for reporting the amount of water diverted from Beaver Creek. Currently, submission of an annual irrigation questionnaire for Vested Water Right No. 1854-2 is mandatory.

You have indicated in the past that your water use system is a gravity flow system. A review of the vested right file, which includes your annual irrigation questionnaires, reflects your irrigation system is a gravity flow or water spreading system.. Under Water Management Board Rules, all irrigation permit owners *except* water spreading permit owners shall submit a completed irrigation questionnaire.

My intent is to schedule the matter before the Water Management Board and request them to delete the mandatory irrigation questionnaire qualification from Vested Water Right No. 1854-2. If the qualification is deleted, it will not affect the remaining portions of your vested right. Once action has been taken by the Board to delete the qualification, you will no longer be receiving an annual irrigation questionnaire. You will be notified of the time, date and place of the hearing once it is scheduled. If you feel the information we have concerning your irrigation system is inaccurate, please contact me and I will update our records.

If you have any questions, please contact me.

Sincerely,

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



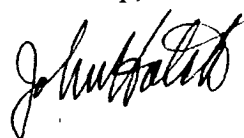
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1995

NOTICE

TO: Dane Conger, Conger Ranch Partnership, HC 56 Box 99, Buffalo Gap, SD 57722

FROM: John Hatch, Chief Engineer
Water Rights Program 

SUBJECT: Deletion of the Irrigation Questionnaire Qualification from Vested Water Right No. 1854-2

A hearing has been scheduled before the Water Management Board to consider deleting the "irrigation water use questionnaire" qualification from Vested Water Right No. 1854-2. The Water Management Board will consider this action at 10:00 am, October 4, 1995, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD 57501.

Water Management Board Rule 74:02:01:04.02 states that all irrigation permit owners **except** those with water spreading systems shall submit completed irrigation questionnaires on the forms mailed to them each year by the chief engineer. The basis for exempting water spreading systems from having to return irrigation questionnaires, is because there is no method for measuring the water used. It is our understanding, based on a review of your vested water right and past irrigation questionnaires that the type of irrigation system used is strictly a water spreading system.

If the Board deletes the qualification from your water right which requires you to submit yearly irrigation questionnaires, you will no longer receive the annual questionnaire from our office. Deletion of the questionnaire qualification from your water right does not jeopardize your water right.

Please contact Genny McMath with the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to obtain further information on the proposed Board action to delete the questionnaire qualification; to assure access to the meeting room for the handicapped; or to request an interpreter for the hearing impaired.



April 28, 2005

1854-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

1759-2
1794-2
1854-2

Thomas D Conger
Conger Partnership
HC 56 Box 99
Buffalo Gap, SD 57722

Dear Mr. Conger:

I am writing in regard to Vested Water Right Nos. 1759-2, 1794-2 and Partial Vested Water Right No. 1854-2. Currently, these are listed in the name of Dane Conger – Conger Ranch. It is our understanding that these water rights should be listed in your name. In order to change the name on a water right, an ownership change must be filed with the water right.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and complete as needed. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions or if you wish the water rights to remain in Dane's name, please let us know.

Sincerely,

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

enclosures