

WATER PERMIT NO. VR 2324-2

Phone: 605 255-4416

Name of Applicant: John (Jack) B. Markitan

Post Office Address: HCR 58, Box 109, Fairburn SD 57738

Amount of Water Claimed: 0.61 Total Acres: 43

Source of Water Supply: dry draw - Lawson Draw

Water to be used for: irrigation County: Custer

Location: 13 miles southeast of Fairburn

PRIORITY Date Received: 12-8-94 Fee: \$15.00

Corrected Application Received: _____ Period of Annual Use: March 1 - Nov 30

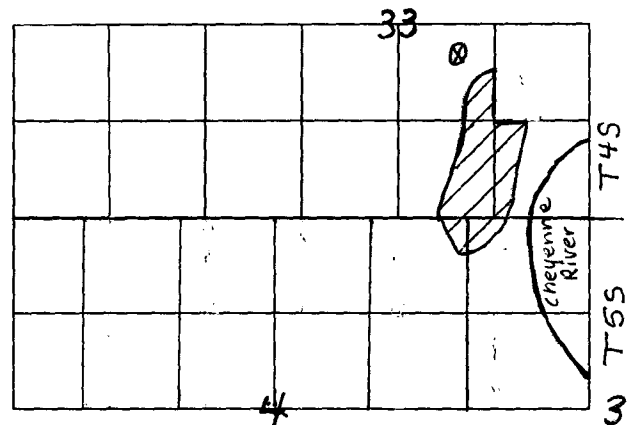
Remarks: Claimed priority date of January 1, 1950 - for waterspreading use

Diversion Point: NW 1/4 SE 1/4 Sec 33-T4S-R10E

Land to be Irrigated: W 1/2 SE 1/4, SE 1/4 SE 1/4

Sec 33-T4S-R10E; NE 1/4 NE 1/4 Sec 4 and

NW 1/4 NW 1/4 Sec 3; all in T5S-R10E



Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial Prepared By: DelRon Peters Reviewed and the Number

Assigned on: 12-8-94 By: Karen Schlaak

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2324-2 Hydrologic Unit 10120109
Basin Upper Cheyenne River
Newspaper Custer Co Chronicle, Box 551
(office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: New X Vested Right Amendment/Correction to Permit No.
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

- Name of Applicant John (Jack) B. Markitan (check one) X Owner Tenant/lessee Phone (605) 255-4116
Mailing Address HCR 58 Box 109 Fairburn State SD 57738
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.61 *CFS or **GPM ***AF Total Acreage 43 Acres
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet -- storage capacity of dam/dugout if applicable)
- Source of water supply Dry Draw - (Lawson Draw)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW 1/4 Sec. 33-T45-R10E
Dry Draw
- County Custer
- County or counties where water will be used Custer
- Annual period during which water is to be used March 1 - November 30
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>NW 1/4 SE 1/4 Sec 33 T45-R10E</u>	<u>9.5</u>	<u>NE 1/4 NE 1/4 T55-R10E Section 4</u>	<u>5.0</u>
<u>SW 1/4 SE 1/4 Sec 33 T45-R10E</u>	<u>20.6</u>	<u>NW 1/4 NW 1/4 T55-R10E Section 3</u>	<u>2.0</u>
<u>SE 1/4 SE 1/4 Sec 33 T45-R10E</u>	<u>5.9</u>		

- Type of Irrigation: Gravity: Towline: Center Pivot: Gun: Other (Specify): W-S-gravity water spreading
- Crops to be irrigated: Alfalfa, Western Wheat Grass
- Give a description of the project. (Attach sheet if more space is needed)
Water is collected from Lawson Dry Draw and then spread over above said lands through the use of water spreading ditches.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Custer)^{SS}

I, JOHN (JACK) B. MARKITAN, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed John (Jack) B. Markitan

Subscribed and sworn to before me this 14 day of November 19 94

Sue Waite

Notary Public

comm expires 5-4-97

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2324-2 FOR IRRIGATION

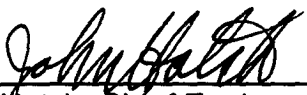
Date of Receipt of Claim December 8, 1994.

