

STATE OF SOUTH DAKOTA
REISSUED VESTED WATER LICENSE NO. 2042A-2
DIVISION OF 2042-2 INTO NO. 2042A-2 AND 2042B-2

(1) Everett Hill, 246 S 8th St, Hot Springs SD was issued Vested Water License No. 2042-2, April 28, 1988 for a right to appropriate 3.48 cubic feet of water per second (cfs) from Skull Creek and dry draws, Fall River County, South Dakota, for irrigation purposes. Vested Water Right No. 2042-2 was validated March 3, 1988 with priority dates of December 1, 1909 (2.07 cfs) and October 5, 1949 (1.41 cfs). Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Based on transfers of ownership, Vested Water License No. 2042-2 is being divided and reissued to reflect separate ownership as follows:

No. 2042A-2, John V & Lora Miller – irrigation of 145 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; all in T11S-R4E – Priority date of December 1, 1909.

No. 2042B-2, Weinreis Brothers – irrigation of 99 acres in SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22-T11S-R4E – Priority date of October 5, 1949.

(2) It is certified that the vested right owners are entitled to divert 2.07 cubic feet of water per second for beneficial use. The location of the diversion points are: Dam #1 - N 68°E 725 feet (SW $\frac{1}{4}$ NW $\frac{1}{4}$); Dam #2 – S55°E 800 feet (NW $\frac{1}{4}$ SW $\frac{1}{4}$); both from the west $\frac{1}{4}$ corner of Section 14-T11S-R4E.

The location of the irrigated acreage is:

Section 14-T11S-R4E	SW $\frac{1}{4}$ NW $\frac{1}{4}$	6 acres
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	7 acres
Section 15-T11S-R4E	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	25 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	9 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	25 acres
	Total	145 acres

(3) Pursuant to Section 46-5-30.1 John V & Lora J Miller, PO Box 116, Lodgepole NE 69149-0116 the holders and/or owners of Vested Water Right No. 2042A-2 are issued a license to appropriate 2.07 cubic feet of water per second from Skull Creek and dry draws with a priority date of December 1, 1909 from the locations specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2042-2 and subject to South Dakota State Law.

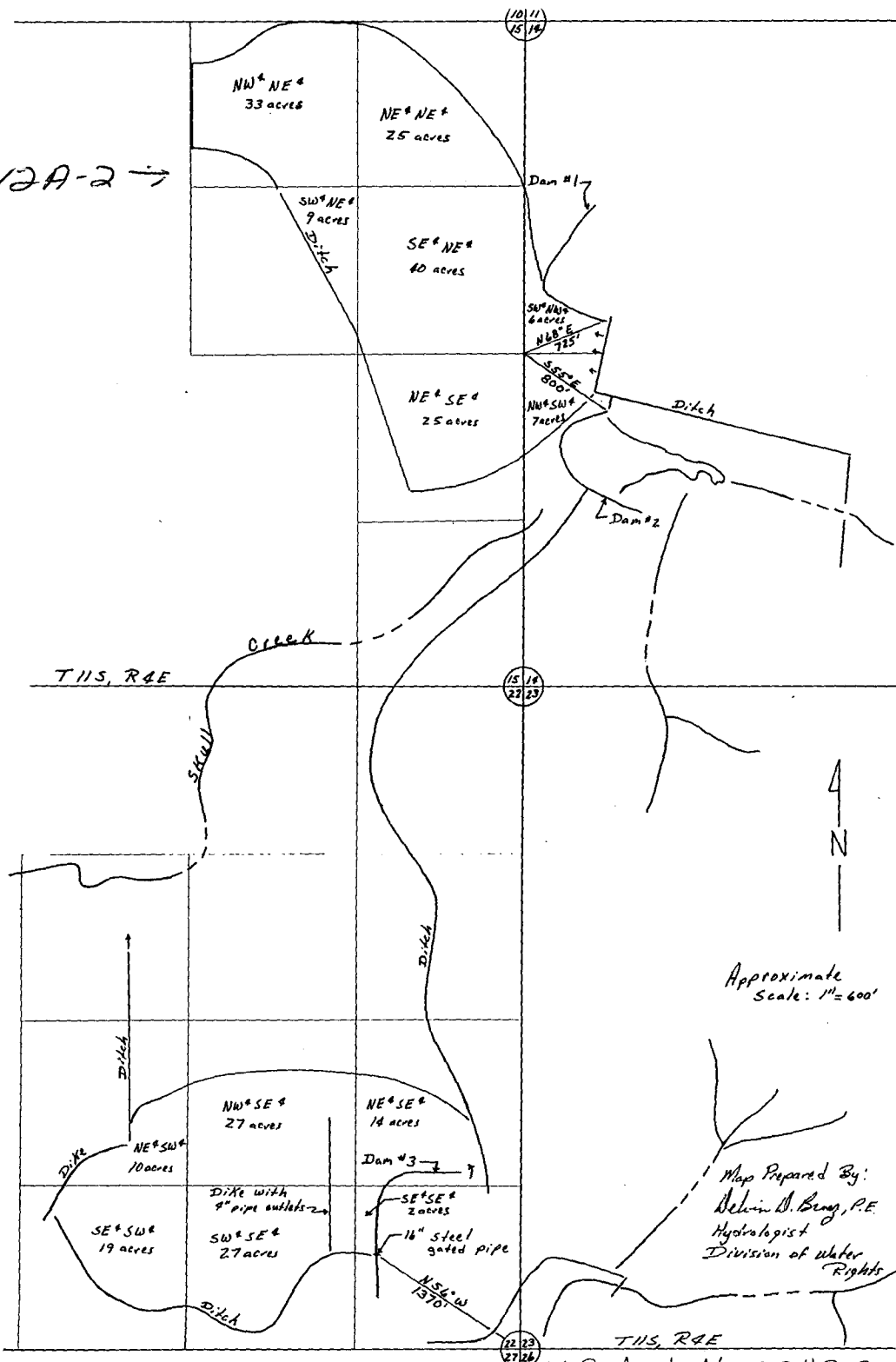

JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 23 1998

date



2042A-2 →



Approximate
Scale: 1" = 600'

Map Prepared By:
Delvin D. Bragg, P.E.
Hydrologist
Division of Water Rights

2042B-2 →

RECEIPT

413931

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 28, 19 93

RECEIVED OF Jack V. Miller, Oelrichs, SD 57763

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

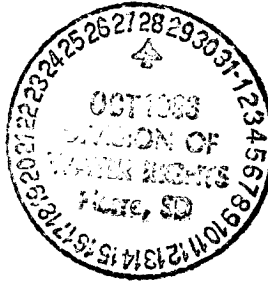
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 2042-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2042-2

Date: Oct 25, 1993

I\We request that Vested Water Right No. 2042-2

formerly owned by: Everett Hill

be transferred to: (name & address) JOHN V. MILLER, LORA J. MILLER
HC 46 Box 24 OELRICHS, S.D. 57763 (Telephone No) 605 535 2683

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

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 14, NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 15, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 22, T11S, R4E

I\We understand that the validity of Vested Water Right No. 2042-2 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of FALL RIVER)

I\We _____ being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

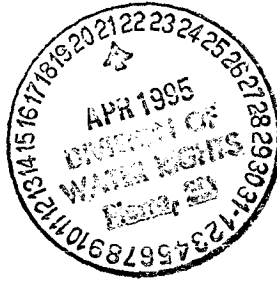
John V. Miller
(Signed)

Subscribed and sworn to before me this 27 day of October, 19 93.

Law Brey
(Notary Public)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 1995

John V & Lora J Miller

~~HC 46 Box 24~~

~~Oelrichs, SD 57763~~

CHANGE OF MAILING ADDRESS

Dear Mr. & Mrs. Miller:

JACK MILLER

233 McBRIDE STREET

P.O. BOX 116

LODGEPOLE, NE 69149-0116

2042-2

I am contacting you in regard to the "Notice of Transfer of Ownership" you filed for Vested Water Right No. 2042-2 (formerly owned by Everett Hill). The transfer pertaining to the portions of land you described was completed and effective the date you filed the notice (October 28, 1993).

On the transfer form, you crossed out acreage listed in the E 1/2 SW 1/4 and the SE 1/4 Section 22, T11S, R4E, leaving the land you purchased as being in Sections 14 and 15, T11S, R4E. Do you know who owns the land in Section 22? In order to correctly update the vested right, I need to determine ownership of all lands and then divide and reissue the vested right according to ownership.

I would appreciate any information you may have as to ownership of the land. As I stated before, your portion of the vested right has been transferred. I realized when reviewing the file that the receipt for the filing fee you paid had not been forwarded to you. Enclosed is Receipt No. 413931 in the amount of \$2.50.

I am enclosing a postage paid envelope for your reply. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

*In regards to ownership
of the balance of Sec. 22 to
my knowledge War Bonnet
Ranches Inc. purchased it from
Everett Hill Estate.*

John Miller

*I own the following in
Sec. 22.*

N 1/2 NE 1/4

N 1/2 NW 1/4

SW 1/4 NW 1/4

W 1/2 SW 1/4 all in Sec. 22.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 23 1998

John V & Lora A Miller
PO Box 116
Lodgepole NE 69149-0116

Dear Mr. & Mrs. Miller:

Enclosed is Reissued Vested Right License No. 2042-2. Based on transfers of ownership, Vested Right License No. 2042-2 is being divided and reissued to reflect separate ownership as follows:

No. 2042A-2, John V & Lora A Miller – irrigation of 145 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14; NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15; all in T11S-R4E – Priority date of December 1, 1909.

No. 2042B-2, Weinreis Brothers – irrigation of 99 acres in SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22-T11S-R4E – Priority date of October 5, 1949.

As long as the water is used beneficially as stated in the Water License No. 2042B-2, South Dakota Water Laws provide that you have a continuing right to the use of the water.

If you have any questions, please contact this office.

Very truly yours,

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

ks

enclosure