

NO. 267-2Water Division No. 2 Fall River Water District.
(Blank to be filled by the State Engineer.)

APPLICATION FOR A PERMIT To appropriate Water Within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Charles E. Roe Roe Ditch & Everett Hill, Box 727, Hot Springs, SD
Postoffice address Hot Springs, County Fall River, State South Dakota

I. If a corporation.....

(a) Name of same.....

(b) Date and place of incorporation.....

(c) Amount of capital stock.....

(d) Amount paid in.....

(e) Names and addresses of directors:.....

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) Work Completed

(b) Cash on hand, \$.....

(c) Treasury stock, \$.....

(d) Bonds to be issued, \$.....

(e) Other resources, \$.....

2. Name of diversion works Charles E. Roe3. Quantity of water claimed 2.01 cubic feet per second. + Allowance for seepage and evaporation4. Source of water supply Cascade Creek5. Location of point of diversion at N. 61° 15' E., 2156.0 ft. from 1/2 Sec. Cor. bet. Secs. 30 & 31, T. 8 S., R. 5 E., B. H. M.on Right bank.
(Right or left bank looking down stream.)6. Annual periods during which water is to be used April to December inc.

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 121.6 acres.

(b) Legal subdivisions to be irrigated:

NE 1/4	SE 1/4	Sec. 30, T. 8 S., R. 5 E., B. H. M.	1.1	Acres
NW 1/4	SE 1/4	Sec. 30	6.5	"
NE 1/4	SE 1/4	Sec. 30	4.1	"
NW 1/4	NE 1/4	Sec. 30	15.2	"
SE 1/4	NE 1/4	Sec. 30	20.9	"
NE 1/4	SE 1/4	Sec. 30	21.2	"
SW 1/4	NE 1/4	Sec. 31, T. 8 S., R. 5 E., B. H. M.	3.0	"
NW 1/4	SE 1/4	Sec. 31	10.7	"
NE 1/4	SW 1/4	Sec. 31	25.6	"
SW 1/4	NW 1/4	Sec. 31	8.6	"
NW 1/4	SW 1/4	Sec. 31	10.0	"

Total Area

145.0 Acres.

MAP NO 315-2

8. Estimated cost of works:

(a) Head gates, \$ Complete

(b) Pumping plant, \$.....

(c) Fluming, \$ Complete(d) Canal-earth, \$ Complete

Rock, \$.....

(e) Other structures.....

\$.....

Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Log and stone Dyke, 4x160 ft., from 0 to 4 ft. high, down the Channel of Creek to divert water into ditch.

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope of front (water) face.....; slope of back face.....; material used in construction.....

(b) Reservoir; Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET—FEET	SURFACE AREA AT EACH..... FEET OF DEPTH AT OUTLET—ACRES	CAPACITY ACRE-FOOT

(c) Head gate: Width 2.0 feet; height 3.0 feet;Material 2 in. Plank 16 ft. long.(d) Canal: Total length 1½ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At <u>½</u> Mile	<u>2.0</u> feet	<u>2½</u> feet	<u>4</u> feet	<u>7.0</u> feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work.....Completed years.

11. Time required for complete application of water to the proposed beneficial use..... years.

12. Choice of newspaper for publication of notice of intention to appropriate Hot Springs Star

STATE OF SOUTH DAKOTA,

County of Fall River

ss.

I

Charles E. Roe

, 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 and
(Owner, manager, engineer.)

foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Charles E. Roe

Subscribed and sworn to before me this.....

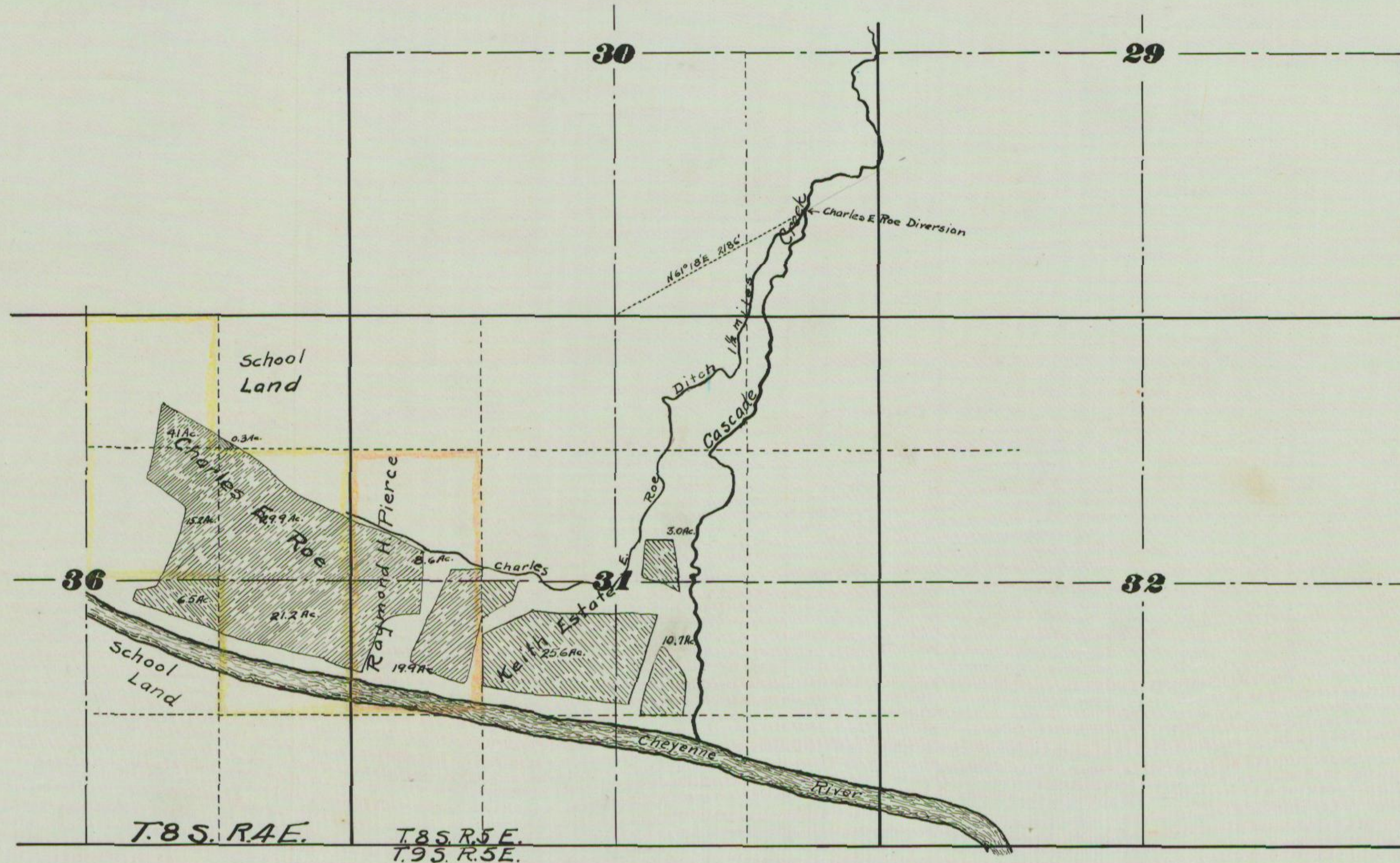
13

day of.....

Aug, 1934

Notary Public (or other qualified officer.)

Clerk of Court, Fall River County, So. Dak.



Map of
Charles E. Roe Ditch
 and
Lands Irrigated
Fall River County
South Dakota
 1 inch = 800 feet

State of South Dakota } ss.
 County of Fall River }

S. A. Calhoun, a Reg. Prof. Eng. and Land Surveyor, being duly sworn, says he is the person employed to make the survey of the lands to be irrigated by the Charles E. Roe Ditch, that said survey was made by him and that such lands, containing an area of 145.0 acres, are accurately represented on the map on the margin of which this is written.

S. A. Calhoun
 Reg. Prof. Eng. & Land Sur.

Subscribed and sworn to before me at Hot Springs, Fall River County, South Dakota, this 14th Day of Aug. 1934.

J. J. Richer
 CLERK OF COURTS -

R5E

19 20
30 29

Roe Ditch
(Permit # 267-2)

Office Copy
Map #315-2

T
8
S

Point of Diversion
Permit # 24-2

Point of Diversion
for Permit # 267-2

Cascade Falls

20" Round
Steel Flume

30 29
32

162A

Everett Hill

T
8
S

162A

More Lamphere

NW 1/4 NE 1/4 2 AC
NE 1/4 NE 1/4 1 AC

SW 1/4 NE 1/4 27 AC
SE 1/4 NE 1/4 30 AC

SW 1/4 NW 1/4

96

7 AC

NW 1/4 SE 1/4 2 AC
NE 1/4 SE 1/4

14 AC

50

NW 1/4 SW 1/4 22 AC

NE 1/4 SW 1/4 27 AC

NW 1/4 SE 1/4 13 AC
3 AC

SE 1/4 SW 1/4 1 AC
SW 1/4 SE 1/4

R4E

R5E

8-4

8-5

MB B 11
301-5

25.1

52.8

22.6 162A

3.2

STATE OF SOUTH DAKOTA,

County of Hughes } 38.

Pierre, South Dakota,

Jan 4

1935

This is to certify that the foregoing application was received at this office at 9 AM o'clock A.m. upon the 22ND day of AUGUST 1934 and that after examination it was found sufficient in form. Notice was published. Hearing held & upon agreement of all parties concerned this permit is granted to Charles F. Roe, Edna K. Florence & Eva K. McCormack jointly in accordance with the attached statement & stipulation

E/ Chas A. Trimmer

State Engineer.

Number of permit.....

Date of first receipt of application.....

AUGUST 22

1934

Date of return to applicant for correction.....

19

Date of receipt of corrected application.....

19

Date from which applicant may claim right.....

AUGUST 22

1934

Approved Jan 4 1935, Recorded in Book.....

Page 424/425

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

- 1st. The equivalent of at least one-fifth of the work above specified is to be completed ~~on or~~ before.....19.....
- 2nd. The whole of said work is to be completed ~~on or~~ before.....19.....
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed 19.....
- 4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed See attached (2.07) Statement cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or

before.....19.....; said water to be used during the following described annual periods:

During growing season

Witness my hand this.....

4th

day of

January

1935

Certif of Const and
Water License Issued

March 16, 1981

E/ Chas. A. Trimmer
State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 267-2

(1) WHEREAS, On the 22nd day of August A. D. 1934
Charles E Roe
 made Water Right Application No. 267-2 for a permit to use 2.07 cubic feet per second of the waters of Cascade Creek
 County of Fall River, State of South Dakota, for irrigation purposes; and
 (2) WHEREAS, On the 4th day of January A. D. 1935
 Permit No. 267-2, with a date of priority of August 22, 1934
 was issued to said applicant for the diversion of said water, and ^{recognizing} provided for the completion of construction of the water supply system therein described as or before the day of April 19, 1934 and for the application to beneficial use of said water as or before the day of April 19, 1934

WHEREAS, on the 4th day of February, 1981 this Permit No. 267-2 was transferred to the Roe Ditch, Everett Hill, Box 727, Hot Springs, SD

and,

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.07 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

Everett Hill:

the following in Sec 36, T8S, R4E

NW $\frac{1}{4}$ NE $\frac{1}{4}$	2	Marc Lamphere
NE $\frac{1}{4}$ NE $\frac{1}{4}$	1	the following in Sec 31T8S,R5E
SW $\frac{1}{4}$ NE $\frac{1}{4}$	27	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 27
SE $\frac{1}{4}$ NE $\frac{1}{4}$	30	SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13
NE $\frac{1}{4}$ SE $\frac{1}{4}$	14	SW $\frac{1}{4}$ SE $\frac{1}{4}$ 3
76 acres		44 acres

Ted McClure

the following in Sec 31, R8S, R5E

SW $\frac{1}{4}$ NW $\frac{1}{4}$	7
NW $\frac{1}{4}$ SW $\frac{1}{4}$	22
29 acres	
TOTAL 149 acres irrigated	

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Ray Ditch & Everett Hill

of Hot Springs, SD
the holder A and owner A of said permit No. 267-2 a water right, dating from August 22, 1934
to use of 2.67 cubic feet per second of the waters
of Cascade Creek
in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1100 feet south and 400 feet west
of the E. corner, Section 30, T8S, R5E

and conducted to and upon portions of land in Section 30, T8S, R5E and Section 31,
T8S, R5E, more fully described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 267-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 16th day of March / 19 A. D.
Nineteen Hundred and Eighty-One

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

Permit No. 267-2

Water Diversion No. 2 Upper Cheyenne Water District

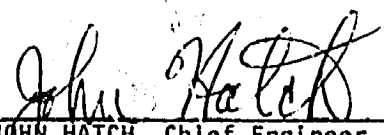
CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Roe Ditch & Everett Hill

_____ the holder _____ of
Permit No. 267-2, issued upon Application No. 267-2, bearing date of priority of August 22,
1934 authorizing the diversion of 2.07 cu. ft. per second of the waters of _____
Cascade Creek County of Fall River, State of South Dakota at _____
a point 1100 feet south and 400 feet west of the E $\frac{1}{4}$ corner, Section 30-
T8S-R5E
_____, for irrigation

purposes, have complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 6.0 cu. ft. per second of water. (estimated)

Date March 16, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

(First Publication19.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., October 17th 19 34

Notice is hereby given that Charles E. Roe whose postoffice address is Hot Springs, Fall River County, S. D., has made an application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use 2.07 cubic feet of water per second of time from Cascade Creek through the Charles E. Roe Diversion, the point of diversion of which is to be located upon the Right bank of said stream in the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 30 township 8 S range 5 E of B.M. said water to be used for the purpose of Irrigation upon the $\frac{1}{2}$ of Sec. 33, T. 8 S., R. 4 E. and upon Sec. 31, T. 8 S., R. 5 E. of B.M.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 18th day of December 19 34 at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

Chas. A. Trimmer

State Engineer.

OFFICE OF STATE ENGINEER
Pierre, S. Dak.

In order that the accompanying application for permit to appropriate water may be more thoroughly understood the following additional facts are given.

The object in filing this application is to secure the record title to this appropriation in the name of the applicant, Charles E. Roe.

Applicant completed the ditches and works described in connection with this application more than twenty years ago and has used the system for the diversion of water from Cascade Creek for irrigation purposes during all this time.

You will notice that under this ditch and irrigated from it are 145.00 acres of land the ownership of which is as follows,

Keith Estate 39.3 acres
Raymond Pierce 28.5 acres
Applicant 77.2 acres.

It has been the custom during the time which this ditch has been used for the Keith Estate and Raymond Pierce to make arrangements with applicant for the use of water. This application is therefore made for sufficient water to irrigate the entire 145 acres. Raymond Pierce is son-in-law of applicant.

Should there be anything erroneous in filing the application as it has been prepared please give necessary suggestions and return same for amendment.

Know all Men by These Presents:

That we, Charles E. Roe and N. J. Roe, husband and wife,

of the County of Fall River in the

State of South Dakota

ies

part of the first part, in consideration of bearing one half of the expense necessary to put the irrigating ditch hereinafter described and known as the Roe ditch in proper and suitable condition to carry sufficient water to irrigate 143 acres of land belonging to all of the said parties herein and bearing half of the expense of keeping said ditch in repair by Josephine H. Keith of the County of Fall River and State of South Dakota

part of the second part, the receipt whereof is hereby acknowledged, do hereby Grant, Remise, Release and Quit-claim unto the said part of the second part her heirs and assigns Forever, all their estate, right, title, interest, claim, property and

demand of, in and to the following real property, situated in the County of Fall River and State of South Dakota and described as follows:

an undivided one-third interest in the certain irrigating ditch known as the "Roe Ditch", commencing at the Mahler-Cheyenne River irrigating ditch near the S.W. corner of Section 29, Township 3 South, Range 5 East, running in a southwesterly direction over and across Section 31 in said Township and Range.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto in anywise appertaining.

Witness our hand and seals this 26th day of May A. D. 19 01

Signed, Sealed and Delivered in Presence of

C. E. Roe (SEAL)

N. J. Roe (SEAL)

(SEAL)

(SEAL)

STATE OF SOUTH DAKOTA,

County of FALL RIVER

SS.

BE IT REMEMBERED that on this 26th day of May, in the year One
Thousand Nine Hundred and Nine, before me S. E. Wilson, a Notary Public

xx _____ within and for said County and State, personally appeared
Charles E. Roe and N. J. Roe, husband and wife,

known to me to be the person who described in and who executed the within and foregoing instrument, and
acknowledged to me that he executed the same, freely.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal,
the day and year above written.

S. E. WILSON

(SEAL)

Notary Public

RECEIVED

NOV 21 1914

CLERK OF DISTRICT COURT
FALL RIVER, S. DAK.

QUIT-CLAIM DEED.

E. ROE and wife

TO

Josephine H. Keith

STATE OF SOUTH DAKOTA,

County of Fall River

OFFICE OF REGISTER OF DEEDS.

Notify the within instrument was filed for

at the _____ day of _____

Oct _____ A. D. 1913

at _____ o'clock and 10 minutes A. M., and

located in Book _____ 19 _____

on Page _____

175 _____ of the records of said Register of

office for said County.

J. C. Whaley

Register of Deeds.

Deputy.

Water Right.

Original filed Oct 31st, 82
and recorded Page 177 Book 4-Locations

F.H.Flynn.

N O T I C E .

I the undersigned claim a water right to be taken out of Cascade Creek or Little Warm Creek, on the west side about (30) Thirty rods above the falls where the freight road crosses said creek said water right is to be a flume or ditch (36) Thirty-six inches wide on the bottom and (18) eighteen inches deep with One Half inch of grade to the rod and is supposed to carry (700) seven hundred inches of water and is to be taken down on the flat by the Cheyenne River on the west side of said Creek said water to be used for mining, Milling and irrigation.

Located this 22nd day of July A.D.1881.

A.E.Carr---- Locator.

RECEIVED MAY 10 1934

Hot Springs, South Dakota.

May 9th, 1934.

State Engineer,
Pierre, South Dakota.

Re:- Water right on Cascade Creek.
Fall River County, South Dakota.

Dear Sir:-

On or about July 22nd, 1881, one A.E. Carr, filed a certain Notice in the office of the Register of Deeds at Custer, Custer County Dakota, for water right to be taken out of Cascade Creek or Little Warm Creek, as per copy of Notice which I am herewith enclosing to you.

Mr Carr had no legal right to the lands, other than a squatters right. He constructed the dam and ditch and used the water for approximately two and one half years, and in the spring of 1884, Mr Carr removed from the premises and one Sam Moses built a house thereon and continued to use the water for approximately one year, when he sold out to one George A. Turner who resided on the place and used the water until about 1888, when he sold out to John M. Dennis. John M. Dennis was the father of my wife and died on or about April 25th, 1897, leaving a will which was probated in Fall River County, and as one of the heirs my wife and myself moved onto the land formerly occupied by the persons mentioned above.

About 1900 the dam which had been built by Mr Carr was completely destroyed by flood and for a period of some several years no water was taken out of Cascade Creek on the westerly side for irrigation purposes. However I made arrangements with Mr Mahler to take water from his ditch on the easterly side of Cascade creek, flume the same across Cascade creek and onto the lands formerly irrigated by Carr and others.

In 1918 or thereabouts, Mr J.G. Keith and myself built a dam about 15 rods above the location of the Carr dam, and I have since constructed ditch which carries approximately 150 inches of water onto the lands, and used the same each and every year to irrigate the lands above referred to.

A short time ago I purchased this land from the Commissioner of School and Public Lands, after having leased it for all the years I have occupied it.

I have presumed all these years that I had a water right by virtue of the Carr notice, but am now unable to run the title to my own name, and I am writing you for the purpose of getting some suggestion from you as to the proper procedure to get this water right in my own name, and I would thank you greatly for any suggestions you may have in the matter.

Thanking you for an early reply, I am,

Very truly yours,

Chas E. Roe
Chas E. Roe

May 28, 1962

Mr. Everett Hill
Hot Springs, South Dakota

Dear Mr. Hill:

Reference is made to your letter of May 21st requesting information on the distribution of water under the Roe ditch water right #267-2.

We do not have a copy of the working agreement between Mr. Roe and Mr. Keith in our files. Correspondence in the files indicates they were to share the cost of operation and maintenance of the ditch on a 50-50 basis. Mr. Roe was to get 2/3 of the flow and the Keith Estate the other 1/3.

There is a quit claim deed in the file that shows this distribution, and it is recorded in the Fall River Register of Deeds office in Book 19, Page 175.

Sincerely,

CURTON F. JONES
Water Right Specialist

BFJ:mf

Water Right Application No. 267-2
Charles E. Roe

Correspondence in Water Right File No. 267-2 indicates that Water Right Application No. 267-2 was received by the State Engineer in October of 1934 and that after advertising it as a new application, the State Engineer apparently decided it was a vested right.

Mr. Thomas Gardner, Engineer with the Water Rights Commission, inspected the area described in Water Right Application No. 267-2 on May 7, 1974. He talked to Mr. Everett Hill who stated he was a descendant of Charles E. Roe. Mr. Hill had informed Mr. Gardner that irrigated land owned by Mrs. Edna Florence also used water from the Roe Ditch. It was later learned that she had died and the estate is unsettled. The ditch and lands irrigated are about as shown on the map attached to Water Right Application 267-2. Mr. Hill and one other land owner (Florence Estate) irrigate approximately 145 acres of land, divert the water from Cascade Creek.

There seem to be no problems and the irrigators have no complaints. There is evidence that the ditch has a long history of being used as an irrigation ditch.

Under such circumstances, until a "vested right claim" is filed, the described irrigation will be considered as a "vested water right" having a priority date which may be as early as July of 1881.

Donald Driscoll

Donald Driscoll
Chief Engineer
Water Rights Commission

254-2 Char. Dr.

6-26-80 Talked to Everett Holland
told him what we were trying to
do for a dividend and there are
3 land owners - Will control the
ditch except for some portions
control or should I say maintained
by Oakley Sampson & Sturges. The
the permit needs a change of
address and revised. May be a
little longer and some very
block it down for the 3 land
owners. McClure was the writer but
never contributes to the maintenance.
I also talked to Ed McClure who
is son of Ed. Holland's why I was
there ~~and~~ and so inform his dad.
over

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7965

PIERRE, February 4, 1981

RECEIVED OF Roe Ditch, % Everett Hill, Box 727, Hot Springs, SD 57747

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of WR#267-2	2.50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	2.50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / *CH*



NO. 267-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Feb, 2 1981

This is to notify you that the title to the lands described as follows:
portions of Section 36 and 31, T8S, R5E

formerly owned by Charles Roe

has been transferred to Roe Ditch & Everett Hill, Box 727, Hot Springs, SD 57747

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 267-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA

County of Fall River) ss.

I, Everett Hill being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Everett Hill
(Signed)

Subscribed and sworn to before me this 3rd Day of February, 19 81.

Harold Magee
(Notary Public)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7964

PIERRE, February 4, 1921

RECEIVED OF Roe Ditch, % Everett Hill, Box 727, Hot Springs, SD 57747

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction. and issuing Cert. of Construction No. 267-2	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 267-2		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / CE

Permit No. 267-2Water Division 2. Upper Cheyenne Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOS' BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Roe Ditch
96 Everett Hill
Box 777, Hot Springs, S. Dak. 57747 holder
 of Permit No. 267-2, bearing date of priority of August 22,, 1924
 authorizing the diversion of 2.07 cu. ft. per second of the waters of Cascade Creek
 for Irrigation purposes, in Fall River County.

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

The Water Use System consists of,

A. Works used to divert the water:

Headgate on Cascade Creek.

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

Irrigation Supply Ditch

C. Works used to apply water to beneficial use.

Headgates on main ditch to flood irrigateThe system is in the following condition: GoodThe point of diversion is located 1100 ft S and 400 ft W of E 1/4 Cor
of Section 30, T8S R5EThe works are capable of diverting and conveying to the place of use 6.0 cfs
 cu. ft. per second of water which is to be used for Irrigation

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

See Reverse Side of This Formcomprising a total of 149. acres of land.

License for 2.07 cfs

Date June 26, 1980
Leroy J. Wernau
 (Signature)

Everett Hill. :

The following in Sec. 36, T8S R4E

NW $\frac{1}{4}$ NE $\frac{1}{4}$ -	2 Ac.
NE $\frac{1}{4}$ NE $\frac{1}{4}$ -	1 Ac.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ -	27 Ac.
SE $\frac{1}{4}$ NE $\frac{1}{4}$ -	30 Ac.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ -	2 Ac.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ -	14 Ac.
	76 Ac

Ted McClure

The following in Sec. 31, T8S R5E

SW $\frac{1}{4}$ NW $\frac{1}{4}$ -	7 Ac.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ -	22 Ac.
	29 Ac.

Marc Lamphere

The following in Sec. 31, T8S R5E

NE $\frac{1}{4}$ SW $\frac{1}{4}$ -	27 Ac.
SE $\frac{1}{4}$ SW $\frac{1}{4}$ -	1 Ac.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ -	13 Ac.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ -	3 Ac.
	44 Ac.

Total = 149 Ac. Irrigated

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

162A

Box 121
U-1 Springs

Everett
Hill

NW 1/4 NE 1/4
2 AC.

head pines
all along
the

1 AC.

Teri
McClure

36

NW 1/4 NE 1/4
2 AC.

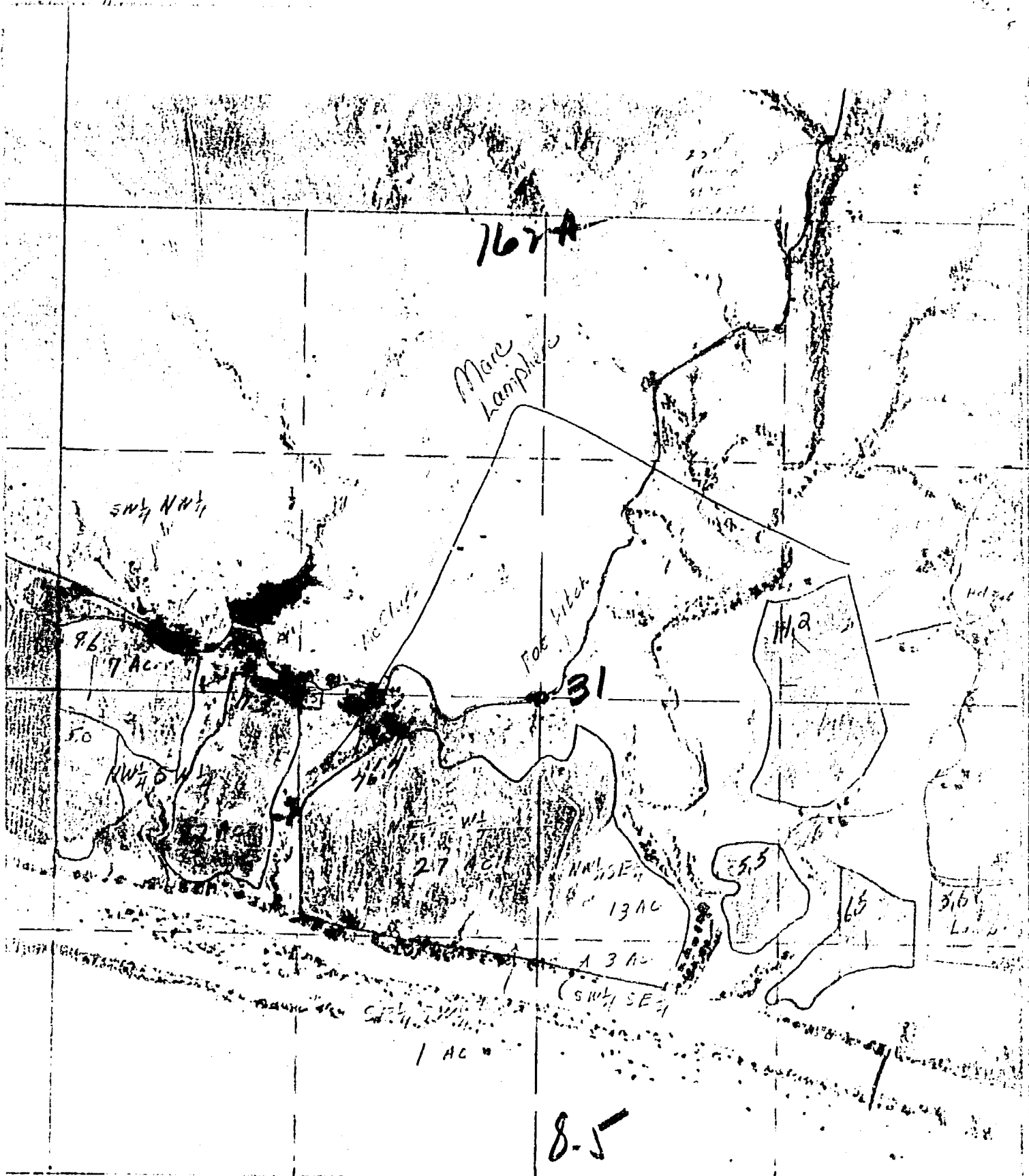
NE 1/4

26
15.3

11.3

8-4

151



25.1

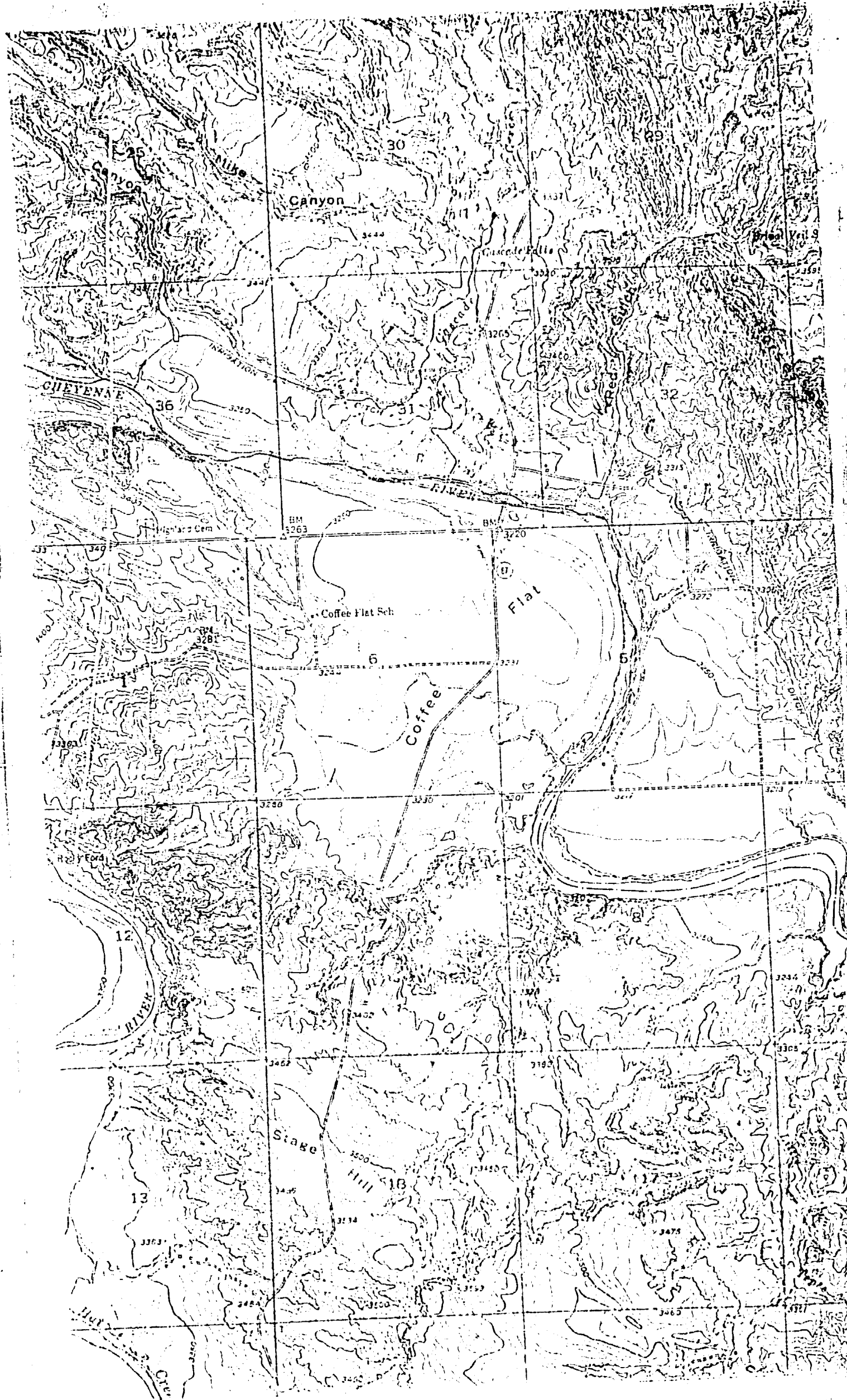
52.8

226 167A

3.2

1.0

5.4



Conversation or File Documentation

NAME OF PERSON OR FILE: Roe Ditch & Everett HillADDRESS: Box 727, Hot Springs, S. D. COUNTY Fall RiverDATE: March 15, 1982 TELEPHONE _____RE: Priority date

COMMENTS:

On March 16, 1981, Water License No. 267-2 was issued with a priority date of August 22, 1932. During review of the file the following items were found:

1. A water right filing which was located by H.E. Carr on July 22, 1881 and recorded on Oct. 31, 1882.
2. A letter from Mr. Chas. Roe to the State Engineer, dated May 9, 1932 mentioning the 1881 notice, stating that the system has essentially been used continuously, is now being used by Mr. Roe, and asking how the water right could be recorded in his own name. (Evidently the State Engineer must have advised him to file an application. The application is dated August 22, 1932).
3. A memo, (no date), signed by D. Driscoll stating that the described irrigation will be considered as a "vested water right" having a priority date which may be as early as July of 1881.

Based on the above findings, Water License No. 267-2 should have a priority date of July 22, 1881

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Delvin D. Bengt, P.E.
Hydrologist 3/15/82

State of South Dakota
Water License No. 267-2

(1) Roe Ditch, XEverett Hill
of Box 727, Hot Springs, South Dakota 57747
was issued Water License 267-2 made Application No. 267-2 March 16, 1981 for a water ~~right~~ ^{right} to appropriate
2.07 cubic feet per second of water from Cascade Creek
Fall River County, South Dakota for irrigation purposes.
Water License 267-2 with a priority date of August 22, 1934
~~Permit~~ No. 267-2 was ~~approved~~ ^{recognizing} and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before _____ and for the application to beneficial use of said
water on or before _____.

The water right was previously issued bearing a priority date of August 22, 1934. A review of the file found a water right filing filed by A.E. Carr on July 22, 1881. Correspondence between Mr. Chas. Roe and the State Engineer mentioned the 1881 notice and stated the system had been used continuously. The water right was considered vested, having a priority date of July 22, 1881. On August 22, 1934 Mr. Roe filed an application for the same lands so the water right could be recorded in his name. Because of the above findings, Water License No. 267-2 is being reissued to reflect a priority date of July 22, 1881.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.07 cubic feet per second of water for beneficial use. The location of the diversion point(s) is at a point 1100 feet South and 400 feet west of the E 1/4 corner, Section 30, T8S, R5E

and

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

<u>Everett Hill:</u>	<u>Marc Lamphere:</u>
the following in Section 36, T8S, R4E	the following in Sec 21, T8S, R5E
NW 1/4 NE 1/4 2	NE 1/4 SW 1/4 27
NE 1/4 NE 1/4 1	SE 1/4 SW 1/4 1
SW 1/4 NE 1/4 27	NW 1/4 SE 1/4 13
SE 1/4 NE 1/4 30	SW 1/4 SE 1/4 3
NW 1/4 SE 1/4 2	44 acres
NE 1/4 SE 1/4 14	
76 acres	

Ted McClure: the following in Sec 31, T8S, R5E

SW 1/4 NW 1/4 7
NW 1/4 SW 1/4 22
29 acres

(4) Pursuant to §46-5-30.1 Roe Ditch, XEverett Hill

of Box 727, Hot Springs, South Dakota 57747

the holder(s) and/or owner(s) of Water ^{Right} Permit No. 267-2 is issued a license to appropriate water, the right to use 2.07 cubic feet per second of water from Cascade Creek with a priority date of July 22, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water ^{Right} Permit No. 267-2 and subject to South Dakota State Law.

John H. Hest
Civil Engineer, Water Rights Division
Department of Water and Natural Resources

March 28, 1984

063-2

Water Right, A. J. Carr

Notice. I the undersigned claim a water right to be taken out of Cascade Creek or Little Warm Creek, on the West side about ^{thirty} (30) rods above the falls where the freight road crosses said creek, said water right is to be a flume or ditch (26) thirty six inches wide on the bottom and (18) eighteen inches deep with one half inch grade to the head and is supposed to carry (700) seven hundred inches of water and is to be taken down on the flat by the Cheyenne River on the West side of said Creek, said water to be used for mining, milling and irrigating.

Located this 22nd day of July A.D. 1881

A. J. Carr, Locator.

Original filed October 31st 82, and recorded page 177 Book 4 Locations.

W. H. Flynn, Register of Deeds

BEFORE ME, Notary Public,
County of _____, State of _____
I hereby certify that the foregoing is a true and correct copy of the original of the above described water right as the same appears in the records of the County of _____, State of _____, and that the above is a true and correct copy of the original of the above described water right as the same appears in the records of the County of _____, State of _____, and that the above is a true and correct copy of the original of the above described water right as the same appears in the records of the County of _____, State of _____.

267-2
267-2
267-2
267-2

Water Rights Division
605 773-3352

April 12, 1984

267-2

Roe Ditch
% Everett Hill
Box 727
Hot Springs SD 57747

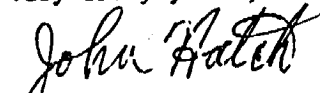
Dear Mr. Hill:

Enclosed is your Water License No. 267-2. The License has been re-issued to reflect our findings which indicate the priority date of the water right should be July 22, 1881 instead of August 22, 1934.

A review of the file found a water right filing filed by A.E. Carr on July 22, 1881. Correspondence between Mr. Chas. Roe and the State Engineer dated May 9, 1934 mentioned the 1881 notice and stated the system had been used continuously. A permit application was then filed on August 22, 1934. Further correspondence in the file indicates the water right was considered vested, having a priority date of July 22, 1881.

Our records now show Water Right No. 267-2 as having a priority date of July 22, 1881. No changes were made to the water right other than the priority date. If you have any questions concerning this action, please feel free to contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ks

enclosures

Water Rights Division - DWR
Conversation or File Documentation

File No. 267-2

NAME OF PERSON OR FILE: Roe Ditch

ADDRESS: _____ COUNTY Fall River

DATE: Feb 8, 1985 TELEPHONE _____

RE: Location Notice 1366-2

COMMENTS:

Location Notice 1366-2 was found in a microfilm
file. The dam described in this notice is part of
the diversion system for Water Right 267-2. This
Location Notice should be included in Water Right file
267-2.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME:

Delvin D. Bray, P.E.
Hydrologist

LOCATION NOTICE

Fall River

County

1950

Program Year

1366-2

Dry Draw Number

47-026 (illegible)

ACP Farm Serial No.

KNOW ALL MEN BY THESE PRESENTS:

That Everett Hill

Whose post office is Hot Springs, South Dakota, a citizen of the United State, above the age of 21 years, being in possession of the land covered by the above ACP farm serial number, of which the land upon which the works described below are to be constructed is a part, in Fall River County, South Dakota, availing him self of the right granted him under the provisions of Section 61.0133 South Dakota Code of 1939, has located and claims the right to construct a certain dam across a dry draw situated in the NW 1/4 of the NE 1/4 of Section 36 Township 8 Range 4, and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described and for Live Stock Purposes, and claims the right of way across any land for the purpose of conveying water for said purposes.

Said locator claims for the above purpose 15.0 acre feet of water annually

The location of the point of diversion of the reservoir is as follows:

From the NE Corner Sec. 36-8-4 40 rods south and 145 rods west to the point of diversion

The ditch will run in a direction to and on said land for distance of feet.

Said location was made on the 28 day of November 19 49.

Witness my hand and seal this 28 day of November 19 49.

s/ Everett Hill

Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 55.1806 of the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA,)
) SS.
County of Fall River)

On the 28 day of November, 19 49, before me Clara M. Clay, a Notary Public in and for the County and State aforesaid, personally appeared Everett Hill to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal the day and date above written.

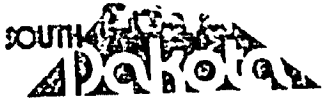
s/Clara M. Clay

Notary Public

My commission expires 8-19-53.

I hereby certify that the above is a full, true and correct copy of a Location Notice filed in this office. Original Microfilm copy on Roll # 1.

John Hatch 2-15-85
JOHN HATCH, Chief Engineer (date)



Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 267-2

February 2, 1987

Federal Land Bank
Farm Credit Service Acquired Property
Box 10
Pierre, South Dakota 57501

ATTENTION: Bev

Dear Madam:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

DWNR-820A-8/83



Called 4-23-87
Will send fee 267-2
ms.

HEA 52 Box 166
HOT SPRINGS, SD
57747

April 21, 1987

Dear Sir:

This is rather new to us.
Could you please send
information to describe procedures
of irrigating; the necessary
by-laws if any; and
any other material that
you feel would be beneficial
to us.

Please include also the
fees and to whom & when
these fees are due. Thank
you.

Sincerely,

Mrs. Detrah B. White

Box 166

Hot Springs, SD

57247

Dear Sir,

Enclosed is the
check for transfer of
Water Right

Yours Truly,

Deb White



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

267-2

June 17, 1987

Steven and Deborah White
HCR 52, Box 166
Hot Springs, South Dakota 57747

Dear Mr. & Mrs. White:

I am contacting you in regard to the enclosed "Notice of Transfer" you filed for Water Right No. 267-2. The water right is listed under the name of Roe Ditch. As long as the "Roe Ditch" retains the water right, any ownership changes of land within the Ditch Company do not need to be filed with our office.

The \$2.50 filing fee you submitted with the "Notice of Transfer" will be refunded to you. The fee is being processed through our fiscal office and will be forwarded to you within two-three weeks.

Del Brosz has indicated to me that he has already spoken with you concerning the questions you raised in your letter of April 21, 1987. If you have any further questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.



Department of Water & Natural Resources

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

March 23, 1990

267-2

NOTICE

TO: EVERETT HILL
Roe Ditch
246 S 8th ST
HOT SPRINGS, SD 57747

FROM: *John D. Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

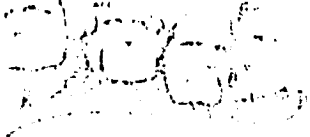
SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 267-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 1991

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

Enclosed, as you requested, are copies of Water Right Nos. 267-2, (Roe Ditch) 670-2, 806-2, and 1020-2 (Caylor Brothers). You were interested in water rights which authorize irrigation of land within T8S-R4E, T8S-R5E and T12S-R2E.

Vested Water Right No. 2013-2, Oakley Lamphere, is also within the above legal description; however, it has not yet been issued by the Chief Engineer. As soon as it is signed, I will forward a copy to you.

If you have any questions concerning the enclosed information, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 30, 1991

24-2
267-2

William Rogers
& Southern Investments
7820 S Holiday Drive, Suite 370
Sarasota, FL 34321

Dear Mr. Rogers:

Enclosed, as we discussed are two "Notice of Transfer" forms for use in filing an ownership change on Water Right No. 24-2 and Vested Water Right No. 267-2.

The transfer forms should be completed and then signed in the presence of a notary public. Upon completion, return the forms to us with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

I have included another copy of 24-2 since the first copy sent to you was very light. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

No. 267-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: October 28, 1991I, We request that ^{vested} Water Permit/Right No. 267-2formerly owned by: Roe Ditch, c/o Everett Hill, Box 727, Hot Springs, SD

be transferred to: (name & address) G.W. Properties, Inc., 523 Mt. Rushmore Rd.,
Custer, SD 57730 (telephone No.) 605-673-3740

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

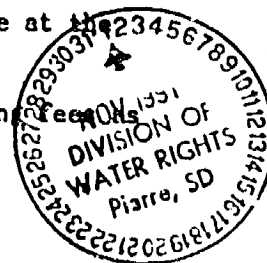
a point 1100 feet south and 400 feet west of the E1/4 corner, Section 30, T8S, R5E
and conducted to and upon portions of land in Section 34, T8S, R4E and Section 31,
T8S, R5E, more

I, We understand that the validity of Water Permit/Right No. 267-2 has not been deter-
mined by this transfer action. If I/We have any questions on validity, I/We understand
that only the Water Management Board has the authority to determine if a water permit/
right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Custer)



I, James B. LESUER 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.

James B. Lesuer
(Signed)

Subscribed and sworn to before me this 30 day of October, 1991.
G. W. Properties, Inc.

Carla Fisher
(Notary Public)

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

Division of Water Rights
South Dakota Department of Water and Natural Resources

412894

Pierre, _____ November 1, 1991

RECEIVED OF G W Properties, Inc., PO Box 5050, Custer, SD 57730
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 267-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer

Water Rights Division - DWR
Conversation or File Documentation

File No. 267-2

NAME OF PERSON OR FILE: Roe Ditch

ADDRESS: _____ COUNTY Fall River

DATE: 4-2-92 TELEPHONE _____

RE: G. W. Probert's Notice of Transfer

COMMENTS:

Telephone Conversation with Everett Hill - Hot Springs, SD - 745-5108
Mr. Hill stated that G.W. Probert's purchased the land
that was formerly owned by Marc Lamphere. The water
Right should remain in Roe Ditch & Everett Hill.

* The License has an error:

The land listed for Marc Lamphere is listed
as being in SEC 21, T8S, R5E. It should be
SEC 21, T8S, R5E.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: William D. Probert

267-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 267-2 FOR IRRIGATION

Date of Claim August 22, 1934.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 267-2 for irrigation purposes for Roe Ditch, c/o Everett Hill, 246 S 8th St., Hot Springs SD 57747 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 267-2 appropriates 2.07 cubic feet of water per second from Cascade Creek located in the NE 1/4 SE 1/4 Section 30-T8S-R5E to irrigate 149 acres located in the NE 1/4, N 1/2 SE 1/4, Section 36-T8S-R4E; E 1/2 SW 1/4, W 1/2 SE 1/4, Section 21; SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 31; all in T8S-R5E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - December 31.
3. The priority date of the Vested Water Right is July 22, 1881.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources

267-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1992

Roe Ditch
c/o Everett Hill
246 S 8th St
Hot Springs SD 57747

Dear Mr. Hill:

The Water Management Board has validated the enclosed Vested Water Right No. 267-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosure



267-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1997

Roe Ditch
c/o Allan C Hill
HC 52, Box 165
Hot Springs SD 57747

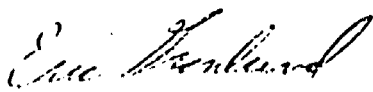
Dear Mr. Hill:

The original Notice of Intent to Validate Vested Water Right Claim No. 267-2, Roe Ditch, published in 1988 contained an error. The lands irrigated in the E 1/2 SW 1/4, W 1/2 SE 1/4 were listed as being located in Section 21-T8S-R5E and should have been Section 31-T8S-R5E. Therefore, the notice needs to be readvertised to correct the error.

The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Hot Springs Star printed at Hot Springs SD. For your information, a copy of the notice is 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 Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1997

Hot Springs Star
Box 1000
Hot Springs SD 57747-1000

ATTENTION: Legal Department

Enclosed is a Readvertisement of Notice of Intent to Validate Vested Water Right Claim. Please publish the first notice on November 4, 1997 with the second publication 7 days later.

Please **BILL** the Water Rights Program for the cost of publication.

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 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 validations until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No. 267-2

Date _____

TO: Eric Gronlund
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of October 30, 1997 enclosing Readvertisement of Notice of Hearing to Validate a Vested Water Right Claim which was first published in our issue _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claim in Fall River County is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate this claim, as published on June 7 and 14, 1988 in the Hot Springs Star is necessary to correct errors in the previously published notice.

Vested Water Right No. 267-2, Roe Ditch, c/o Alan C Hill, HC 52, Box 165, Hot Springs SD 57747 appropriates 2.07 cubic feet of water per second from Cascade Creek located in the NE 1/4 SE 1/4 Section 30-T8S-R5E. The location of 149 acres irrigated are located in the NE 1/4, N 1/2 SE 1/4 Section 36-T8S-R4E; E 1/2 SW 1/4, W 1/2 SE 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 31-T8S-R5E. The priority date is July 22, 1881.

Any person who wishes to oppose validation of this readvertised vested right claim shall file a petition of intent to oppose the validation by November 24, 1997 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, December 3, 1997, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The December 3, 1997 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 November 24, 1997.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

This validation is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by November 24, 1997, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Nettie H. Myers, Secretary, Department of Environment and Natural Resources

#249

AFFIDAVIT OF PUBLICATION

State of South Dakota)
) ss.
County of Fall River)

Tim Franklin of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, is a legal newspaper, as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and is published at Hot Springs, county and state aforesaid; that the advertisement headed —

Readvertisement

of Notice of intent
to Validate Vested
Water Rights Claim

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the issue dated _____

November 4, 1997

and ending with the issue dated _____

November 11, 1997

That the full amount of the fee charged for the publication of said notice is \$ 48.61, and that

no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

Tim Franklin

Subscribed and sworn to before me

this 11 day of November

1997

Linda H. McElroy

Notary Public

My Commission Expires
July 11, 2003



READVERTISEMENT OF NOTICE
OF INTENT TO VALIDATE VESTED
WATER RIGHTS CLAIM

Notice is given that the following vested water rights claim in Fall River County is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a person to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate this claim, as published on June 7 and 14, 1997 in the Hot Springs Star is necessary to correct errors in the previously published notice.

Vested Water Right No. 267-2, Roe Ditch, Joe Alan C. H2, HC 52, Box 165, Hot Springs, SD 57747 appropriates 2.07 cubic feet of water per second from Cascade Creek located in the NE 1/4 SE 1/4 Section 30-T8S-R5E. The location of 149 acres irrigated are located in the NE 1/4, N 1/2 SE 1/4 Section 30-T8S-R4E; E 1/2 SW 1/4, W 1/2 SE 1/4, SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 31-T8S-R5E. The priority date is July 22, 1881.

Any person who wishes to oppose validation of this readvertized vested right claim shall file a petition of intent to oppose the validation by November 24, 1997 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 a.m., December 3, 1997, Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD. This December 3, 1997 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 adjournment must be filed by November 24, 1997.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-17, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

This validation is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-3, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-8.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-48, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-8.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.5, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by November 24, 1997, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired.

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

Nov. 4, 11

PAYMENT REQUEST FORM

PAYEE: Hot Springs Star
P.O. Box 1000
Hot Springs, SD 57747

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Readvertisement of Notice of
Intent to Validate Vested Water Right Claims.

AMOUNT: \$48.61

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John W. Hatt

11-17-97

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Water Rights Program - File Documentation

NAME: Roe Ditch

ADDRESS: c/o Alan C Hill, HC 52 Box 165, Hot Springs SD 57747

DATE: 12-3-1997 COUNTY: FR TELEPHONE:

RE: Reissued Water License

COMMENTS:

December 3, 1997, the Water Management Board validated readvertised Vested Water Right Claim No. 267-2. The following shows the ownership of the lands irrigated as of that date.

Marie Hill**Section 36-T8S-R4E**

NW 1/4 NE 1/4	2 acres
NE 1/4 NE 1/4	1 acre
SW 1/4 NE 1/4	27 acres
SE 1/4 NE 1/4	30 acres
NW 1/4 SE 1/4	2 acres
NE 1/4 SE 1/4	14 acres
Total	76 acres

John Frost**Section 31-T8S-R5E**

NE 1/4 SW 1/4	27 acres
SE 1/4 SW 1/4	1 acre
NW 1/4 SE 1/4	13 acres
SW 1/4 SE 1/4	3 acres
Total	44 acres

George Leitner**Section 31-T8S-R5E**

SW 1/4 NW 1/4	7 acres
NW 1/4 SW 1/4	22 acres
Total	29 acres

Karen Schlaak
 Karen Schlaak
 Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 07 1998

Roe Ditch
c/o Alan C. Hill
HC 52 Box 165
Hot Springs SD 57747

Dear Mr. Hill:

Enclosed is Reissued Vested Right Water License No. 267-2 as validated by the Water Management Board on December 3, 1997. As long as the water is used beneficially, as stated in the Water License, the State Water Laws provide a continuing right to use the water

Very truly yours,

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

ks

enclosure

STATE OF SOUTH DAKOTA
REISSUED
VESTED RIGHT WATER LICENSE NO. 267-2 FOR IRRIGATION

(1) Roe Ditch, Hot Springs SD was reissued Water License No. 267-2, March 28, 1984 to clarify the priority date for a vested right claim to appropriate 2.07 cubic feet of water per second from Cascade Creek, Fall River County, South Dakota, for irrigation purposes. Vested Water Right No. 267-2 was validated May 6, 1992 with a priority date of July 22, 1881. The system was completed and the water placed to beneficial use.

The validation was readvertised November 4 and 11, 1997 to correct an error on the original notice of intent to validate this claim. A portion of the lands irrigated were advertised in the wrong section. The readvertisement did not authorize an increase in the acreage or developed diversion rate.

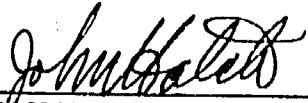
On December 3, 1997, the Water Management Board validated readvertised Vested Water Right Claim No. 267-2. The license is being reissued to correct the errors.

(2) The vested right owner is entitled to divert 2.07 cubic feet of water per second for beneficial use. The location of the diversion point is: 1,100 feet south and 400 feet west of the E 1/4 corner of Section 30-T8S-R5E (NE 1/4 SE 1/4).

The location of the irrigated acreage is:

Section 36-T8S-R4E		Section 31-T8S-R5E	
NW 1/4 NE 1/4	2 acres	NE 1/4 SW 1/4	27 acres
NE 1/4 NE 1/4	1 acre	SE 1/4 SW 1/4	1 acre
SW 1/4 NE 1/4	27 acres	NW 1/4 SW 1/4	22 acres
SE 1/4 NE 1/4	30 acres		
		NW 1/4 SE 1/4	13 acres
NW 1/4 SE 1/4	2 acres	SW 1/4 SE 1/4	3 acres
NE 1/4 SE 1/4	14 acres		
		SW 1/4 NW 1/4	7 acres
Total 149 acres			

(3) Pursuant to Section 46-5-30.1 Roe Ditch c/o Alan C Hill, HC 52, Box 165, Hot Springs SD 57747 the holder and/or owner of Vested Water Right No. 267-2 is reissued a license to appropriate 2.07 cubic feet of water per second from Cascade Creek with a priority date of July 22, 1881 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. 267-2 and subject to South Dakota State Law.


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

JAN 07 1998

date



Beck, Lynn

VR 267-2

From: Larry and Doris Belitz [siouxrep@gwtc.net]
Sent: Sunday, March 27, 2005 5:07 PM
To: Lynn.Beck@state.sd.us
Cc: mark_belitz@hotmail.com
Subject: description of land under 267-2

Lynn

Thanks for all of your help. I have attached two documents. The first is our Warranty Deed describing the acreage we own. Again this shows as Lots 2 and 3. Since Lots 2 and 3 is different terminology than your legal, I have attached a copy of the Water Licence that shows Ted McClure at the bottom. This is the land we own and use with Water Right 267-2.

Any questions please call or e-mail mark_belitz@hotmail.com

-Mark Belitz

Larry, Doris & Mark Belitz own the following property listed
 on VR 267-2.
 All in Sec. 31, T8S, R5E
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 7
 NW $\frac{1}{4}$ SW $\frac{1}{4}$ 22
29 acres

3/28/2005

WARRANTY DEED

Larry Belitz and Doris Belitz, husband and wife,

grantors, of Hot Springs, Fall River County, State of South Dakota for and in consideration of One Dollar and other good and valuable consideration

GRANT, CONVEY AND WARRANT TO Larry Belitz and Doris Belitz, husband and wife, and their son, Mark W. Belitz, a single man, all as joint tenants with right of survivorship and not as tenants in common, grantees of HCR 52, Box 176, Hot Springs, South Dakota 57747 P.O. the following described real estate in the County of Fall River in the State of South Dakota: _____

Lots One (1), Two (2), Three (3) and the East Half of the Northwest Quarter (E½NW¼) of Section Thirty-one (31), Township Eight South (T8S), Range Five East (R5E), Black Hills Meridian (B.H.M.), Fall River County, South Dakota.

All decisions regarding the sale, use or the disposition of this property shall be by majority vote of the owners.

Dated this 19 day of January, 1999.

Larry Belitz

Doris Belitz

STATE OF SOUTH DAKOTA)
)SS.
COUNTY OF FALL RIVER)

Filed for record this 19th day
of January, 1999 at
10:15 o'clock A.M. and recorded in
Book 115 of Deeds
Page 367

Anita Cope
Register of Deeds

By _____ Deputy

Fees \$ 10.00 pd \$ 50.00 TR pd

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF FALL RIVER

On this the 19 day of January, 1999 before me, Michael P. Ortner, the undersigned officer, personally appeared Larry Belitz and Doris Belitz, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Michael [Signature] ON
NOTARY PUBLIC - SOUTH DAKOTA (SEAL)

My commission expires: 06-15-2003

Prepared by:
Michael P. Ortner
P.O. Box 629
Hot Springs, South Dakota 57747-0629
(605) 745-6115

Star Fee
\$3.00



267-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 19, 2005

Jack Frost
H 52 Box 160-A
Hot Springs SD 57747

Dear Mr. Frost:

Richard and Beverly Hill came to the Water Rights Program's office to discuss Water Right No. 267-2, Roe Ditch. They asked that I send you a copy of the entire file for your records. Some of the documents are general correspondence and probably not of a lot of value. However, I am sending it all to you so you have a complete record. The reissued Vested Right Water License No. 267-2 issued on January 7, 1998 describes the amount of water and acres authorized for irrigation.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosure

267-2

RECEIVED

FEB 22 2024

OFFICE OF
WATER

February 20, 2024

To: Amanda Dewell, Permitting Administrator, Water Rights Program

From: IRAM, c/o Susan Watt, PO Box 998, Hot Springs, SD 57747

Larry and Doris Belitz, 12747 Oak Rd, Hot Springs, SD 57747

John and Jealeen Frost, 28304 Cascade Rd, Hot Springs, SD 57747

Subject: Roe Ditch, Water Right No. 267-2 Contact Person

Dear Amanda,

With the passing of Richard Hill years ago, who previously served as contact person regarding Roe Ditch, Water Right No. ~~276-2~~, the parties below designate John Frost as contact person regarding water right issues. His cell phone is (605) 890-9837; home at (605) 745-3546.

WR No. 267-2

Signed: Susan W. Watt

Larry Belitz Doris Belitz

John Frost Jealeen Frost



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 14, 2024

TO: IRAM, c/o Susan Watt, PO Box 998, Hot Springs SD 57747
Larry & Doris Belitz, 12747 Oak Rd, Hot Springs SD 57747
John & Jealeen Frost, 28304 Cascade Rd, Hot Springs SD 57747

FROM: Amanda Dewell, Permitting Administrator, Water Rights Program

SUBJECT: Roe Ditch, Water Right No. 267-2

Dear Landowners:

I am contacting you regarding Water Right No. 267-2 (enclosed) held in the name of "Roe Ditch". Roe Ditch, with a priority date of July 22, 1881, authorizes the appropriation of 2.07 cubic feet of water per second (cfs) from Cascade Creek to be used for the irrigation of the following lands:

Section 36-T8S-R4E	Section 31-T8S-R5E
NW ¼ NE ¼ 2 acres	NE ¼ SW ¼ 27 acres
NE ¼ NE ¼ 1 acre	SE ¼ SW ¼ 1 acre
SW ¼ NE ¼ 27 acres	NW ¼ SW ¼ 22 acres
SE ¼ NE ¼ 30 acres	NW ¼ SE ¼ 13 acres
NW ¼ SE ¼ 2 acres	SW ¼ SE ¼ 3 acres
NE ¼ SE ¼ 14 acres	SW ¼ NW ¼ 7 acres

TOTAL: 149 acres

It has been brought to the attention of the Water Rights Program that the previous contact, Richard Hill, no longer acts as operator of the ditch and that the Hill Family's portion of land irrigated from the ditch has been purchased by the Institute of Range and American Mustang.

From the Water Rights perspective, it is proper that the water right continue to be held in the name of "Roe Ditch". State law provides that irrigation rights are appurtenant to the land. As such, any person or entity holding ownership of lands authorized under the water right, have a right to use their proportionate water from the ditch.

However, a point of contact for Roe Ditch it left to be determined. We leave it to the landowners to decide amongst themselves who should be listed at the primary contact for Water Rights correspondence regarding Water Right No. 267-2.

Once a decision has been made, please submit your response to the Water Rights Program with signatures from all landowners regarding the appropriate contact person.

If you have any question, feel free to contact me at 605.910.5187 or Amanda.Dewell@state.sd.us

enclosure

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: ROE DITCH

DATE: 2/12/2024

COMMENTS:

Ownership of lands irrigated from the Roe Ditch (WR No. 267-2) formerly owned by Marie Hill has been transferred to:

IRAM "The Institute of the Range & American Mustang"
c/o Susan Watt, PO BOX 998, Hot Springs SD 57747
605-745-5955
bhwhs@gwtc.net

Marie Hill

Section 36-T8S-R4E

NW 1/4 NE 1/4	2 acres
NE 1/4 NE 1/4	1 acre
SW 1/4 NE 1/4	27 acres
SE 1/4 NE 1/4	30 acres
NW 1/4 SE 1/4	2 acres
NE 1/4 SE 1/4	14 acres
Total	<u>76 acres</u>



Amanda Dewell
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 5, 2024

267-2

John & Jealeen Frost
28304 Cascade Rd
Hot Springs SD 57747

Dear Mr. & Ms. Frost:

I have received a letter, signed by all interested parties, naming John Frost the new point of contact and operator for the Roe Ditch, authorized under Water Right No. 267-2, and updated your contact information accordingly.

As a reminder, so long as you use the water beneficially, as stated in the Water Right, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Water Right will be subject to cancellation.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

Cc: IRAM, c/o Susan Watt, PO Box 998, Hot Springs SD 57747
Larry & Doris Belitz, 12747 Oak Rd, Hot Springs SD 57747