Date of Validation February 21, 1995.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 2324-2 for irrigation purposes for John (Jack) B. Markitan, HCR 58, Box 109, Fairburn SD 57738 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2324-2 appropriates 0.61 cubic feet of water per second from a dry draw dam (3 acre-feet storage capacity) on Lawson Draw located in the NW 1/4 SE 1/4 Section 33-T4S-R10E to irrigate via waterspreading on 43 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 33-T4S-R10E, NE 1/4 NE 1/4 Section 4 and the NW 1/4 NW 1/4 Section 3; T5S-R10E.
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. The water is to be used during the following annual period: March 1 - November 30.
3. The priority date of the Vested Water Right is January 1, 1950.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 5 1995

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2324-2 FOR IRRIGATION

(1) John (Jack) B. Markitan, HCR 58, Box 109, Fairburn SD 57738, made Application No. 2324-2, December 8, 1994 for validation of a vested right claim to appropriate 0.61 cubic feet of water per second from a dry draw (3 acre-feet storage capacity) on Lawson Draw, Custer County, South Dakota, for irrigation purposes. Vested Water Right No. 2324-2 was validated February 21, 1995 with a priority date of January 1, 1950. 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.

(2) The vested right owner is entitled to divert 0.61 cubic feet of water per second for beneficial use. The location of the diversion point is: NW 1/4 SE 1/4 Section 33-T4S-R10E.

The location of the irrigated acreage is:

Section 33-T4S-R10E	NW 1/4 SE 1/4	9.5 acres
	SW 1/4 SE 1/4	20.6 acres
	SE 1/4 SE 1/4	5.9 acres
Section 4-T5S-R10E	NE 1/4 NE 1/4	5.0 acres
Section 3-T5S-R10E	NW 1/4 NW 1/4	2.0 acres
	Total	43.0 acres

(3) Pursuant to Section 46-5-30.1 John (Jack) B. Markitan, HCR 58, Box 109, Fairburn SD 57738 the holder and/or owner of Vested Water Right No. 2324-2 is issued a license to appropriate 0.61 cubic feet of water per second from a dry draw (3 acre-feet storage capacity) on Lawson Draw with a priority date of January 1, 1950 from the location 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. 2324-2 and subject to South Dakota State Law.



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

SEP 5 1995

date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- 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 _____ On property owned by others _____

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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:

Soil Conservation Service

703 Mt. Rushmore Rd. N.

- b) Freeboard 5

- c) Crest Width 15

Crest Length 100'

- d) Height 6'

- e) Primary Outlet Capacity _____

If pipe, diameter _____

- f) Secondary Spillway Capacity _____

Spillway Width 50'

- g) X & Y Slope

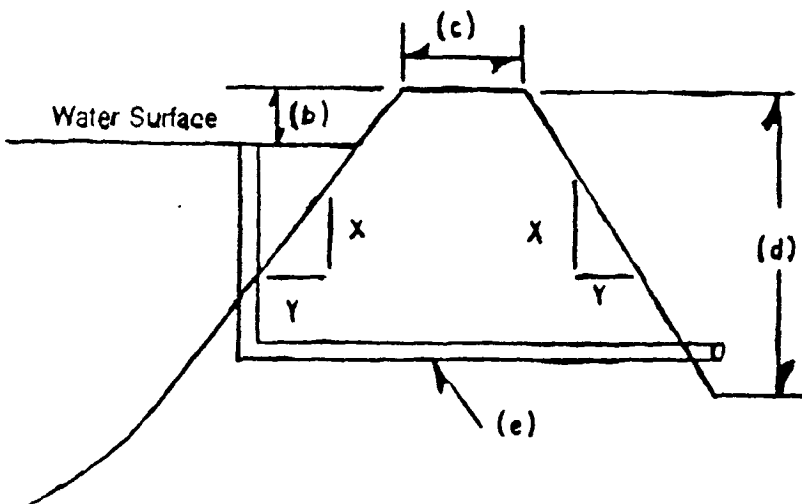
Upstream 5:1

Downstream 2:1

- h) Surface Area of Impoundment 0.5 Acre

- i) Storage 3 Acre Feet

- j) Drainage Area Above Dam 320 Acres



RECEIPT

414351

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, December 8, 19 94

RECEIVED OF Jack Markitan, Box 109, Fairburn SD 57738

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

Fee for Application for Permit No. <u>2324-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	15	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 _____		

(Any Other Work Provided by Law)	Total	15 00

By John Hatch
Chief Engineer

(KS)

Sheet 33

LN 129

Draw

Draw

T45-R10E

Lawson Draw

SE 1/4 Sec 5.41A

272.R
F30

Del Rio, Peter
Natural Resources Eng. I
DENR - Div. of Water Rights

T55-R10E

33.4

2324-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Nov. 1, 1994

Jack Markitan
Fairburn, SD 57738



Dear Mr. Jack Markitan:

I just got a chance to look back at the water right's inspection that we conducted and have run into some areas of concern. I was wondering if that North dam in the NW 1/4 SE 1/4 SEC 33 TWN4S RNG 10E is fed by French Creek or if it is fed from the draw or both. The lands in section 33 are not covered by any permits. Therefore, you may have to apply for a Vested Right or a New Water Right if the dam does not predate 1955.

Please give me a call at 394-2229 or stop in at 2050 W. Maine Suite 1, just across from Bacon Park.

Sincerely,

DelRon Peters (394-2229)
Natural Resources Eng.
DENR
Rapid City Regional Office

Report on Vested Right Application No. 2324-2
John (Jack) Markitan
January 5, 1995

Application No. 2324-2 requests validation of a vested right claim for the appropriation of 0.61 cubic feet of water per second from a dry draw dam (Lawson Draw) to irrigate 43 acres. The dam is located in the NW 1/4 SE 1/4 Section 33-T4S-R10E. An Affidavit of Water Use has been filed and the claimed priority date for the system is January 1, 1950. The system was inspected by Water Rights engineers Tim Schaal and DelRon Peters. The runoff from the draw is collected in a 3 acre-foot dam. The water is then utilized for irrigation via a water spreading system on 43 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 33-T4S-R10E and the NE 1/4 NE 1/4 Section 4 and NW 1/4 NW 1/4 Section 3; all in T5S-R10E.

Conclusions

1. The project consists of runoff collected in a dam from a dry draw. The water is then directed to a gravity water spreading system. The system was inspected and found to exist as described.
2. Water has been used when available since the time that the system was constructed.
3. The priority date for this vested water right claim should be January 1, 1950, for 0.61 cfs.

DelRon V. Peters 

DelRon V. Peters
Natural Resources Engineer

Reviewed by:

Gale N. Selken

Gale Selken, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2324-2, John B. Markitan

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 Validation of Vested Water Right Application No. 2324-2, John (Jack) B. Markitan, HCR 58 Box 109, Fairburn, SD 57738

The Chief Engineer is recommending VALIDATION of Application No. 2324-2 for 0.61 cfs because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written above the printed name.

JOHN HATCH, Chief Engineer
January 20, 1995



**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.

January 26, 1995

John (Jack) B. Markitan
HCR 58 Box 109
Fairburn, SD 57738

Dear Mr. Markitan:

Your Application No.2324-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Custer County Chronicle printed at Custer, SD (Ph # 605-673-2217). 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 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 to validate a vested right 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. We must receive Proof of Publication before the application can be considered.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1995

Custer County Chronicle
Box 551
Custer, SD 57730-0551

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2324-2 to be published twice. Please publish the notice on February 2, 1995, 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 John (Jack) Markitan, HCR 58 Box 109, Fairburn, SD 57738 (Ph # 605-255-4416).

