

WATER PERMIT NO. 2359-2

Name of Applicant: Shirley L. Lampert c/o Don Moody, Operator

Address: HCR 3, Box 14, Philip SD 57567

Phone: 605 859-2127

Amount of Water Claimed: 0.66 cfs & 3.5 acre-feet storage

Total Acres: 46

Source of Water Supply: runoff

Water to be used for: irrigation

County: Jackson

Type of Waste Disposal System: NA

Location: 7 miles northwest of Kadoka

PRIORITY

Date Received: 4-18-96

Fee: \$150.00

Corrected Application Received:

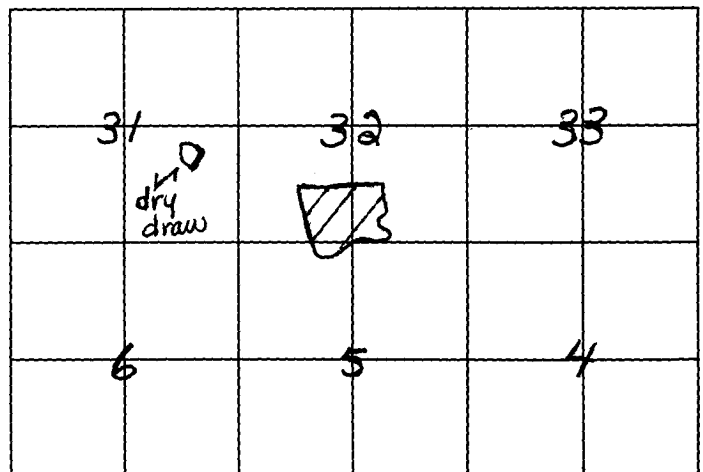
Period of Annual Use: Jan 1 - Dec 31

Remarks: This is a waterspreading system and will be used for livestock water also

Diversion Point: NE 1/4 SE 1/4

Sec 31-T1S-R21E

Land to be Irrigated: SE 1/4 SW 1/4 & SW 1/4 SE
1/4 Sec 32-T1S-R21E and NW 1/4 NW 1/4 Sec
5-T2S-R21E



Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: aerial

Prepared by: DelRon Peters

Reviewed and the Number Assigned on: 4-23-96

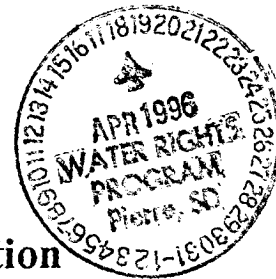
By: Karen Schlaak

Notice of Hearing - date to intervene: _____

OVP

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>2359-2</u> Hydrologic Unit <u>10/40/02</u>
	Basin <u>Bad River</u>
Newspaper <u>Kadoka Press, Kadoka, SD</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: X New 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.)

- Operator
Contract
1. Name of Applicant Shirley L. Lampert / Don Moody ☒ Owner Phone 859-2127
Mailing Address HCA 03, Box 14 ☐ Tenant/Lessee State S.D.
Philip, S.D. 57567 (check one) (Zip Code)
2. Amount of water claimed 0.66 *CFS or 296 **GPM 3.5 ***AF Total Acreage 46.0
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Dry Draw
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE 1/4 SE 1/4 Section 31 T15-R21E
 County Jackson
5. County or counties where water will be used JACKSON Co.
6. Annual period during which water is to be used Jan 1 - Dec. 31
7. List below each forty acre division, 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
SE 1/4 SW 1/4 Sec. 32 T15-R21E	32		
SW 1/4 SE 1/4 Sec. 32 T15-R21E	12.5		
NE 1/4 NW 1/4 Sec. 5 T25-R21E	1.5		
(DUP NE 1/4 NW 1/4)			

8. Give a description of the project. (Attach sheet if more space is needed)
Dam collects water from dry draw and spreads via gravity spreader ditch. There are 4 main spreader ditches which spread the water across the above described lands.

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

STATE OF SOUTH DAKOTA)

ss

County of JACKSON

I, Shirley L. Lampert, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Shirley L. Lampert
Subscribed and sworn to before me this 10th day of April 1996
Lyn M Osborn
Notary Public

RECEIVED

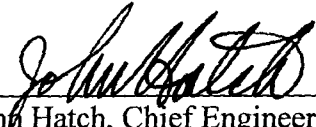
**SOUTH DAKOTA
WATER PERMIT NO. 2359-2**

Date of first receipt of application April 18, 1996.

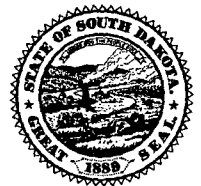
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2359-2 to Shirley Lampert, c/o Don Moody, Operator, HCR 3, Box 14, Philip SD 57567 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2359-2 appropriate 0.66 cubic feet of water per second from a diversion dam along a dry draw (3.5 acre-feet storage capacity) located in the NE 1/4 SE 1/4 Section 31-T1S-R21E for irrigation via a waterspreading system of 46 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 32-T1S-R21E and NE 1/4 NW 1/4 Section 5-T2S-R21E. The dry draw may also be used for livestock watering purposes.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: January 1 - December 31.
3. The date from which applicant may claim right is April 18, 1996.
4. The date of approval of Permit No. 2359-2 is July 1, 1996.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

OCT 17 1996
date



DVP

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. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

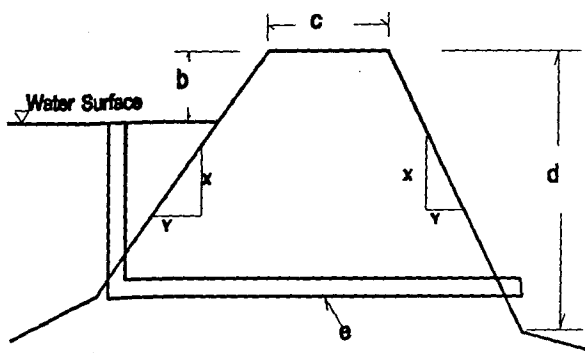
- a) Surface Dimensions _____ Depth ~~_____~~
- b) Depth to water (ground surface to water level) _____



4. 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:

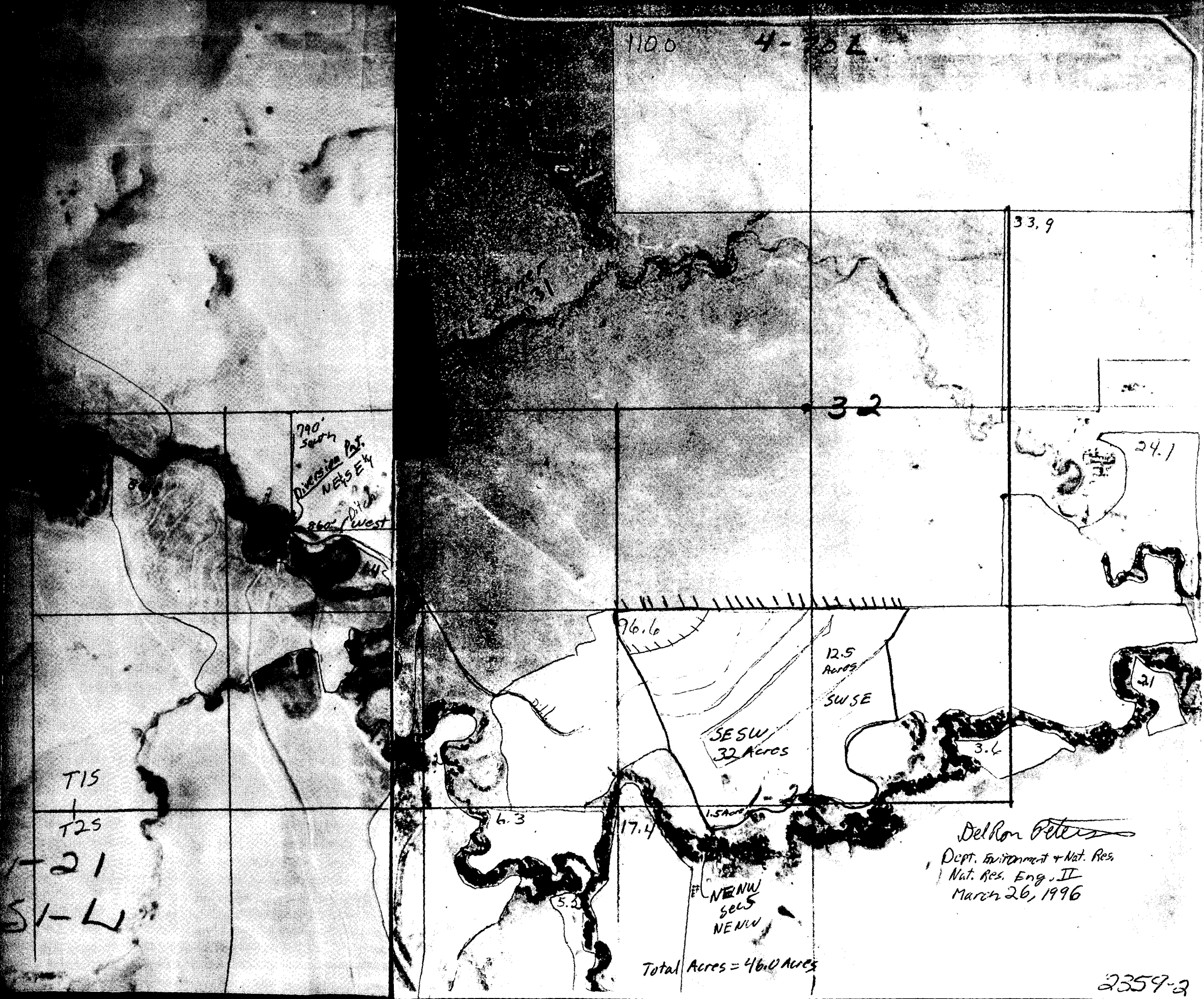


- b) Freeboard 3'
- c) Crest Width 15'
Crest Length 350
- d) Height 13
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width 3'
- g) X & Y Slope
Upstream 2:1
Downstream 3:1
- h) Surface Area of Impoundment 1.0 Ac
- i) Storage 3.5 Acre Feet
- j) Drainage Area Above Dam _____ Acres

NOT TO SCALE

Don Moody needs new WR on this

Shirley Lampert Ranch



RECEIPT

Division of Water Rights

414915

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 18, 19 96

RECEIVED OF Shirley L. Lampert, 14881 E. Hwy. 44, Rapid City, SD 57701

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

Fee for Application for Permit No. <u>2359-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch 
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 2359-2
SHIRLEY L. LAMPERT
MAY 28, 1996

Application No. 2359-2, Shirley L. Lampert, proposes to appropriate 0.66 cubic feet of water per second from a dry draw with 3.5 acre-feet storage capacity located in NE 1/4 SE 1/4 Section 31-T1S-R21E for irrigation via a water spreading system of 46 acres located in the SW 1/4 SE 1/4 and the SE 1/4 SW 1/4 of Section 32-T1S-R21E; and the NE 1/4 NW 1/4 Section 5-T2S-R21E. The dry draw dam may also be used for livestock watering purposes.

Review of the Water Source.

Irrigation is dependent upon flow from runoff. The dry draw is a tributary to White River Creek which in turn flows to the Bad River.

Review of Existing Water Rights

There are 108 surface water, water rights/permits issued in the Bad River basin appropriating 435.41 cfs. Water permit No. 1400-2 is the only water right/permit located downstream between the diversion point of this application and the Bad River, withdrawing directly from the creek.

Permit No.	Owner	Use	Source	Diversion Amount (cfs)
1400-2	Ben Handcock	irrigation	Brady Creek, Willow Creek	2.6

There are sixteen permits which divert water directly from the Bad River between the confluence of White Willow Creek and the Bad River and the Missouri River appropriating a total of 43.06 cfs.

Review of the Project

The water application appropriates 0.66 cubic feet of water per second (cfs) from a dry draw and the dam stores 3.5 acre-feet to irrigate 46.0 acres located in the SW 1/4 SE 1/4 and the SE 1/4 SW 1/4 of Section 32-T1S-R21E; and the NE 1/4 NW 1/4 Section 5-T2S-R21E. The point of diversion from the dry draw is located in the NE 1/4 SE 1/4 Section 31-T1S-R21E.

The irrigation system consists of a 3.5 acre-feet diversion dam with approximately 3300 ft. of diversion ditch capable of diverting 0.66 cfs from the dam onto the irrigated lands. The water is spread across the lands utilizing a series of four spreader dikes.

Conclusions

1. Application No. 2359-2, Shirley Lampert, diverts 0.66 cfs and stores 3.5 acre-feet from a dry draw to irrigate 46 acres.
2. The water use will not adversely impact other water users or domestic use.

3. The amount of water used should not adversely affect White Willow Creek or Bad River water users.
4. The priority date for this permit is April 18, 1996.

DelRon Peters (CE)

DelRon Peters
Natural Resources Engineer

Approved by:

Gale N. Selken

Gale Selken
Natural Resources Engineer IV

References

1. S.D. Department of Environment and Natural Resources. Water Rights Program Records.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2359-2, Shirley Lampert**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2359-2, Shirley Lampert, %Don Moody, Operator, HCR 3, Box 14, Philip, SD 57567.

The Chief Engineer is recommending APPROVAL of Application No. 2359-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer

June 5, 1996



**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.

June 6, 1996

Shirley L. Lampert
%Don Moody, Operator
HCR 3, Box 14
Philip, SD 57567

Dear Ms. Lampert:

Water Permit Application No. 2359-2 for irrigation 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 Kadoka Press printed at Kadoka, SD (Ph # (605) 837-2259). 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Kadoka Press
Box 309
Kadoka, SD 57543-0309

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2359-2 to be published twice. Please publish the first notice on June 13, 1996, 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 Shirley L. Lampert, %Don Moody, Operator, HCR 3, Box 14, Philip, SD 57567 (Ph # (605) 859-2127).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 June 13, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2359-2 to Appropriate Water

Notice is given that Shirley L. Lampert, %Don Moody, Operator, HCR 3, Box 14, Philip, SD 5767 has filed an application for a water permit to appropriate 0.66 cubic feet of water per second from a dry draw (3.5 acre-feet storage capacity) located in the NE 1/4 SE 1/4 Section 31-T1S-R21E for irrigation via a water spreading system of 46 acres located in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 32-T1S-R21E and NE 1/4 NW 1/4 Section 5-T2S-R21E. The dry draw dam may also be used for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2359-2 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. 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 Program, 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 July 1, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Jackson) SS

I, Ronda Dennis

certify that the attached printed Notice was
taken from the Kadoka Press

printed and published in Kadoka, SD

County of Jackson and State of

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

June 13, 1996

June 20, 1996

Cost of Printing: \$37.55

Ronda Dennis
(Signature)

Adv. Manager / Editor
(Title)

June 20, 1996
(Date Signed)



NOTICE OF APPLICATION NO. 2539-2 TO APPROPRIATE WATER

Notice is given that Shirley L. Lampert, c/o Don Moody, Operator, HCR 3, Box 14, Philip, SD 57567 has filed an application for a water permit to appropriate 0.66 cubic feet of water per second from a dry draw (3.5 acre-foot storage capacity) located in the NE 1/4 SE 1/4 Section 31, T1S-R21E for irrigation via a water spreading system of 46 acres located in the SE1/4 SW1/4, SW1/4 SE1/4 Section 32, T1S-R21E and NE 1/4 NW 1/4 Section 5, T2S-R21E. The dry draw dam may also be used for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2359-2 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. 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 Program, 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 July 1, 1996.

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 Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment
and Natural Resources

Publish: June 13 & 20, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 17 1996

Shirley L. Lampert
c/o Don Moody, Operator
HCR 3 Box 14
Philip SD 57567

Dear Mr. Moody:

Enclosed are Reissued Vested Water Right No. 675-2 and Water Right No. 2359-2 as approved and validated by the Water Management Board. These are the final documents which complete the process of obtaining water rights. Also, enclosed is the receipt for the transfer of No. 675-2 to your name.

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

Very truly yours,

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

enclosures

RECEIPT

414914

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 18, 19 96

RECEIVED OF Shirley L. Lampert, 14881 E. Hwy. 44, Rapid City, SD 57701

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. _____	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

Permit No. 2359-2
Bad River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, October 2, 1995, made a thorough examination of the water use system owned by Shirley Lampert and operated by Don and Vi Moody of HCR 03, Box 14 Philip, SD 57567 holder of Permit No. 2359-2, bearing the priority of April 18, 1996 authorizing the diversion of 0.66 cu. ft. per second and/or the storage of ~~2~~^{3.5} acre-feet of the waters of Dry Draw for irrigation purposes, in Jackson County. 3.5/ks

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

A. Works used to divert the water:

Dam in the draw

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

Approximately 3000 ft. of earthen gravity spreader ditches.

C. Works used to apply water to beneficial use:

dikes and spreader ditches

The system is in the following condition good. The point of diversion is located NE 1/4 SE 1/4 Section 31 T1S-R21E. The works are capable of diverting and conveying to the place of use 0.66 cu. ft. per second of water and/or storing ~~2~~^{3.5} acre-feet of water which is to be used for Irrigation. Water has been put to beneficial use to the maximum extent as follows:

SE 1/4 SW 1/4 Sec. 32 T1S-R21E - 32 acres.

SW 1/4 SE 1/4 Sec. 32 T1S-R21E - 12.5 acres.

NW 1/4 NW 1/4 Sec. 5 T2S-R21E - 1.5 acres.

comprising a total of 46 acres of land and the license should be issued for 0.66 cfs and ~~2~~^{3.5} acre-feet of storage. 3.5/ks

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: April 25, 1996



DelRon Peters

Natural Resources Engineer II

DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2359-2

Other permit(s) associated with the project: 1104-2, 675-2

DATE OF INSPECTION: October 2, 1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Don Moody (Operator)

HCR 03 Box 14

Philip, SD 57567

NAME & ADDRESS OF PERMIT HOLDER:

Shirley Lampert

DIVERSION POINT LEGAL LOCATION: NE 1/4 SE 1/4 SECT. 31 T1s-R21E

DISTRIBUTION LINES OR CANALS:

1) Type Earthen ditches 2) Size 3 ft 3) Length 3000 feet

SYSTEM TYPE: Gravity Spreader

DAM INFORMATION:

1) Height to crest 12 feet

2) Height to primary spillway 8 feet

4) Crest width 15 feet

5) Crest length 270 feet

8) Approx. storage $\frac{3.5}{2}$ ac-ft

9) Approx. storage to crest 3 ac-ft

10) Date constructed: 1983

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y

2) Special qualifications to permit being abided by Y

3) All structures, wells and lands on map Y

4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period

N/A

Inspection by: DeRon Peters

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2359-2

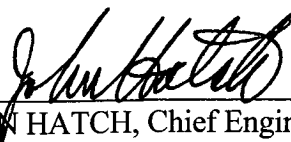
(1) Shirley Lampert, c/o Don Moody, HCR 3, Box 14, Philip SD 57567 made Application No. 2359-2, April 18, 1996 for a water permit to divert 0.66 cubic feet of water per second from a dry draw (3.5 acre-feet storage capacity), Jackson County, South Dakota for irrigation purposes. Permit No. 2359-2, with a priority date of April 18, 1996 was approved July 1, 1996 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.66 cubic feet of water per second (3.5 acre-feet storage capacity) for beneficial use. The location of the diversion point is 790 feet south and 860 feet west of the east quarter corner of Section 31-T1S-R21E (NE 1/4 SE 1/4).

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

Section 32-T1S-R21E	SE 1/4 SW 1/4	32 acres
	SW 1/4 SE 1/4	12.5 acres
Section 5-T2S-R21E	NW 1/4 NW 1/4	1.5 acres
Total		46 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Shirley Lampert, c/o Don Moody, HCR 3, Box 14, Philip SD 57567 the holder and/or owner of Water Permit No. 2359-2 is issued a license to appropriate water, the right to use 0.66 cubic feet of water per second from a dry draw (3.5 acre-feet storage capacity) with a priority date of April 18, 1996 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2359-2 and subject to South Dakota State Law.

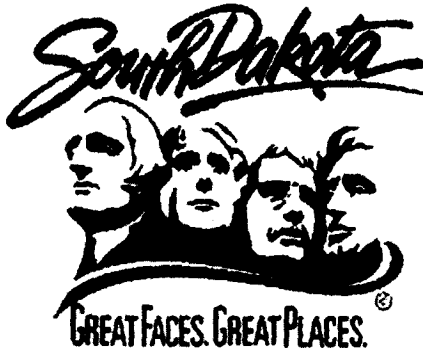


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 17 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2012

2359-2

Donald & Viola Moody
24134 SD Hwy 73
Philip SD 57567

Dear Mr. & Mrs. Moody:

I am contacting you in regard to ownership of land described in Water Right No. 2359-2 listed in the name of Shirley Lampert (copy enclosed). It is my understanding you own the land described in Water Right No. 2359-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

RECEIVED

APR 16 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2359-2Date: 4-12-2012I/We request that Water Right No. 2359-2formerly owned by: Shirley Lampert

be transferred to: (name & address) DONALD R. + Viola M Moody
24134 SD Highway 73, Philip, SD 57567
cell phone: 605-685-3127 Telephone No. 605-859-2127

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

46 acres - SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 32, T1S, R21E and NW 1/4 NW 1/4 Section 5, T2S, R21E

I/We understand that the validity of Water Right No. 2359-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We DONALD R. + Viola Moody, the new owner, certify that the above information is true and correct.

Donald R. Moody
Viola M. Moody

(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 4/16, 20 12

RECEIVED OF Donald R & Viola M Moody 24134 SD Hwy 73 Phillip SD 57567

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2359-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05412**

By *Latel E. E. E. E. E.*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 16, 2012

2359-2

Donald & Viola Moody
24134 SD Hwy 73
Philip SD 57567

Dear Mr. & Mrs. Moody:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 2359-2.

The ownership change has been completed. The water right formerly held by Shirley Lampert is now listed in your names.

Enclosed for your records is Receipt No. 05412 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

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

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

enclosure