

Considered: _____

WATER PERMIT NO. 2189-2

Phone: 669-2855

Name of Applicant: Calvin Smith

Post Office Address: Box 378, Murdo SD 57559

Amount of Water Claimed: 0.10 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: stockwatering County: Jones

About 5 miles SW of Murdo

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received: 6/19/91 Fee: \$50.00 Remarks _____

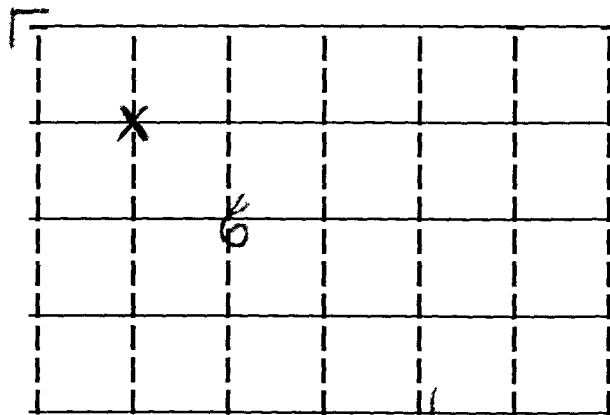
Corrected Application Received _____ Period of Annual Use Jan 1- Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: center NW 1/4 Sec 6-T3S-R28E

Land to be Irrigated: NA



Well Log: Driller: Huron Drilling Licensed YES X NO _____

Depth of Well: 2380' REMARKS _____

Type of Map: plat PREPARED BY: Dave Konechne, SCS Reviewed and the Number

Assigned on 7-22-91 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. 2189-2 Hydrologic Unit 10140202
Map No. _____ Basin White River
Newspaper The Murdo Coyote, Box 465, Murdo

(Thurs)

Application For Permit To Appropriate Water Within The State Of South DakotaCheck use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☒ (above 18gpm) Other ☐ stock watering

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Calvin Smith Phone No. 669-2855Post Office Address Box 378 Murdo SD State 57559
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 0.103. Source of water supply 1 well4. Location of point of diversion NW 1/4 sec 6 - T3S - R28ECounty Jones5. Counties where water will be used Jones6. Annual period during which water is to be used Jan 1 - Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Water is delivered to several stock watering tanks at about 5 gpm / tank.

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

STATE OF SOUTH DAKOTA
County of Hughes) ssI, Mrs. Calvin Smith the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

KAREN SCHLAACK

NOTARY PUBLIC
SOUTH DAKOTA

My Commission Expires Apr. 1, 1993

Signed Mrs Calvin SmithSubscribed and sworn to before me this 19th day of July 1991Karen Schlaack

Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 2189-2**

Date of first receipt of application July 19, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2189-2 to Calvin Smith, Box 378, Murdo SD 57559 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2189-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 2380 feet deep located in the center of the NW 1/4 Section 6-T3S-R28E.
2. The water appropriated shall be used for the purpose of supplying water to livestock and may not exceed the amount of water needed for beneficial use for domestic purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 2189-2 is January 16, 1992.
5. The date from which applicant may claim right is July 19, 1991.
6. One-fifth of the construction is to be completed on or before July 16, 1994.
7. All construction is to be completed on or before January 16, 1997.
8. Water is to be put to beneficial use on or before January 16, 2001.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: _____

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

FEB 20 1992

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

see well completion report

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property 4 milesOn property owned by others 4 miles
different aquifer