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 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
523 E Capitol
Pierre SD 57501-3181

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate
A Vested Right Application 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 February 2, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2324-2 to Appropriate Water

Notice is given that John (Jack) B. Markitan, HCR 58 Box 109, Fairburn, SD 57738 has filed an application to validate a vested water right claim to appropriate 0.61 cubic feet of water per second from a dry draw dam (3 acre-feet of water capacity) on Lawson Draw located in the NW 1/4 SE 1/4 Section 33-T4S-R10E to irrigate via water spreading on 43 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 33-T4S-R10E; NE 1/4 NE 1/4 Section 4 and NW 1/4 NW 1/4 Section 3; all in T5S-R10E. The water use has a claimed priority date of January 1, 1950.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 2324-2 because 1) water has been appropriated as described for water spread irrigation with a claimed priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 February 21, 1995.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA)
County of Custer) ss

I, James Anderson

certify that the attached printed Notice was

taken from the Custer Co
Chronicle

printed and published in Custer

County of Custer and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

2/2/95

2/9/95

Cost of Printing: 42.77

James Anderson
(Signature)

(Title)

2-21-1995
(Date Signed)

NOTICE OF HEARING

TO VALIDATE VESTED WATER
RIGHT APPLICATION NO. 2324-2 TO
APPROPRIATE WATER

Notice is given that John (Jack) B. Markitan, HCR 58 Box 109, Fairburn, SD 57738 has filed an application to validate a vested water right claim to appropriate 0.61 cubic feet of water per second from a dry draw (3 acre-feet of water capacity) on Lawson Draw located in the NW 1/4 SE 1/4 Section 33-T4S-R10E to irrigate via water spreading on 43 acres located in the W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 33-T4S-R10E; NE 1/4 NE 1/4 Section 4 and NW 1/4 NW 1/4 Section 3; all in T5S-R10E. The water use has a claimed priority date of January 1, 1950.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends validation of Vested Water Right Application No. 2324-2 because 1) water has been appropriated as described for water spread irrigation with a claimed priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 February 21, 1995.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pimer, Acting Secretary, Department of Environment and Natural Resources.

#4550, 2/2, 2/9



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

VR 2324-2

John (Jack) Markitan
HCR 58 Box 109
Fairburn, SD 57738

Dear Mr. Markitan:

Enclosed are your Validated Vested Water Right and Water License No. 2324-2. 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.

Also enclosed is Reissued Water License No. 79-2. The license was reissued to include additional acreage.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

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

enclosures



April 11, 2005

2324-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

79-2
730-2
2324-2

Denise Baker
PO Box 148
Hermosa SD 57744

Dear Ms. Baker:

Thank you for letting us now about the ownership changes needed for Water Right Nos. 79-2, 730-2 and Vested Water Right No. 2324-2. Enclosed are copies for your files.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms and complete as needed. Upon completion, please sign and return the forms 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 I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
MAY - 4 2005
WATER RIGHTS
PROGRAM

No. 2324-2
Date: 4-19-05

I/We request that Vested Water Right No. 2324-2

formerly owned by: John (Jack) B Markitan

be transferred to: (name & address)

Jim or Denise Baker
PO Box 148 (HCR 89 Box 293) street Address only
Hermosa SD 57744 Telephone No. 605-255-4170

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

43.0 acres - W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 33, T4S, R10E; NE 1/4 NE 1/4 Section 4, T5S, R10E and
NW 1/4 NW 1/4 Section 3, T5S, R10E

I/We understand that the validity of Vested Water Right No. 2324-2 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 Denise Baker, the new owner, certify that the above information is true and correct.

Denise Baker
(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 4, 20 05

RECEIVED OF Jim Baker, PO Box 148, Hermosa SD 57744

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>2324-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001855

By

Darlene Eide

Chief Engineer

gm



May 4, 2005

2324-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

79-2
730-2
2324-2

Jim or Denise Baker
PO Box 148
Hermosa SD 57744

Dear Mr. & Mrs. Baker:

I am writing to acknowledge receipt of the ownership changes you submitted for transferring Water Right Nos. 79-2, 730-2 and Vested Water Right No. 2324-2. The transfers have been completed. The water rights and vested water right formerly held by John & Dean Markitan or L J Markitan are now listed in your names.

Enclosed are your Receipt Nos. 001853, 001854 and 001855 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

In South Dakota, all irrigators with the exception of those with water spreading systems are required to report annually the amount of water they pumped during that specific irrigation season. Irrigation questionnaires are not required for Water Right No. 79-2 and Vested Water Right No. 2324-2. Enclosed is a sample copy of the form for 730-2. This will give you an idea of what type of information to keep track of during the season. You do not have to return the sample copy. The actual form that will need to be completed and returned will be sent to you in October.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures