

397-2

Office of State Engineer
DOCUMENT FILE

Edward T. May
Farmingdale, S. Dak.

Sec. 23-15-10E

Pennington County

Rapid Creek Division
Source: Rapid Creek

Engineers: Calvin H. H. H. H.
Water Commissioner
Rapid Valley Water Company
Rapid City, S. Dak.

Map No. 42-2

No. 397-2

Division No. 2

Rapid Creek

District

PERMIT

to appropriate water from

Rapid Creek

Pennington County, South Dakota

Name of applicant

Edward T. May

Name of diversion works

Edward T. May Ditch

Date of first receipt at office of State

Engineer July 30, 1953

Returned to applicant for Correction

19

Corrected application received

19

Date of water right

July 30, 1953

Recorded in Book 3 Page 55

One-fifth of work to be completed

April 17, 1954

Whole work to be complete

October 17, 1954

Final proof of use of water

October 17, 1954

Approved October 17, 1954

DEAN W. LOUCKS, State Engineer.

NO. 397-2

Water Division No. 2 Rapid Creek
(Blanks to be Filled by the State Engineer.)

(Blank) to be filled by the State Engineer.)

RECEIVED
7-30-53
OFFICE OF STATE ENGINEER
PIERRE, S. OAK

APPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

(NOT—Draw a line through it—ns not applicable.)

1. Name of applicant HEWARD T. HAY

Postoffice address FAIRINGDALE-----, County PETTLINGTON-----, State SOUTH DAKOTA-----

~~1. If a corporation~~ -----

~~(a) Name of vessel~~

(b) ~~Date and place of incorporation~~-----

~~(c) - Amount of capital stock~~ -----

(d) ~~Amount paid in~~

(c) ~~Names and address 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 work (Whether by contract, employment of others, or by direct labor) SOIL CONSERVATION SERVICE

(b) Cash on hand, \$ 300.00 (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$----- (e) Other resources, \$5000.00-----

2. Name of diversion work ELIARD T. MAY DITCH-----

3. Quantity of water claimed 1.83 cubic feet per second.

4. Source of water supply RAELD CREEK

5. Location of point of diversion "2100 FEET S59° 50' N OF THE NORTHEAST CORNER OF SECTION
23, T1S, R10E, BLACK HILLS MERIDIAN on RIGET bank, PENNINGTON County.

6. Annual periods during which water is to be used APRIL 1 THROUGH OCTOBER 31-----

7. To be used for:

I. Irrigation by Gravity, hand operated or combination system?

(h) Number of acres to be irrigated 128.1 acres.

(b) Legal subdivisions to be irrigated ~~SEE ATTACHED SHEET~~

(b) Legal subdivisions to be irrigated. See accompanying sheet
(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here or may be appended as a part of this application. Same must also be shown on accompanying map.)

~~(c) Statement as to domestic use (giving location, etc.)~~

~~11. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:~~

(a) ~~Nature of the~~ _____ Name any of the above uses claimed

(1) ~~Amount of power to be generated~~ ----- horse power.

~~Amount claimed for engine cooling~~

(c) ~~Location of plant~~

~~(d) Method of developing power -----~~

~~(e) -- Point where we will be returned to stream -----~~

8. Estimated cost of work:

(a) Head gates, \$108.00

(b) — Pumping plant, —\$

(c) Fluming, \$132.00

(d) Canal-earth, \$2000.00

Rock, \$

(e) Other structures

\$ Total, \$2240.00

9. Description of diversion works:

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

HEADGATE SET IN BANK OF CREEK DIVERTING WATER THROUGH 20 FEET OF TUBE INTO GRAVITY DITCH. ALL ACCOMPLISHED BY GRAVITY

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 at front water face; slope of back face; material used in construction

(b) — Reservoir: Capacity when filled acre feet. Surface area at high water mark acres

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

(c) Head gate: WITH 23 INCHES IN DIAMETER feet; height feet;

Material 23 INCH STEEL TUBE WITH STEEL HEADGATE MOUNTED ON UPSTREAM END

(d) Canal: Total length 1.89 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PFR MILE
At HEADGATE Mile	9 feet	6 feet	8 feet	12.5 feet
At .37 Mile	5 feet	6 feet	8 feet	10.3 feet
At .78 Mile	2 feet	6 feet	8 feet	4.1 feet
At Mile	FROM THIS POINT THE SIZE OF THE DITCH GRADUALLY DECREASES IN WIDTH UNTIL THE END			
At Mile				
At 1.89 Mile	2 feet	2 feet	7.5 feet	4.1 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work NOT COMPLETED years.

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

12. Choice of newspaper for publication of notice of intention to appropriate GATE CITY GUIDE, RAPID CITY, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

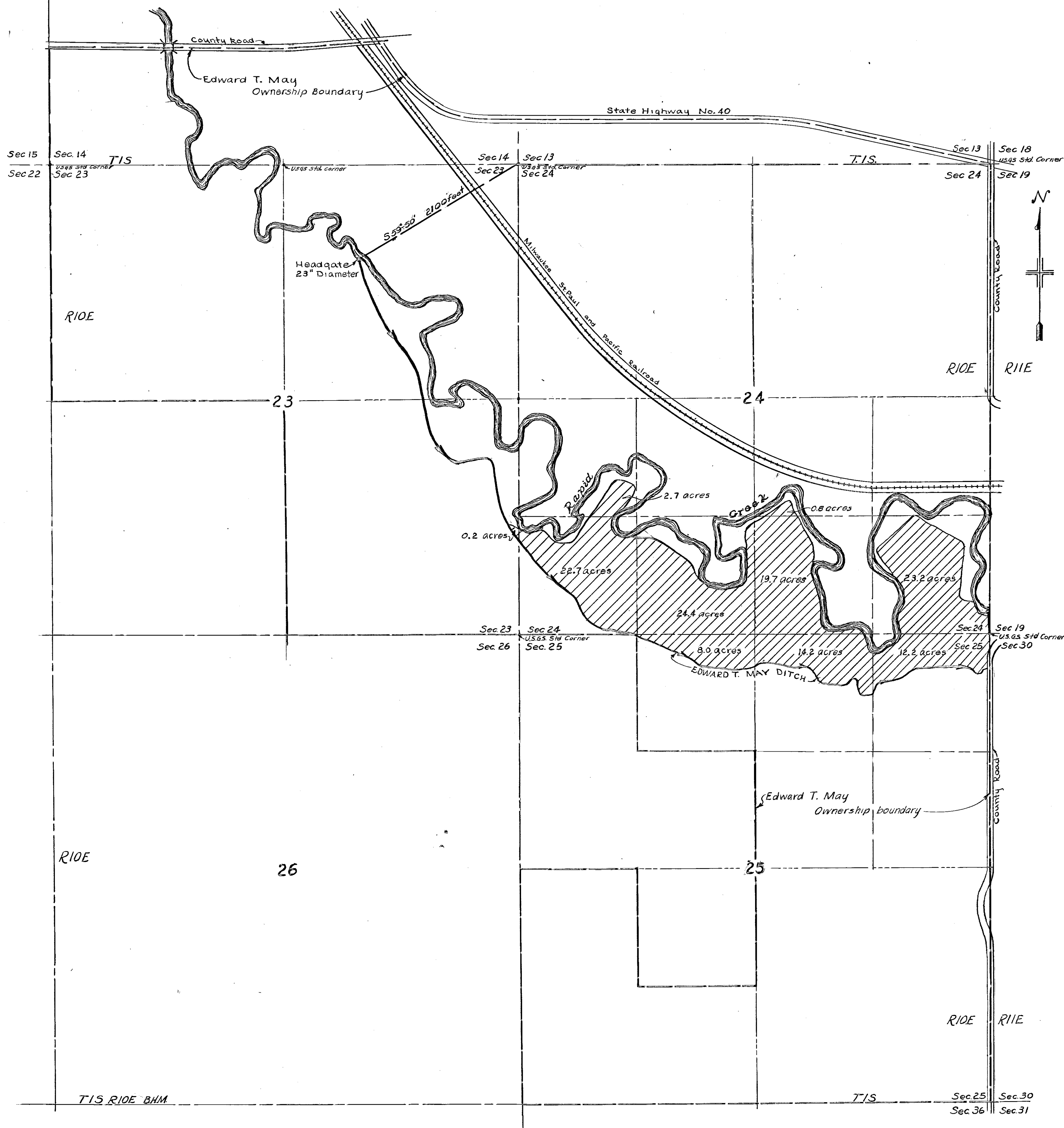
County of Lawrence ss.

I, Edward J. May, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and sworn are true.

Signed Edward J. May, 22nd day of July, 1953

Subscribed and sworn to before me this 22nd day of July, 1953

Notary Public (or other qualified officer.)



AREAS BY LEGAL SUBDIVISION
From Black Hills Meridian

Area	Subdivision	Section	Town	Range
2.7 acres	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	1 S	10 E
22.7 "	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	"	"
24.4 "	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	24	"	"
0.8 "	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	24	"	"
19.7 "	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	24	"	"
23.2 "	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	24	"	"
8.0 "	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	25	"	"
14.2 "	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	25	"	"
12.2 "	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	25	"	"
0.2 "	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	23	"	"
128.1 "	Total			

SURVEYOR'S CERTIFICATE

State of South Dakota } ss
County of Pennington }

I, Calvin Vaudrey, a Registered Land Surveyor in the State of South Dakota, do hereby certify that, at the request of Edward T. May, owner, I surveyed the tracts of irrigable land within his ownership boundaries on July 27, 1953 for which application for appropriative water right is made and that this map is a true representation thereof

In Witness Whereof, I have hereunto set my hand and seal this 29th day of July, A. D., 1953.

Calvin Vaudrey
Registered Land Surveyor

State of South Dakota } ss
County of Pennington }

On this day, before me, the undersigned, a Notary Public within and for the said State and County, personally appeared Calvin Vaudrey, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness My Hand, I have hereunto set my hand and seal this 29 day of July, A. D., 1953.

Genevieve C. Sully
Notary Public

My Commission Expires July 25, 1957

(Water Right No. 397-2)
Map # 426-2
M A P

SHOWING AREA AND DIVERSION POINT
FOR PERMIT TO APPROPRIATE WATER
EDWARD T. MAY, OWNER
Scale: 1 in. = 600 ft.
Prepared By Calvin Vaudrey - Engineer
Date July 29, 1953

STATE OF SOUTH DAKOTA

County of Hughes

Pierre, South Dakota, October 17, 19 53

This is to certify that the foregoing application was received at this office at 8:15 o'clock a. m. upon the 30th day of July, 19 53 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

Charles H. Lucas
DEAN H. LUCAS,
State Engineer.

Number of permit 397-2

Date of first receipt of application July 30, 19 53

Date of return to applicant for correction -----, 19 -----

Date of receipt of corrected application -----, 19 -----

Date from which applicant may claim right July 30, 19 53

Approved October 17, 19 53, Recorded in Book 3 Page 55

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 April 17, 19 54

2nd. The whole of said work is to be completed on or before October 17, 19 54

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 17, 19 54

4th. The water appropriated shall be used for the purpose of gravity 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 1.8 cubic feet per second; 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 October 17, 19 54 said water to be used during the following described annual period:

April 1st to October 31st, inclusive

Witness my hand this 19th day of October, 19 53

Charles H. Lucas
State Engineer.

Certificate of Construction issued JUNE 28, 19 65

Water License issued JUNE 28, 19 65

7 (b) Legal Subdivisions to be irrigated

AREA	SUBDIVISION	SECTION	TOWN	RANGE	BASE
2.7 acres	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	18	10E	BLM
22.7 "	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	24	18	10E	"
24.4 "	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	24	18	10E	"
0.8 "	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	24	18	10E	"
19.7 "	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	24	18	10E	"
23.2 "	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	24	18	10E	"
8.0 "	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	25	18	10E	"
14.2 "	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	25	18	10E	"
12.2 "	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	25	18	10E	"
0.2 "	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	23	18	10E	"

STATE OF SOUTH DAKOTA

WATER LICENSE No. 397-2

WHEREAS, On the 30th day of July A. D. 1953

Edward T. May

of Farmingdale County of Pennington and State of South Dakota duly made application (No. 397-2) to us for a permit to use 1.83 cubic feet per second of the waters of Rapid Creek County of Pennington, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 19th day of October A. D. 1953 Permit No. 397-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 17th day of October A. D. 1954 and for the application to beneficial use of said water on or before the 17th day of October A. D. 1954 and,

WHEREAS, On the 9th day of June A. D. 1965 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.83 cubic feet per second of said waters, as evidenced by our Certificate No. 397-2 dated June 28, 1965 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.83 cubic feet per second of water, with date of priority of July 30, 1953 and,

WHEREAS, On the 9th day of June A. D. 1965 proof was duly made of the application to beneficial use of 1.83 cubic feet per second of said water; for irrigating 128.1 acres in portions of Sections 23, 24, and 25, T1S, R10E

and under the "vested right" section

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 Edward T. May

of Farmingdale the holder and owner of said permit No. 227-2

a water right, dating from July 30, 1953 to the use of 1.83

cubic feet per second of the waters of Rapid Creek

In the County of Pennington and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point 2100' S59° 50'W of the
NE corner Section 23, T1S, R10E

and conducted to and upon portions of Sections 23, 24, and 25, T1S, R10E, more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 28th day of June A. D. Nineteen
Hundred and Sixty-Five

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 397-2Water Division No. 2 Rapid Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Edward T. May

of Farmington, County of Pennington, and State of
South Dakota, the holder of Permit No. 397-2, issued upon Application
 No. 397-2, bearing date of priority of July 30, 1953, authorizing the diversion of
1.83 cu. ft. per second of the waters of Rapid Creek

County of Pennington, State of South Dakota, at a point 2100' S59° 50' W
of the NE corner, Section 23, T1S, R10E

for irrigation

purposes, has fully 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 recognized as satisfactory

~~recognized~~ for diverting and conveying to the place of intended use 1.83 cu. ft.
 per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T1S, R10E

Section 24	NW $\frac{1}{4}$ SW $\frac{1}{4}$	2.7 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22.7 "
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.4 "
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	0.8 "
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	19.7 "
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	23.2 "
Section 25	NE $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 "
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	14.2 "
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	12.2 "
Section 23	SE $\frac{1}{4}$ SE $\frac{1}{4}$	0.2 "
Total -		128.1 "

Witness my hand this 28th day of June A. D. 1965

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., August 24, 1953

Notice is hereby given that Edward T. May whose postoffice address is Farmington, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.83 cubic feet of water per second of time from the Rapid Creek through the Edward T. May Ditch, the point of diversion of which is to be located on the right bank of said stream in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23 Twp. 1S. Range 10E. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC. 23; S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24; N $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25, T. 1S., R. 10E.

purposes.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 3 day of October, 1953, at 2:00 P. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN F. LOUCKS,
State Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County of Pennington.....

E. H. Lighter.....being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the.....
The Rapid City Daily Journal.....a newspaper which during the whole time of publication of said notice herein-after stated, has been and is printed and published in the.....
City.....of.....Rapid City.....County of Pennington.....and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Sept. 2, 9, 16 and 23rd

in each and every issue of the full number thereof, the first publication being made on the 2nd day of Sept.....1953... and the last publication on the 23rd day of September,.....1953, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was.....Business Manager.....the printer.....and publisher.....of the said newspaper.

Subscribed and sworn to before me this 23rd day of September, A. D. 1953.

Notary Public.....County, S. D.

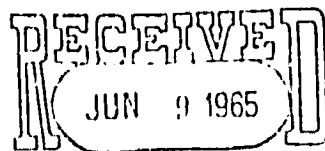
RECEIVED

SEP 30 1953

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

Sept. 2, 9, 16, 23, 1953
Notice is hereby given that Edward T. May whose postoffice address is Farmingdale, S. Dakota has

Rapid City, S. D., Daily Journal
Wednesday, September 16, 1953
made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.2 cubic feet of water per second of time from the Rapid Creek through the Edward T. May ditch, the point of diversion of which is to be located on the right bank of said stream in the NW 1/4 of the NE 1/4 of Section 23 Twp. 18, Range 10E. Said water to be used for the purpose of providing irrigation on the following described land:
SE 1/4 Sec. 23; S 1/2 SW 1/4 NW 1/4 SW 1/4 SE 1/4 and NW 1/4 SE 1/4 Sec. 23; NE 1/4 and NE 1/4 NW 1/4 Sec. 23, T. 18, R. 10E.
This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 8 day of October, 1953, at 1:00 P.M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented. Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.
DEAN W. LOUCKS
State Engineer

Location No. 397-2Water Division No. 2 Rapid Creek Water District STATE WATER RESOURCES COMM
PIERRE SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Edward T. May, Rancher

Farmington, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. July 30, 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Rapid Creek 2100 feet S 59° 50' W of the northeast corner of Section 23, T 1 S, R 10 E, B1M.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. As shown on water right permit No. 397-2 and water right map No. 426-2

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. For irrigation of 128.1 acres on sub-divisions as shown on Water Right Permit No. 397-2

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. none

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.83 c.f.s.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used

Ans. Constructed in 1953 and used each year since
when water is available

(Sign) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____

State of South Dakota, on this _____ day of _____ A. D. 19____

} Witnesses. _____

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF FOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



INTER-DEPARTMENT CORRESPONDENCE

State of South Dakota



FROM DEPT OF OFFICE OF STATE ENGINEER TO DEPT OF ATTORNEY GENERAL'S OFFICE
SUBJECT _____ DATE August 10, 1953

In March of 1953 we requested of the Attorney General's Office an opinion relative to the jurisdiction of the State Engineer in the matter of applications for permits for the use of water. To this time we have received no response from the request. In the meantime we have had a restraining order served on us and a contempt decision imposed on us by the Circuit Court of Spink County. It is entirely possible that if we had had the guidance of a legal opinion from your Office the litigation might have been avoided.

To make the case more specific we have given you the information pertaining to the Koenig application for water from the Whetstone River in the northeast corner of the State. No decision has been made in connection with this application nor has any opinion been forthcoming. We now give you the application of Edward T. May for the use of 1.03 cu. ft. per second of water from Rapid Creek in Pennington County. Normally this would be a routine matter and the application would be processed in the same manner that such applications have been processed for the last forty-six years. However, because of the litigation in the Spink County Circuit Court this Office is put in an impossible position. If the application is processed and ~~processed~~ in the usual manner we face the possibility that a restraining order might be served on us or even additional contempt action. If we do not process the application, we are subject to a claim of noncompliance with the State Code or possibly a neglect of official duty.

It, therefore, seems to us to be very important and necessary that we have legal guidance and the support of the Attorney General's Office in arriving at not only the practical solution but a solution that will stand up in the Courts. The continued delay is bringing about a congestion of these much involved and difficult problems in the State Engineer's Office. We hereby solicit the support of your Office in assisting us to cope with a very difficult situation.

OFFICE OF STATE ENGINEER

DELE:IN
cc: Governor
Enc.

DEAN W. LOUCKS
State Engineer

P.S. We are attaching to this memorandum the application for permit No. 397-2 as it was presented to us. A layout map accompanies this application and is in our file. We are also attaching the formal letter to Edward T. May instructing him to publish a Notice, a copy of the Notice of Intention to appropriate water and a copy of the letter to the publisher. These are all formal letters and document forms which have been used substantially, as they are here shown, for the last forty-six years.

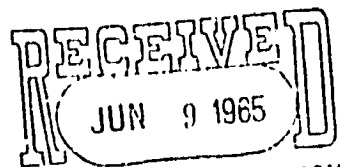
Home-Atty. Gen's. Office
August 10, 1953

In preparing these particular documents we have made out the Notice of Intention to appropriate water and the letter to the publisher indicating that they be signed by the applicant. It has been the normal regular procedure for the State Engineer to sign these forms. However, in view of the trend of the litigation in the Circuit Court at Redfield, I am wondering if it would be advisable to change this procedure as I have indicated.

Respectfully,

DML:EM

DEAN W. LOUCKS
State Engineer

Location No. 397-2Water Division No. 2 Rapid Creek Water DistrictSTATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Edward T. May, RancherFarmingdale, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. July 30, 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Rapid Creek 2100 feet S 59° 50' W of the northeast
corner of Section 23, T 1 S, R 10 E, BHM.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. As shown on water right permit No. 397-2 and water
right map No. 426-2

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. For irrigation of 128.1 acres on sub-divisions as shown on
Water Right Permit No. 397-2

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. none

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.83 c.f.s.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. -----
Constructed in 1953 and used each year since

when water is available

(Sign) Edward J. May

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Rapid City, County of Pennington

State of South Dakota, on this 5th day of June A. D. 1965

Notary Public

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. -----

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

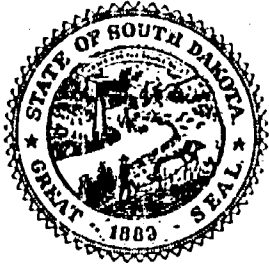
County -----

Purpose -----

Place of Use -----

Date of recording -----

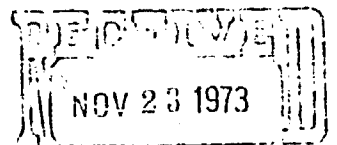
Received and filed -----



397-2

Department of
Natural Resource
Development
**WATER RIGHTS
COMMISSION**
Office Building 2
Pierre, SD. 57501
Ph. 224-3151

November 13, 1973



STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Mr. Edward W. May
Farmingdale
South Dakota 57740

Dear Mr. May:

On the data sheet you returned to this office, you indicated that you have sold the land.

Would you please give us the name and address of the person who purchased it, so we may contact him with regard to transfer of the Water Permit.

Sincerely,

Burton F. Jones
BURTON F. JONES
Water Rights Specialist

BFJ/bw

*Received New Mexico
Nov. 20, 1973*

Dear Sir

*I sold the ranch to go as May
address is Farmingdale S.D. 57740*

Edward W. May

397-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

DARLENE MAY
HCR 36 BOX 72
CAPUTA SD 57725

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 397-2 & 1018-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 397-2 & 1018-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is written over a horizontal line.

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 1992

(397-2)
1018-2

Darlene May
HCR 36 Box 72
Caputa, SD 57725

Dear Ms. May:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Right Nos. 397-2 and 1018-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were completed during your telephone conversation with Ron Duvall, of this office. Since they were received prior to the Water Management Board meeting, your name was deleted from the agenda.

Enclosed, as you requested, are two "Notice of Transfer of Ownership" forms. They must be completed and then signed (by the new owner) in the presence of a notary. A \$2.50 filing fee is required for each transfer submitted.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

DARLENE MAY
HCR 36 BOX 72
CAPUTA, SD 57725

5. Signature (Addressee)

Darlene May

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

2906-557634

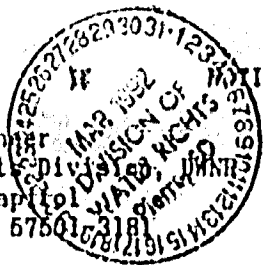
4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-30-92

8. Addressee's Address (Only if requested and fee is paid)



NOTICE OF TRANSFER OF OWNERSHIP

No. 397-2

TO: Chief Engineer
Water Rights Division
623 East Capitol
Pierre, SD 57501

Date: March 30, 1992

I, We request that Water Permit/Right No. 397-2

formerly owned by: Das Line May

be transferred to: (name & address) Craig & Robin Robertson and

Jim May, HCR 36 Box 13 Capital SD 57512 (Telephone No.) 313-1767

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

See attached list.

I, We understand that the validity of Water Permit/Right No. 397-2, has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)
County of Pennington)

I, we Craig & Robin Jim 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.

Craig Robertson
Robin Robertson (Signed)

Subscribed and sworn to before me this 26 day of March, 1992.

W. Mark D. Lee
(Notary Public)
My Commission Expires 10-1-98

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.

CONTRACT FOR DEED

In consideration of the payments hereinafter stipulated to be made and the mutual and reciprocal covenants flowing between the parties, and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, DARLENE L. MAY, of Caputa, South Dakota, hereinafter referred to as Seller, hereby agrees to sell an undivided one-half (1/2) interest in the following described real estate to CRAIG ROBERTSON and ROBIN ROBERTSON, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, of HCR 36, Box 73, Caputa, South Dakota 57725, and an undivided one-half (1/2) interest in the following described real estate to JIM MAY, a single person, of HCR 36, Box 72, Caputa, South Dakota, 57725, hereinafter collectively referred to as Buyers,

Lots One (1), Two (2) and Three (3) and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) and Southeast Quarter (SE $\frac{1}{4}$) of Section One (1); Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Twelve (12); those portions of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) lying South of Old Highway No. 40 in Section Thirteen (13); that portion of the East Half of the Southeast Quarter of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) lying South of Old Highway No. 40; and Outlot D in the East Half of the Southwest Quarter of the Southeast Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) and Outlot E in the West Half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), said Outlots being within the original townsite of Farmingdale; and the West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$); and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Fourteen (14); North Half (N $\frac{1}{2}$) (except railroad right of way); and the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-Three (23); All of Section Twenty-Four (24) except railroad right of way; East Half (E $\frac{1}{2}$); Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); Northwest Quarter of the Southwest



Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the South Half of the Southwest Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-Five (25), all in Township One (1) South, Range Ten (10) East of the Black Hills Meridian, Pennington County, South Dakota.

All of the above described real estate subject to all existing roads, highways, rights of way, existing oil, gas and mineral leases, patent reservations, easements, vested water rights and prior oil, gas and mineral reservations and the rights of the public, state and federal governments, if any, existing at the time this Contract is executed,

for a total consideration of One Hundred Seventy-Six Thousand Eight Hundred Dollars (\$176,800.00).

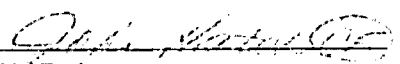
RECEIPT

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

Pierre, _____ March 27, 19 92

RECEIVED OF Craig or Robin Robertson, HCR 36, Box 73, Capota, SD 57725
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>Water Right No. 307-2</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 
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 30, 1992

No. 397-2
1018-2

Craig or Robin Robertson
and Jim May
HCR 36, Box 73
Caputa, SD 57725

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right nos. 397-2 and 1018-2.

Our records now show you as the owner of Water Right Nos. 397-2 and 1018-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
605 773-3352

enclosure

397-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

CRAIG/ROBIN ROBERTSON
HCR 36 BOX 73
CAPUTA SD 57725

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 397-2 & 1018-2. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 397-2 & 1018-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Rec'd
2/21/94

397-2

Ben Duwall - Natural Resources Engineer

I am writing in regard to the letter I received about the 1993 Irrigation Questionnaire for Permit No's. 397-2 and 108-2. I have looked for them and I cannot find them, they must have been thrown out or lost. If it would be possible to get another Questionnaire I would be glad to fill them out and return them. I am sorry for the inconvenience but would appreciate another Questionnaire if possible.

Thank you
Craig and Robin Robertson
New Address
15937 E Hwy 44
Caputa SD. 57725





397-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1994

397-2
1018-2

Craig & Robin Robertson
15937 E Hwy 44
Caputa, SD 57725

Dear Mr. & Mrs. Robertson:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names were deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

397-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

CRAIG & ROBIN ROBERTSON
HCR 36 BOX 73
CAPOTA SD 57725

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 397-2 & 1018-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 397-2 & 1018-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN **REGISTERED** on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

397-2

4a. Article Number

8757-566-342

CRAIG & ROBIN ROBERTSON
HCR 36 BOX 73
CAPUTA, SD 57725

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

3/11/98

5. Signature (Addressee)

Robin Robertson

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



397-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 1995

397-2

1018-2

Craig & Robin Robertson
15937 E Hwy 4
Caputa, SD 57725

Dear Mr. & Mrs Robertson:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaires.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



397-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 9, 1999

397-2
1018-2

Craig & Robin Robertson
15937 E Hwy 44
Caputa, SD 57725

Dear Mr. & Mrs. Robertson:

I am contacting you in regard to your Water Right Nos. 397-2 and 1018-2. The purpose of my inquiry is to find out what type of irrigation system you use for each one. On the yearly irrigation questionnaires, I noticed you have been reporting "flood irrigation".

If you use only flood systems (water spreading systems) and do not use any pumping equipment, you will not be required to submit yearly irrigation questionnaires. I reviewed the information contained in Water Right No. 397-2 and it would seem the type of system used has always been a flood system. The examination of works done in 1980 for Water Right No. 1018-2 shows a Fairbanks Merse pump (700 gpm capacity) was being used to divert the water to the diversion ditches. Do you still use the pump?

As I stated above, if you no longer use any pumping equipment, I can omit your names from those having to submit yearly irrigation questionnaires. Please get in touch with me regarding the type of irrigation systems you use, and I will update your water rights accordingly.

Thank you in advance for your help.

Sincerely,

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

File No. 397-2
1018-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Craig Robertson

ADDRESS: 15937 E Hwy 44, Caputa, SD 57725

DATE: April 16, 1999

TELEPHONE: 605 393-1769

RE: type of systems used under Water Right Nos. 397-2 and 1018-2

COMMENTS:

Mr. Robertson called in response to my letter of April 9th concerning the type of irrigation systems they use for Water Right Nos. 397-2 and 1018-2.

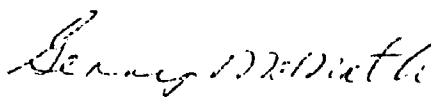
He indicated they use waterspreading systems (flood type systems) and do not have pumping equipment. He stated that the pump that used to be used no longer works and it hasn't been used for several years. At some point down the road they may consider getting it fixed, but he doesn't think that will happen.

I told him that WMB rules do not require irrigators with water spreading systems to report annual water use by submitting irrigation questionnaires. Since they do not use pumping equipment, I would take their names off the list of those to receive questionnaires. I also explained that this would not jeopardize their water rights and that as long as they continued to irrigate at least once every three years, they could maintain their rights. I explained legal excuse and he indicated he was aware of necessity for irrigating when water was available.

Mr. Robertson wanted to know how hard it was to get back on the list if they ever decided to buy a pump. I told him that if his system changes in any way, to give us a call and we could add him back to the questionnaire list.

RECOMMENDED ACTION:

Delete Water Right Nos. 397-2 and 1018-2 from the questionnaire database because the water right holders use waterspreading systems.



Genny McMath
Environmental Scientist