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

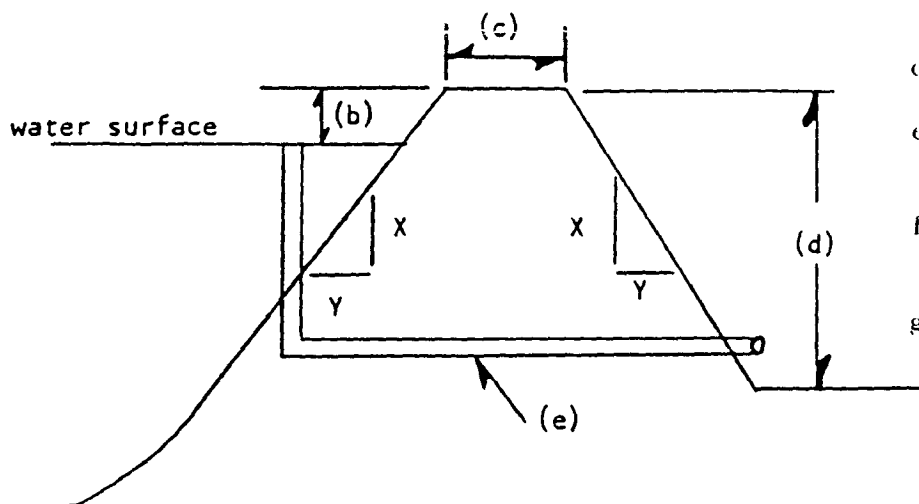
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412744

Pierre, _____, July 19 _____, 19 91

RECEIVED OF Calvin or Dee Smith, Box 378, Murdo, SD 57559

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 _____	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 _____		
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

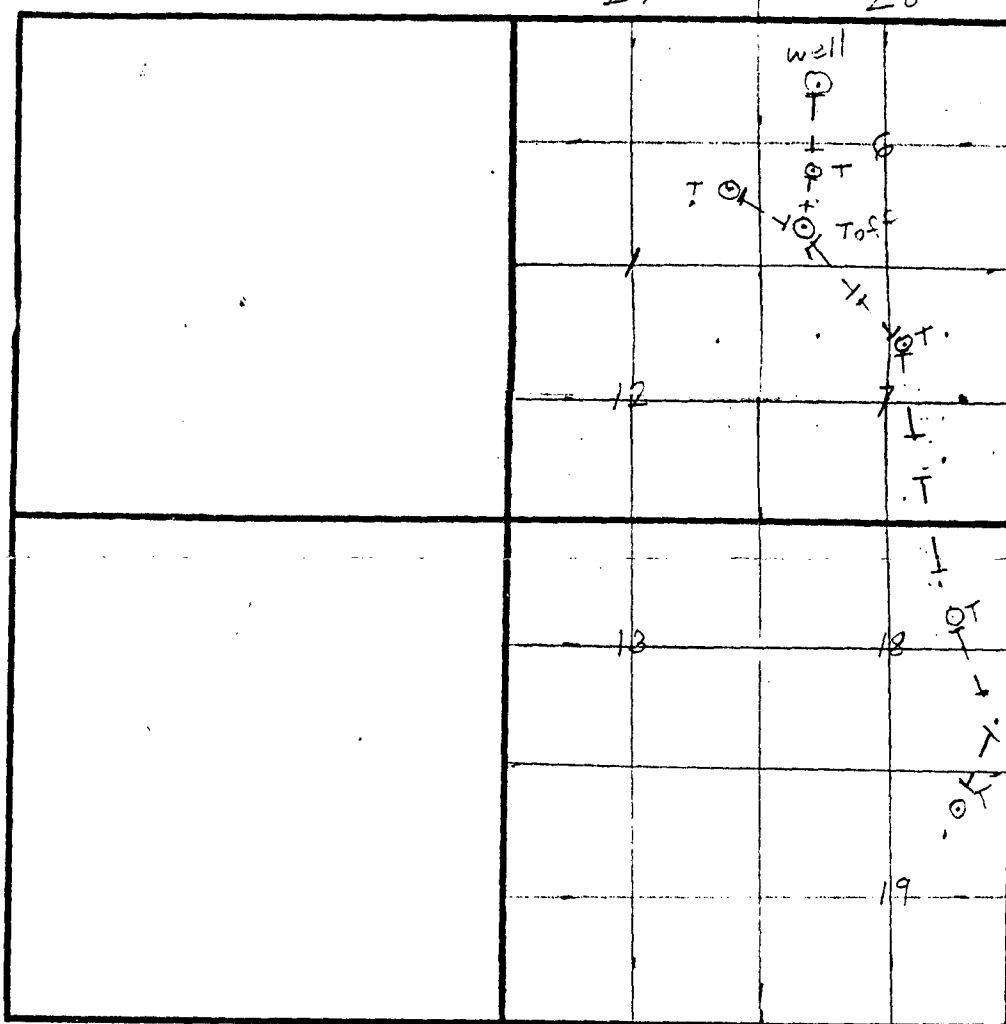
Chief Engineer

John Hatch (CF)

8 2 0 1 1

 244 P_1 

Twp



0 2000 4000 6000
scale in feet

isted above may be substituted with
usality and type

Cal Smith Pipelines
Jones County



U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

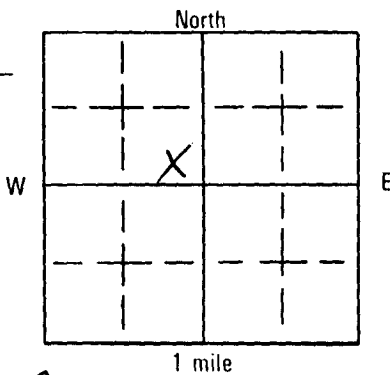
Designed	G. Trapp	Date	4-5-59	Approved by	Wax Karcher
Drawn				Title	By Exp
Traced				Title	
				Sheet	Drawing No.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location NW 1/4 NW 1/4 Sec 6 Twp 38 Rg 28ECounty Jones

Please mark well location with an "X"

Well Completion Date April 5, 91

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☒ Stock

Method of Drilling: Rotary

CASING DATA:

- ☒ Steel ☒ Plastic ☒ Other

If other describe Copper

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>15</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>315</u> FT	<u>7 7/8</u> IN
<u>480</u> LB/FT	<u>2</u> IN	<u>0</u> FT	<u>1960</u> FT	<u>4 1/4</u> IN
<u>48</u> LB/FT	<u>2</u> IN	<u>1960</u> FT	<u>2380</u> FT	<u>4 1/4</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 315 Feet FEETWhat is grouting material? Portland CementIf cement, number of sacks? 30Describe grouting procedure Pressure Plug

What was grout weight? _____ LB/GAL

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 2 IN Length 200 FEETMaterial CopperSlot Size 3/8 Set From 2180 Feet To 2380 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☒ YES ☐ NOIf so, what material? RubberDescribe packer(s) and location? Below GroutWas well disinfected upon completion? ☐ YES ☒ NOExplain Flowing WellBacteriological analysis ☒ YES ☐ NOLaboratory sent to Pierre, S. Dak.

Well Owner:

Name Calvin SmithAddress Box 378Well Log: MURDO, S. Dak Depth

Formation	From	To
<u>Top</u>	<u>0</u>	<u>2</u>
<u>Clay</u>	<u>2</u>	<u>18</u>
<u>Shale</u>	<u>18</u>	<u>900</u>
<u>Chalk</u>	<u>900</u>	<u>1040</u>
<u>Shale</u>	<u>1040</u>	<u>1740</u>
<u>Dakota</u>	<u>1740</u>	<u>2090</u>
<u>Morrison</u>	<u>2090</u>	<u>2180</u>
<u>Seneca</u>	<u>2180</u>	<u>2380</u>

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 50 PSIGPM flow 50 through 2 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Chapman DrillingSignature of License Representative: [Signature]

Signature of Well Owner: _____

Date April 5 91

REPORT ON APPLICATION NO. 2189-2
for Calvin Smith
August 15, 1991

Application No. 2189-2 requests an appropriation of 0.10 cfs (45 gpm) from one well approximately 2380 feet deep located in the center of the NW 1/4 of section 6, T3S R28W in Jones County. The water will be used for domestic and livestock watering purposes.

AQUIFER - INYAN KARA (INKR)

The Inyan Kara consists of sandstone and shale and is approximately 200 feet thick in this area. The Inyan Kara underlies 622,720 acres and contains an estimated 9.34 million acre feet of recoverable water in storage in Jones County (Allen, 1984). The aquifer is under artesian conditions and flows at the land surface. The driller's log submitted with this application indicates the well will flow 50 gpm and has a shut in pressure of 50 psi.

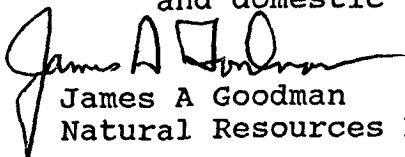
The Division of Water Rights does not monitor any observation wells completed into the Inyan Kara aquifer in this area. Records are available for a Inyan Kara well (located about 3 miles east of this site) which show that the water levels (in this case shut in pressure) have declined since 1963 (Bradford, 1981). This data has been collected (SD-5 program) by the USGS for the Division of Water Rights. This data is suspect and may not be reliable, but is the best available for this area of the state.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. This is a flowing well and must be controlled or shut in to prevent the waste of water. The well can only be allowed to flow when water is needed. Information supplied indicates the well can be shut in.
3. This well has been completed in accordance with SD Well Construction Standards (74:02:04:36).
4. Unless the applicant intends to allow this well to flow continuously this use would not require a permit. It is doubtful that 40 gpm will be required on a continuous basis for livestock and domestic use.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Allen, J.C., 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Bradford, W.L., 1981, Water Levels in Bedrock Aquifers in South Dakota, Open File Report 81-627, USGS, Huron, SD, 57350.

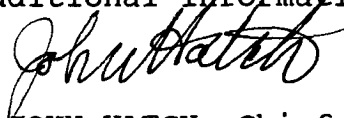
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2189-2, Calvin Smith

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2189-2, Calvin Smith, Box 378, Murdo, SD 57559.

The Chief Engineer is recommending APPROVAL of Application No. 2189-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
August 6, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

August 30, 1991

Calvin Smith
Box 378
Murdo, SD 57559

Dear Mr. Smith:

Water Permit Application No. 2189-2 for domestic and livestock use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Murdo Coyote printed at Murdo, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

South Dakota



GREAT FACES. GREAT PLACES.

August 30, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

The Murdo Coyote
Box 465
Murdo, SD 57559

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2189-2 to be published twice. Please publish the first notice on September 5, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Calvin Smith, Box 378, Murdo, SD 57559.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

instruction to newspaper - publish first notice on September 3, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2189-2 to Appropriate Water

Notice is given that Calvin Smith, Box 378, Murdo, SD 57559 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 2380 feet deep located in the center of the NW 1/4 Section 6-T3S-R28W. The water will be used for domestic and livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2189-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 23, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 2189-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 2, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the October 2, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The October 2, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 23, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PRO

STATE OF SOUTH DAKOTA

County Jones

I, Clarice J. Murdo

certify that the attached
from the Murdo

A newspaper which during the
said notice herein after stated
published in the

City of

County of Jones

that the said notice was published
following two dates:

September
September

Clarice J. Murdo

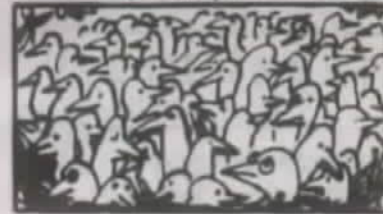
Public

Sept



Cost of Printing: _____

Murdo Coyote, Sept. 12, 1991, Page 9



The weaverbird, a relative of the sparrow, lives in large nest colonies—with as many as seventy birds populating a single tree.

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REPORT ON WATER PERMIT NO. 2189-2
CALVIN SMITH
October 21, 1991

Water Permit No. 2189-2 appropriates 0.10 cubic feet of water per second from one well (Inyan Kara Formation) 2380 feet deep located in the center of the NW 1/4 Section 6-T3S-R28E for domestic and livestock watering purposes. The location of the well was incorrectly advertised on September 5 and 12, 1991 in the Murdo Coyote as being in the center of the NW 1/4 Section 6-T3S-R28W. This readvertisement does not authorize any increase in the amount of water appropriated.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2189-2.
2. This readvertisement is necessary to correct the legal description of the location of the point of diversion.
3. The correct legal description of the point of diversion is the center of the NW 1/4 Section 6-T3S-R28E.

Eric Gronlund
Eric Gronlund
Natural Resources Engineer

Approved By:

Ron Duvall
(gmk)
Ron Duvall
Natural Resources Engineer IV

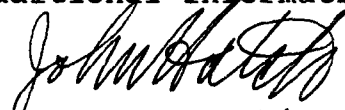
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED
WATER PERMIT NO. 2189-2, Calvin Smith

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 2189-2, Calvin Smith, Box 378, Murdo, SD 57559.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 2189-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 22, 1991



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 13, 1991

Calvin Smith
Box 378
Murdo, SD 57559

Dear Mr. Smith:

The original notice of hearing for Water Permit No. 2189-2 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of The Murdo Coyote printed at Murdo, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

South Dakota

GREAT FACES. GREAT PLACES.

December 13, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

The Murdo Coyote
Box 465
Murdo, SD 57559

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2189-2 to be published twice. Please publish the first notice on December 19, 1991, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on December 19, 1991, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application No. 2189-2 to Appropriate Water

Notice is given that Calvin Smith, Box 378, Murdo, SD 57559 filed an application for a water permit on July 19, 1991. Water Permit No. 2189-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 2380 feet deep located in the center of the NW 1/4 Section 6-T3S-R28E for domestic and livestock watering purposes. The location of the well was incorrectly advertised on September 5 and 12, 1991 in the Murdo Coyote as being in the center of the NW 1/4 Section 6-T3S-R28W. This readvertisement does not authorize any increase in the water appropriation.

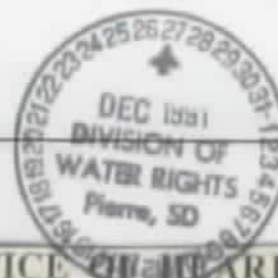
Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of No. 2189-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on No. 2189-2 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 16, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 16, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The January 16, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 6, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



PROOF OF PUBLICATION

 STATE OF SOUTH DAKOTA)
 County Jones) SS.

 I, Clarice J R

 certify that the attached print
 from the Murdo Co

 A newspaper which during the w
 said notice herein after stated, ha
 published in the _____

City of 1

 County of Jones)
 that the said notice was publishe
 following two dates:

Dec 19
Dec 26
Clarice J R (S)

Publisher
December (Da

 Cost of Printing: 27.8
22
\$50.1

 Readvertisement of NOTICE OF HEARING on
 Application No 2189-2 to Appropriate Water

Notice is given that Calvin Smith, Box 378, Murdo, SD 57559 filed an application for a water permit on July 19, 1991. Water Permit No 2189-2 appropriates 0.10 cubic feet of water per second (45 gallons per minute) from one well (Inyan Kara Formation) 2380 feet deep located in the center of the NW 1/4 Section 6-T3S-R28E for domestic and livestock watering purposes. The location of the well was incorrectly advertised on September 5 and 12, 1991 in the Murdo Coyote as being in the center of the NW 1/4 Section 6-T3S-R28W. This readvertisement does not authorize any increase in the water appropriation.

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Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 6, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3)defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 20 1992

Calvin Smith
Box 378
Murdo SD 57559

Dear Mr. Smith:

Enclosed is Water Permit No. 2189-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 11-15-95

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Calvin Smith Box 378
(name) (address)
Murdo SD 57559 669-2855
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2189-2.

Water Permit No. 2189-2 states that the diversion system is to be constructed by 1-16-97, and that the water is put to beneficial use by 1-16-2001.
(date) (date)

The diversion system was completed on June 94.
(date)

Applying the water to beneficial use was completed on June 94.
(date)

You may schedule an inspection so that the Water License may be issued.

Calvin Smith
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1996

2189-2

Calvin Smith
Box 378
Murdo, SD 57559

Dear Mr. Smith:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2189-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit the fee within 30 days to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

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

RECEIPT

414773

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 30, 19 96

RECEIVED OF Calvin Smith, P.O. Box 378, Murdo, SD 57559

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. <u>2189-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

Water District

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

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

I have this day made a thorough examination of the water use system constructed by Calvin Smith
Box 378 of Murdo, SD 57559 holder of
Permit No. 2189-2, bearing the priority of July 19 1991 authorizing
the diversion of 0.10 cu. ft. per second of the waters of groundwater - Inyan Kara Formation
for domestic (livestock) purposes, in Jones County.

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

A. Works used to divert the water:

one well - 2380 Feet deep

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

1 1/2 inch plastic pipe - controlled with 1 1/2 inch valve

C. Works used to apply water to beneficial use:

livestock watering tanksThe system is in the following condition goodThe point of diversion is located NW 1/4 Section 6 - T35 - R28EThe works are capable of diverting and conveying to the place of use 0.10cu. ft. per second of water which is to be used for domestic purposes - livestock watering

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

comprising a total of — acres of land and the license should be issued for 0.10 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 11-15-95

(signature)

CHECK LIST FOR FIELD INSPECTION

Permit Number 2189-2 Date 11-15-95

Other permit(s) associated with the project _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

1. Diversion point legal location: NW 1/4 Section 6 - T35-R28E

2. Well Information: Well Drilling Firm Huron Drilling

No. of wells 1 Depth(s) 2380 feet

a) Casing 1) diameter 5 & 2 inches b) Screen 1) type Copper

2) length 2380 feet see well log 2) length 200 feet

3) type Plastic, Steel & Copper c) Pump 1) make _____

d) Static Water Level Flowing feet 2) model _____

e) Motor: 3) Size _____ inches

1) make _____ 4) capacity _____ GPM

2) model No. _____ 5) turbine pump - No. of stages _____

3) horsepower rating _____ 6) operating pressure _____ PSI

3. Distribution lines or canals:

a) type Plastic pipe b) size 1 1/2 inch c) length _____

4. System Type:

a) Sideroll:

1) length _____ feet

2) diameter of pipe _____ inches

3) sprinkler spacing _____ feet

b) Towline:

1) length _____ feet

2) sprinkler spacing _____ feet

4. System Type (continued):

c) Siphons:

- 1) size _____ inches
- 2) number _____

e) Center pivot:

- 1) make _____
- 2) overall length _____ feet
- 3) number of towers _____
- 4) distance between towers _____ feet
- 5) end gun _____ (Y/N)
- 6) high or low pressure _____
- 7) capacity _____ GPM

d) Gated pipe:

- 1) length _____ feet
- 2) diameter _____ inches
- 3) spacing of gates _____ inches

f) Gun:

- 1) make _____
- 2) nozzle size _____ inches
- 3) capacity _____ GPM
- 4) hose size _____ inches
- 5) hose length _____ feet

5. Dam Information:

- a) height to crest _____ feet
- b) height to primary spillway _____ feet
- c) height to secondary spillway _____ feet
- d) crest width _____ feet
- e) crest length _____ feet
- f) spillway length _____ feet
- g) spillway width _____ feet
- h) approx. storage _____ ac-ft
- i) approx. storage to crest _____ ac-ft
- j) date constructed _____

k) outlet tubes:

- 1) diameter _____ inches
- 2) type _____
- 3) valved _____ (Y/N)
- 4) valve type _____
- 5) location on structure _____

l) category of dam _____ (I, II, III)

m) inspection sheet completed ____ (Y/N)

n) name of contractor _____

6. Chemigation Equipment:

- b) main line check valve _____ (Y/N)
- d) low pressure drain _____ (Y/N)
- f) interlock type _____

g) injection pump type _____

i) injection line check valve or positive displacement pump _____ (Y/N)

j) all chemigation equipment appears to be installed in proper position and comply with chemigation laws and rules _____ (Y/N)

k) comments:

a) does chemigate _____ (Y/N)

c) inspection port/air relief _____ (Y/N)

e) discharge is 20' from source ____ (Y/N)

h) injection check valve _____ (Y/N)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2189-2

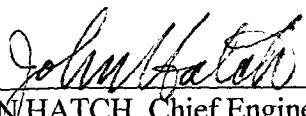
(1) Calvin Smith, PO Box 378, Murdo SD 57559 made Application No. 2189-2, July 19, 1991 for a water permit to divert 0.10 cubic feet of water per second from groundwater (one well), Jones County, South Dakota for stockwatering purposes. Permit No. 2189-2, with a priority date of July 19, 1991 was approved January 16, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 16, 1997 and for the application to beneficial use of said water on or before January 16, 2001.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on November 15, 1995. The "*Notice*" stated the diversion system was completed June, 1994 and the water placed to beneficial use June, 1994.

(2) It is certified that the applicant 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 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is NW 1/4 Section 6-T3S-R28E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Calvin Smith, PO Box 378, Murdo SD 57559 the holder and/or owner of Water Permit No. 2189-2 is issued a license to appropriate water, the right to use 0.10 cubic feet of water per second from groundwater (one well) with a priority date of July 19, 1991 from the location specified in (2) of this license. The water is to be used for the purpose of stockwatering. This license is subject to any limitations or qualifications listed in Water Permit No. 2189-2 and subject to South Dakota State Law.



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

APR 4 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

2189-2

Calvin Smith
P.O. Box 378
Murdo, SD 57559

Dear Mr. Smith:

Enclosed is Water License No. 2189-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414773 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2189-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

File No. 322-2, 323-2
452-2, 871-2
and 2189-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Calvin & Dee Smith, PO Box 378, Murdo, SD 57559

DATE: November 9, 1999

TELEPHONE: 605 669-2855

RE: transfer of Water Right Nos. 322-2, 323-2, 452-2, 871-2 and 2189-2

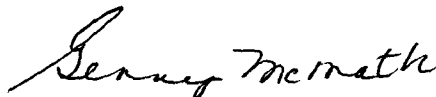
COMMENTS:

The 1999 irrigation questionnaires returned by the Smith's had a comment written on them which stated they had sold the ranch to Frank Brost.

I called and spoke with Mrs. Smith about this and she indicated the sale would not be final until March of 2000. She had placed the note on the questionnaires to let us know that next year's forms should be directed to Frank. She indicated Frank would probably get ahold of us after the sale was finalized.

I asked her if No. 2189-2 went with the sale. The water right authorizes a deep well to be used for domestic stock watering purposes. She said she did not know for sure at this time.

I told her we would wait with sending out transfer forms until around April 2000. If I have not heard from Frank Brost by that time, I will follow-up by sending him the appropriate forms.



Genny McMath
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 9, 2000

Frank Brost
Brost Land and Cattle Company
23674 Dogleg Dr
Rapid City, SD 57702-7304

Dear Mr. Brost:

I am contacting you in regard to ownership of land described in Water Right Nos. 322-2, 323-2, 452-2, 871-2 and 2189-2. These water rights are currently listed in the name of Calvin and Dee Smith.

In November, 1999, Mrs. Smith indicated you were purchasing the land with the sale to be finalized in March of 2000. If the sale has been finalized, the water permits should be transferred to your name. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please complete the forms as needed and sign them in the presence of a notary public. A \$2.50 filing fee is required for each transfer.

One item I needed to check with you on is ownership of the well described in No. 2189-2. The water right authorizes a 2,380 feet deep well to be used for domestic stockwatering purposes. At the time I spoke with Mrs. Smith, she did not know if this particular one would go with the sale. I included a transfer form for it, but if you did not purchase that portion of the land, you may disregard the form.

If I can answer any questions for you regarding the water rights or completion of the transfer forms, please get in touch with me.

Sincerely,

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

enclosures

Frank D. Brost
P.O. Box 3
MORDO, S.D. 57559

Tel # 669-2332



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 16, 2000

Frank D Brost
PO Box 3
Murdo, SD 57559-0003

RE: Water Right Nos. 322-2, 323-2, 452-2, 871-2 and 2189-2

Dear Mr. Brost:

Thank you for stopping by the office to take care of the transfers for water rights formerly held by Calvin and Dee Smith. The transfers have been completed and they are now listed in your name.

Enclosed are copies of the transfer forms and your receipts for the filing fees you paid.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

N2 416602

Pierre, August 15, 2000

RECEIVED OF Frank Brost, PO Box 3, Murdo, SD 57559
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 2189-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Garland Erbele
Chief Engineer

Garland Erbele

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2189-2

Date: _____



I/We request that Water Right No. 2189-2

formerly owned by: Calvin Smith

be transferred to: (name & address) Frank D Brost, PO Box 3, Murdo, SD 57559

Telephone No. 605 669-2332

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

(diversion point location) NW ¼ Section 6, T3S, R28E.

I/We understand that the validity of Water Right No. 2189-2 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

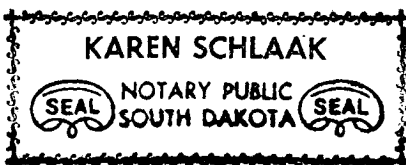
STATE OF SOUTH DAKOTA)

County of Hughes)

I/We Frank Brost 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.

Frank D Brost
(Signed)

Subscribed and sworn to before me this 15th day of August, 19 2000.



Karen Schlaak

(Notary Public) **KAREN SCHLAAK, Notary Public**
My Commission Expires
April 1, 2001

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.



1-26-04

Chief Eng
water 5.9 kb
523 E. Capitol
Pierre, SD

Dear Halley,

Enclosed are 3 permits # 2189-2, 322-2,
+ 323-2 which I request that you
transfer to me.

I enclose my check for \$4.50
for the transfer.

As a point of information
I will also be purchasing the bid
for permits # 452-2 and 871-2, but
that purchase will not close until
after April 1st

Thank you for your help

Charlie M. Thompson

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date January 28, 20 04

RECEIVED OF Charles M Thompson, Box 777, Pierre SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50	
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>2189-2</u>		
Fee for _____ for C.Y. _____		
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	2.50

No.

001131

By

Darland Erbe
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JAN 28 2004

WATER RIGHTS
PROGRAM

No. 2189-2

Date: 1-26-04

I/We request that Water Right No. 2189-2

formerly owned by: Frank D Brost

be transferred to: (name & address)

Charles M. Thompson
Box 777
PIERRE, SD 57501

Telephone No. 605-224-6399

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

(Diversion point location) NW 1/4 Section 6, T3S, R28E

I/We understand that the validity of Water Right No. 2189-2 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 Two Dollars and Fifty Cents (\$2.50) 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 Charles M. Thompson, the new owner, certify that the above information is true and correct.

Charles M. Thompson
(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.



2189-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 2004

322-2
323-2
2189-2

Charles M Thompson
Box 777
Pierre SD 57501

Dear Mr. Thompson:

Thank you for following up on the ownership change for Water Right No. 2189-2 and Vested Water Right Nos. 322-2 and 323-2. The transfers have been completed. The water rights formerly listed in the name of Frank D Brost are now listed in your name.

Enclosed is your Receipt Nos. 001131, 001132 and 001133 in the amounts of \$2.50 each. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures