

1. Considered June 18, 1905

2. Name of Applicant Wm. H. Hirsch

#4572 3. Post Office Address Reynolds, S. Dak.

4. Amount of water claimed 157 cfs

5. Source of water supply Missouri River

6. Water to be used for irrigation

Acres to be irrigated 267

7. Water to be diverted and used in Reynolds County about  
10 miles NE of Reynolds.

8. Proof of Publication Received         
Not Received       

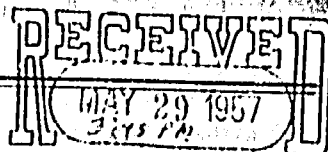
9. Application Approved         
Subject to         
Not Approved         
Action deferred       

10. Remarks:  
Enlargement of #429-2 for a total  
of 2,08 cfs

Application for enlargement of existing system # 429-2

Form 2—Application for Permit to appropriate Water—Original

No. 429-2



Water Division No. 2 White River  
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant Hollis Hirsch, R.R. 2, Box 18  
Postoffice address Bonesteel, County Gregory, 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 work (Whether by contract, employment of others, or by direct labor)

Employment of others and direct labor

(b) Cash on hand, \$ 10,000

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work none

3. Amount of water claimed 704 gpm cubic feet per second 1.57

4. Source of water supply Missouri River - Ft. Randall Reservoir

5. Location of point of diversion See map accompanying 429-2 Map No. 451-2

on West bank Gregory County.

6. Annual period or periods during which water is to be used March to December annually

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Overhead sprinkling

(a) Number of acres to be irrigated 287 277 acres.

(b) Legal subdivisions to be irrigated parts of Section 9, 15, 16, 21, 22, Township 27 Range 68  
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be See map appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

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

(a) Nature of use None

Name any of the above uses claimed

(b) 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 water will be returned to stream

Map No. 451-2

8. Estimated cost of work:

(a) Head Gates, \$ None (b) Pumping plant, \$ 1500.00  
 (c) Fluming, \$ 1200 Canal earth, \$ None Hook, \$ None  
 (e) Other structures pipe \$ 6200 Total, \$ 9700.00

9. Description of diversion works:

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

Pumping plant

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 at back face        material used in construction         
 (b) Reservoir: Capacity when filled        acre feet. Surface area at high water mark        acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|------|-----------------------|
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |

(c)\* Head gate: Width        feet; height        feet;  
 Material       

(d) Canal: Total length        miles.

| LOCATION BELOW<br>HEADGATE | DEPTH              | BOTTOM<br>WIDTH    | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE  |
|----------------------------|--------------------|--------------------|------------------------|--------------------|
| At <u>      </u> Mile      | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet     | <u>      </u> feet |
| At <u>      </u> Mile      | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet     | <u>      </u> feet |
| At <u>      </u> Mile      | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet     | <u>      </u> feet |
| At <u>      </u> Mile      | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet     | <u>      </u> feet |
| At <u>      </u> Mile      | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet     | <u>      </u> feet |
| At <u>      </u> Mile      | <u>      </u> feet | <u>      </u> feet | <u>      </u> feet     | <u>      </u> feet |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 years.  
 11. Time required for complete application of water to the proposed beneficial use 2 years.  
 12. Choice of newspaper for publication of notice of intention to appropriate Donatoal Enterprise  
Bonesteal, South Dakota

STATE OF SOUTH DAKOTA

County of Gregory } ss.

I, Hollis Hirsch, 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 shown are true.

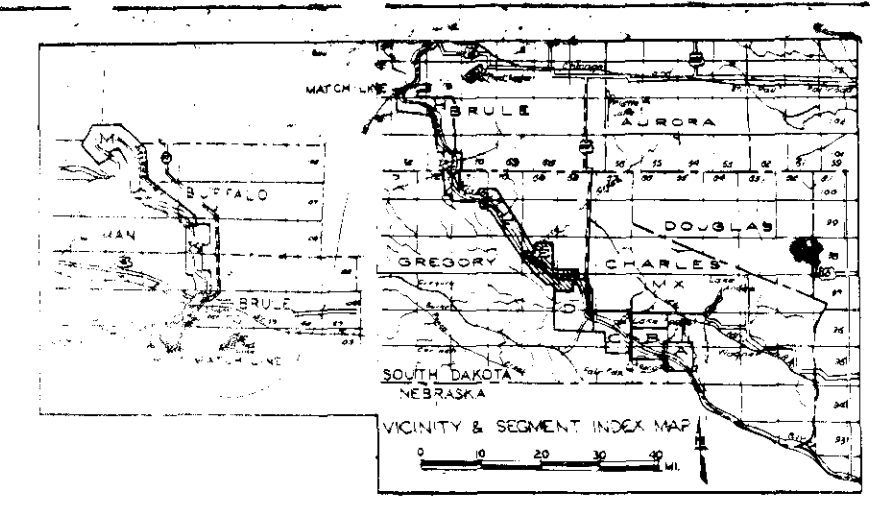
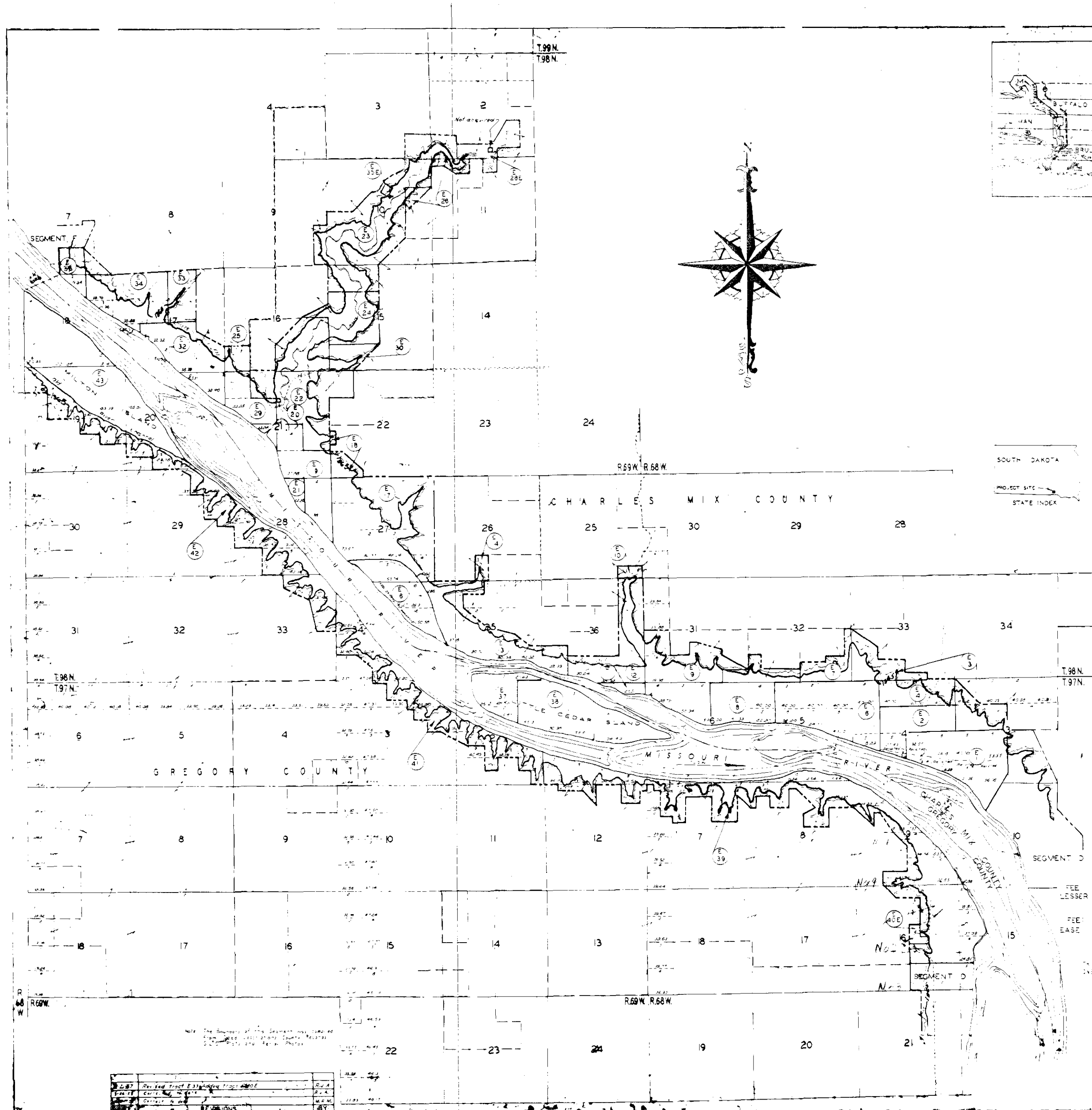
Signed Hollis Hirsch

Subscribed and sworn to before me this 15th day of May 1957

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.

My commission expires



| ACQUISITION TRACT REGISTER |                   |         |
|----------------------------|-------------------|---------|
| TRACT NO.                  | LAND OWNER        | ACREAGE |
| E-1                        | James H. Thompson | 100.00  |
| E-2                        | John Thompson     | 100.00  |
| E-3                        | John Thompson     | 100.00  |
| E-4                        | John Thompson     | 100.00  |
| E-5                        | John Thompson     | 100.00  |
| E-6                        | John Thompson     | 100.00  |
| E-7                        | John Thompson     | 100.00  |
| E-8                        | John Thompson     | 100.00  |
| E-9                        | John Thompson     | 100.00  |
| E-10                       | John Thompson     | 100.00  |
| E-11                       | John Thompson     | 100.00  |
| E-12                       | John Thompson     | 100.00  |
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| E-15                       | John Thompson     | 100.00  |
| E-16                       | John Thompson     | 100.00  |
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| E-68                       | John Thompson     | 100.00  |
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| E-70                       | John Thompson     | 100.00  |
| E-71                       | John Thompson     | 100.00  |
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| E-95                       | John Thompson     | 100.00  |
| E-96                       | John Thompson     | 100.00  |
| E-97                       | John Thompson     | 100.00  |
| E-98                       | John Thompson     | 100.00  |
| E-99                       | John Thompson     | 100.00  |
| E-100                      | John Thompson     | 100.00  |

(TYPE) PRELIMINARY PROJECT MAP  
AGENCY - DEPT OF THE ARMY  
STATE - SOUTH DAKOTA  
COUNTY - CHARLES MIX & GREGORY  
DIVISION - MISSOURI RIVER  
DISTRICT - OMAHA  
FIFTH ARMY AREA

LOCATION OF PROJECT  
W. 1/4 S. 20 T. 22 N. R. 68 W.  
22 MILES E. OF GREGORY, S.D.

TRANSPORTATION FACILITIES  
RAILROADS - NONE  
STATE ROADS - NONE  
FEDERAL ROADS - 28  
AIRLINES -

ACQUISITION  
TOTAL ACRES ACQUIRED  
ACRES FEE  
ACRES TRANSFERRED TO WAR DEPT  
ACRES LEASED TO WAR DEPT  
ACRES LESSER INTERESTS

DISPOSAL  
TOTAL ACRES DISPOSED OF  
ACRES SOLD BY WAR DEPT  
ACRES TRANSFERRED BY WAR DEPT  
ACRES RETransferred TO GOVT AGENCY  
ACRES LEASES TERMINATED  
ACRES LESSER INTERESTS TERM

LEGEND  
NOTE: USE SYMBOLS FROM FM-21-30 (WAR  
DEPT BASIC FIELD MANUAL) PAGES 2 TO 27 INC.

EXCEPT  
RESERVATION LINE  
RESERVATION LINE (MATERIAL)  
DAM SITE  
RESERVOIR SITE  
CONTOUR LINES  
AVIGATION EASEMENTS  
TRACT NUMBER - 99

REVISIONS  
DATE  
BY  
1-23-49 Changed boundary & acreage of Tract 42  
4-30-50 Corrected to 51%  
8-20-52 Revised Tract 523 Deleted Tract 61 Added Tract 425 E 322 E 325 E 326 E 327 E 328 E 329 E 330 E 331 E 332 E 333 E 334 E 335 E 336 E 337 E 338 E 339 E 340 E 341 E 342 E 343 E 344 E 345 E 346 E 347 E 348 E 349 E 350 E 351 E 352 E 353 E 354 E 355 E 356 E 357 E 358 E 359 E 360 E 361 E 362 E 363 E 364 E 365 E 366 E 367 E 368 E 369 E 370 E 371 E 372 E 373 E 374 E 375 E 376 E 377 E 378 E 379 E 380 E 381 E 382 E 383 E 384 E 385 E 386 E 387 E 388 E 389 E 390 E 391 E 392 E 393 E 394 E 395 E 396 E 397 E 398 E 399 E 400 E 401 E 402 E 403 E 404 E 405 E 406 E 407 E 408 E 409 E 410 E 411 E 412 E 413 E 414 E 415 E 416 E 417 E 418 E 419 E 420 E 421 E 422 E 423 E 424 E 425 E 426 E 427 E 428 E 429 E 430 E 431 E 432 E 433 E 434 E 435 E 436 E 437 E 438 E 439 E 440 E 441 E 442 E 443 E 444 E 445 E 446 E 447 E 448 E 449 E 450 E 451 E 452 E 453 E 454 E 455 E 456 E 457 E 458 E 459 E 460 E 461 E 462 E 463 E 464 E 465 E 466 E 467 E 468 E 469 E 470 E 471 E 472 E 473 E 474 E 475 E 476 E 477 E 478 E 479 E 480 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647 E 648 E 649 E 650 E 651 E 652 E 653 E 654 E 655 E 656 E 657 E 658 E 659 E 660 E 661 E 662 E 663 E 664 E 665 E 666 E 667 E 668 E 669 E 670 E 671 E 672 E 673 E 674 E 675 E 676 E 677 E 678 E 679 E 680 E 681 E 682 E 683 E 684 E 685 E 686 E 687 E 688 E 689 E 690 E 691 E 692 E 693 E 694 E 695 E 696 E 697 E 698 E 699 E 700 E 701 E 702 E 703 E 704 E 705 E 706 E 707 E 708 E 709 E 710 E 711 E 712 E 713 E 714 E 715 E 716 E 717 E 718 E 719 E 720 E 721 E 722 E 723 E 724 E 725 E 726 E 727 E 728 E 729 E 730 E 731 E 732 E 733 E 734 E 735 E 736 E 737 E 738 E 739 E 740 E 741 E 742 E 743 E 744 E 745 E 746 E 747 E 748 E 749 E 750 E 751 E 752 E 753 E 754 E 755 E 756 E 757 E 758 E 759 E 760 E 761 E 762 E 763 E 764 E 765 E 766 E 767 E 768 E 769 E 770 E 771 E 772 E 773 E 774 E 775 E 776 E 777 E 778 E 779 E 780 E 781 E 782 E 783 E 784 E 785 E 786 E 787 E 788 E 789 E 790 E 791 E 792 E 793 E 794 E 795 E 796 E 797 E 798 E 799 E 800 E 801 E 802 E 803 E 804 E 805 E 806 E 807 E 808 E 809 E 810 E 811 E 812 E 813 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980 E 981 E 982 E 983 E 984 E 985 E 986 E 987 E 988 E 989 E 990 E 991 E 992 E 993 E 994 E 995 E 996 E 997 E 998 E 999 E 1000 E 1001 E 1002 E 1003 E 1004 E 1005 E 1006 E 1007 E 1008 E 1009 E 1010 E 1011 E 1012 E 1013 E 1014 E 1015 E 1016 E 1017 E 1018 E 1019 E 1020 E 1021 E 1022 E 1023 E 1024 E 1025 E 1026 E 1027 E 1028 E 1029 E 1030 E 1031 E 1032 E 1033 E 1034 E 1035 E 1036 E 1037 E 1038 E 1039 E 1040 E 1041 E 1042 E 1043 E 1044 E 1045 E 1046 E 1047 E 1048 E 1049 E 1050 E 1051 E 1052 E 1053 E 1054 E 1055 E 1056 E 1057 E 1058 E 1059 E 1060 E 1061 E 1062 E 1063 E 1064 E 1065 E 1066 E 1067 E 1068 E 1069 E 1070 E 1071 E 1072 E 1073 E 1074 E 1075 E 1076 E 1077 E 1078 E 1079 E 1080 E 1081 E 1082 E 1083 E 1084 E 1085 E 1086 E 1087 E 1088 E 1089 E 1090 E 1091 E 1092 E 1093 E 1094 E 1095 E 1096 E 1097 E 1098 E 1099 E 1100 E 1101 E 1102 E 1103 E 1104 E 1105 E 1106 E 1107 E 1108 E 1109 E 1110 E 1111 E 1112 E 1113 E 1114 E 1115 E 1116 E 1117 E 1118 E 1119 E 1120 E 1121 E 1122 E 1123 E 1124 E 1125 E 1126 E 1127 E 1128 E 1129 E 1130 E 1131 E 1132 E 1133 E 1134 E 1135 E 1136 E 1137 E 1138 E 1139 E 1140 E 1141 E 1142 E 1143 E 1144 E 1145 E 1146 E 1147 E 1148 E 1149 E 1150 E 1151 E 1152 E 1153 E 1154 E 1155 E 1156 E 1157 E 1158 E 1159 E 1160 E 1161 E 1162 E 1163 E 1164 E 1165 E 1166 E 1167 E 1168 E 1169 E 1170 E 1171 E 1172 E 1173 E 1174 E 1175 E 1176 E 1177 E 1178 E 1179 E 1180 E 1181 E 1182 E 1183 E 1184 E 1185 E 1186 E 1187 E 1188 E 1189 E 1190 E 1191 E 1192 E 1193 E 1194 E 1195 E 1196 E 1197 E 1198 E 1199 E 1200 E 1201 E 1202 E 1203 E 1204 E 1205 E 1206 E 1207 E 1208 E 1209 E 1210 E 1211 E 1212 E 1213 E 1214 E 1215 E 1216 E 1217 E 1218 E 1219 E 1220 E 1221 E 1222 E 1223 E 1224 E 1225 E 1226 E 1227 E 1228 E 1229 E 1230 E 1231 E 1232 E 1233 E 1234 E 1235 E 1236 E 1237 E 1238 E 1239 E 1240 E 1241 E 1242 E 1243 E 1244 E 1245 E 1246 E 1247 E 1248 E 1249 E 1250 E 1251 E 1252 E 1253 E 1254 E 1255 E 1256 E 1257 E 1258 E 1259 E 1260 E 1261 E 1262 E 1263 E 1264 E 1265 E 1266 E 1267 E 1268 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Remarks by State Water Resources Commission:

Enlargement of # 429-2.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

June 3

1957

This is to certify that the foregoing application was received by the Commission at 3:45 o'clock

p.m. upon the 29 day of May, 1957

State Water Resources Commission

By:

Joe D. Miner

Chief Engineer, Executive Officer

Number of permit 429-2

Date of first receipt of application

May 29

1957

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

May 29

1957

Approved

June 28

1957

Recorded in Book

4

Page

132

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

June 28, 1958

2nd. The whole of said work is to be completed on or before

June 28

1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

June 28

1959

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 1.57 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 June 28, 1957, said water to be used during the following described annual period:

March To November inclusive

Witness my hand this

8

day of

August, 1957

State Water Resources Commission

By:

Joe D. Miner

Chief Engineer, Executive Officer

Certificate of Construction Issued

January 24, 1964

Water License Issued

January 24, 1964

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 459-2

WHEREAS, On the 29th day of May A. D. 1957

Hollie Haisch

of Bonesteel County of Gregory and State of South Dakota duly made application (No. 459-2) to us for a permit to use 1.57 cubic feet per second of the waters of the Missouri River County of Gregory, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 8th day of August A. D. 1957

Permit No. 459-2 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 23th day of June A. D. 1958 and for the application to beneficial use of said water on or before the 23th day of June A. D. 1952 and,

WHEREAS, On the 21st day of January A. D. 1964

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.57 cubic feet per second of said waters, as evidenced by our Certificate No. 459-2 dated January 24, 1964 confirming the completion of works of sufficient capacity for diverting and conveying to the use of intended use 1.57 cubic feet per second of water, with date of priority of May 21, 1957 and,

WHEREAS, On the 21st day of January A. D. 1964

proof was duly made of the application to beneficial use of 1.57 cubic feet per second of said water; for irrigation of 277 acres in portions of Sections 9, 15, 16, 21, and 22, all in T 97N, R 68W.

ribed lands was made by me. The plat was drawn from  
old surveys. The locations as shown below are true and  
of my knowledge. The ties for the points of diversion  
on the map.

*Vincent E. Ziegler*

State of South Dakota ss.  
County of Gregory

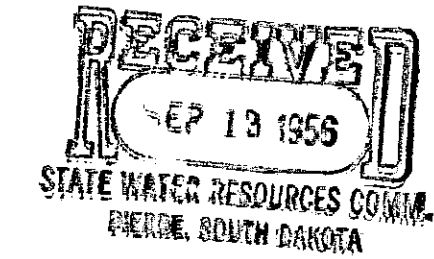
On this 23rd day of August, 1956, before me *Beverly Drey*  
a *Deputy County Auditor* on and for the County and State  
aforesaid, personally appeared *Vincent E. Ziegler* to me personally  
known to be the person who executed the foregoing instrument and acknowledged  
that he executed the same for the purposes therein set forth.

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

*Beverly Drey*  
Name

*Deputy County Auditor*  
Title

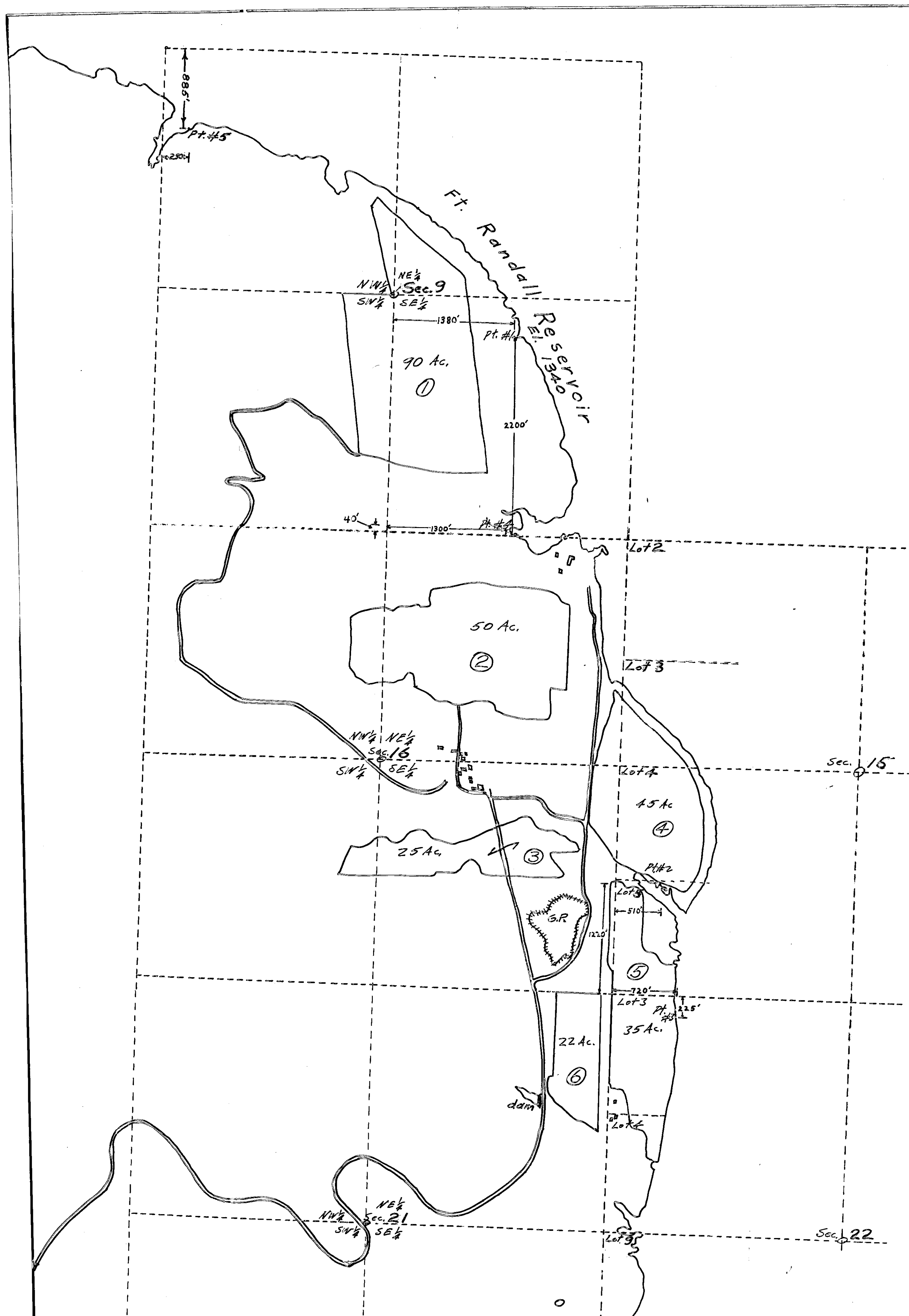
SEAL



Map No. 451-2  
(Appl. No. 429-2)

1 Mile

- Name: Hollis Haisch  
Address: Bonesteel, S.Dak.  
Map by: SCS, USDA  
Scale: 8 in. = 1 mile  
Legend:
- ⊙ Center of Section
  - ① No. of field irrigated
  - 50 Ac. Field Acreage
  - Artesian Well
  - ⊗ Gravel Pit
  - Road or trail
  - Bldgs.
  - #3 Point of diversion





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 Hollis Haisch  
of Bonesteel the holder and owner of said permit No. 459-2  
a water right, dating from May 29, 1957 to the use of 1.57  
cubic feet per second of the waters of the Missouri River  
in the County of Gregory and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted xx between a point 225' S. and 720' E  
of the SW Corner, Sec. 15, and a point 290' E and 885' S of the NW Corner, Sec. 9, T97N, R68W.  
and conducted to and upon portions of Sections 9, 15, 16, 21 and 22, T 97N, R 68W  
  
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 or their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 24th day of January 1957 A.D. Nineteen  
Hundred and Sixty-Four

State Water Resources Commission  
By:  
**J.W. GRIMES**, Chief Engineer, Executive Officer

|                                   |  |
|-----------------------------------|--|
| STATE OF SOUTH DAKOTA             |  |
| Water License No. _____           |  |
| To _____                          |  |
| _____                             |  |
| Source of Supply _____            |  |
| _____                             |  |
| County _____                      |  |
| Acreage _____ c. f. s.            |  |
| Point of Diversion _____          |  |
| _____                             |  |
| Kind of Use _____                 |  |
| _____                             |  |
| Purpose _____                     |  |
| _____                             |  |
| Date of Priority _____            |  |
| Recorded _____                    |  |
| In Book _____ of _____ Page _____ |  |

Permit No. 459-2Water Division No. 2 WHITE RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Hollis Haisch

of Bonesteel, County of Gregory, and State of South Dakota, the holder of Permit No. 459-2, issued upon Application No. 459-2, bearing date of priority of May 22, 1957, authorizing the diversion of

1.57 cu. ft. per second of the waters of the Missouri River County of Gregory, State of South Dakota, ~~xx~~ between a point 225' S. and 710' E. of the SW corner, Section 15, and a point 290' E. and 885' N. of the NW Corner, Sec. 9, all in T 97N, R 68W 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 found in satisfactory condition for diverting and conveying to the place of intended use 1.57 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 T 97N, R 68W.

|            |                  |           |
|------------|------------------|-----------|
| Section 21 | NE $\frac{1}{4}$ | 22 acres  |
| Section 22 | NW $\frac{1}{4}$ | 7 acres   |
| Section 15 | W $\frac{1}{2}$  | 18 acres  |
| Section 16 |                  | 85 acres  |
| Section 9  |                  | 145 acres |
| Total      |                  | 277 acres |

Witness my hand this 24th day of January A. D. 1954

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

(First Publication before June 7, 1957.)

## APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 3, 1957

Notice is hereby given that Hollis Haisch whose postoffice address is Bonssteal S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to enlarge existing Permit #420-2 BY 1.57 cubic feet of water per second of time from the Missouri River through the Sprinkler System northerly the point of diversion of which is to be located on the between a point in NW 1/4 NW 1, Sec 9 and a point Westerly and bank of said stream in the xxxxxxx Lot 3 xx of Section 22 all in Twp. 27N Range 66W. Said water to be used for the purpose of providing irrigation on the following described land:

portions of Sec's. 9, 15, 16, 21, and 22, T. 27N, R. 66W.

xxxxxx xxxxxx

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28 day of June, 1957 at 2:00 P.M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

Les Wyborny, Water Rights Engineer

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.

County GregoryJ. E. Dvorak being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Bonesteel Enterprise a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Bonesteel County ofGregory and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

June 6, 1957June 13, 1957June 20, 1957June 27, 1957

in each and every issue of the full number thereof, the first

publication being made on the 6th day of June1957 and the last publication on the 27th day ofJune 1957, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was P the printer and publisher of the said newspaper.RECEIVED  
JUL 1 - 1957STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., June 3, 1957

Notice is hereby given that Holl's Halsch whose postoffice address is Bonesteel, S. Dak., has made an application in accordance with the provision of the water laws of South Dakota for a permit to enlarge existing Permit No. 429-2 by 1.57 cubic feet of water per second of time from the Missouri River through the Sprinkler System, the point of diversion of which is to be located on the westerly and northerly bank of said stream between a point in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 9 and a point in Lot 3 of Section 22 all in Twp. 97N Range 68W. Said water to be used for the purpose of providing irrigation on the following described land: portions of Sec's. 9, 15, 16, 21, and 22, T. 97N, R. 68W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28 day of June, 1957, at 2:00 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By: Les Wyborny,  
Water Rights Engineer

72-13-25-27c

Subscribed and sworn to before me this 29th day of June A. D. 1957M. M. WilliamsNotary Public Gregory County, S. D.

Permit No.

459-2

Water Division No.

2

White  
River

Water District

## Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated

Jan. 1964, I have this day made a thorough examination of the diversion works constructed by

Haisch, of Bonesteel

Gregory, County, South Dakota, holder of Permit No. 459-2, issued

upon Application No. 459-2, bearing date of priority of May 29 57, authorizing the

diversion of 1.57 cu. ft. per second of the waters of Missouri River for irrigation

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

The diversion works comprise:

Pacific Model Pump, Model  
No 4CD LKD - 4" intake 7" outlet, powered  
by International Caterpillar Tractor  
Model T14D. Pipelines & sprinklers are  
as listed in water right 429-2.

and the system is in the following condition:

Excellent

The point of diversion is located

between a point 225' S and 720' E of the SW  
corner, Section 15 and a point 290' E and 885' S of the NW  
corner, Section 9, all in T47N, R68W

The works are capable of diverting and conveying to the place of use 1.57 cu. ft. per second of water,

which is to be used for

irrigation

The legal sub-divisions to be irrigated are:

parts of the NE<sup>4</sup>, Sec 21; NW<sup>4</sup>, Sec 22;  
W<sup>2</sup>, Sec 15; Sec 16 and Sec 9, all in T47N, R68W.

comprising a total of

277

acres of land.

The domestic use intended comprises

The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this

21<sup>st</sup>

day of

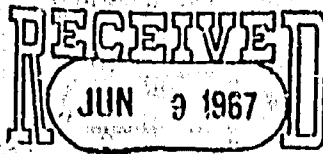
January

A. D. 19

64

-SEAL-

Examining official



HRORW

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

7 June 1967

Mr. Kollec Haisch  
Bonesteel, South Dakota

Dear Mr. Haisch:

Inclosed for your information and files is a fully executed copy of Easement No. DAWW45-2-67-5185 granting right of way for the installation, operation and maintenance of portable irrigation water pipelines and portable pump units over, across, in and upon Government-owned lands of the Fort Randall Dam and Lake Francis Case Project, South Dakota.

It is requested that you forward to this office your remittance in the amount of \$200.00 as evidenced by the inclosed Bill for Collection.

Sincerely yours,

2 Incls

1. Easmt #67-5185
2. Bill for Collection

DALE KENT  
Chief, Real Estate Division

cc: Bur Rec, Billing  
St Water Res Com Pierre  
(cc w/cy Incl 1)

DEPARTMENT OF THE ARMY  
EASEMENT FOR RIGHT OF WAY  
(PIPELINE)

ON FORT RANDALL DAM AND LAKE FRANKLIN CASE PROJECT, SOUTH DAKOTA  
NO. INCH 5-2-67-5105

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2662, hereby grants to  
**Hollis Haisch**

**Bonesteel, South Dakota**

hereinafter designated as the grantee, for a period ~~not exceeding~~ <sup>coextensive with</sup> ~~( ) years from the date hereof~~ <sup>State Water Right,</sup> an easement for a right of way for ~~the installation,~~ <sup>the installation,</sup> operation and maintenance of portable irrigation water pipelines and portable pump units

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit A, entitled Fort Randall Reservoir, Segment "E" attached hereto and made a part hereof, and described as follows: on attached Exhibit "B".

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of **Two Hundred and no/100 Dollars (\$200.00)** for the term, payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to the District Engineer, Omaha District, Corps of Engineers, 6012 U. S. Post Office and Courthouse, Omaha, Nebraska 68102.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.
3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.
4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.
5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.
6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.
7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.
8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.
9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.
10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

15. That this easement and right of way is granted for the exercise of established water rights. It is understood and agreed that no right to use water from the reservoir is created by this grant.

16. That the grantee shall not discharge waste or effluent from the granted property in such a manner that such discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

17. That the grantee will not utilize the said strips of land for the installation of more than two (2) pipelines and/or pump units at any one time.

That Conditions Nos. 15, 16 and 17 were added prior to execution of this easement

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this 1st  
day of June 19 67

/s/ L. Y. Lawton  
L. Y. LAWTON  
Acting Chief, Real Estate Division  
Omaha District, Corps of Engineers

Strip No. 1 - A parcel of land 33' wide in the  $S\frac{1}{2}$  of Section 9, T97N, R68W, Gregory County, South Dakota, lying 16 $\frac{1}{2}$ ' on either side of the following described line; beginning at the NE corner of the  $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$  of said Section 9, thence East parallel to the North line of said  $S\frac{1}{2}$  to the shoreline of Lake Francis Case, containing 0.25 acre, more or less.

Strip No. 2 - A parcel of land 33' wide in the  $NW\frac{1}{4}SE\frac{1}{4}$  of Section 16, T97N, R68W, Gregory County, South Dakota, lying 16 $\frac{1}{2}$ ' on either side of the following described line; beginning at the NW corner of the  $S\frac{1}{2}$  of said  $NW\frac{1}{4}SE\frac{1}{4}$ , thence East parallel to the North line of said  $NW\frac{1}{4}SE\frac{1}{4}$  to the shoreline of Lake Francis Case, containing 0.25 acre, more or less.

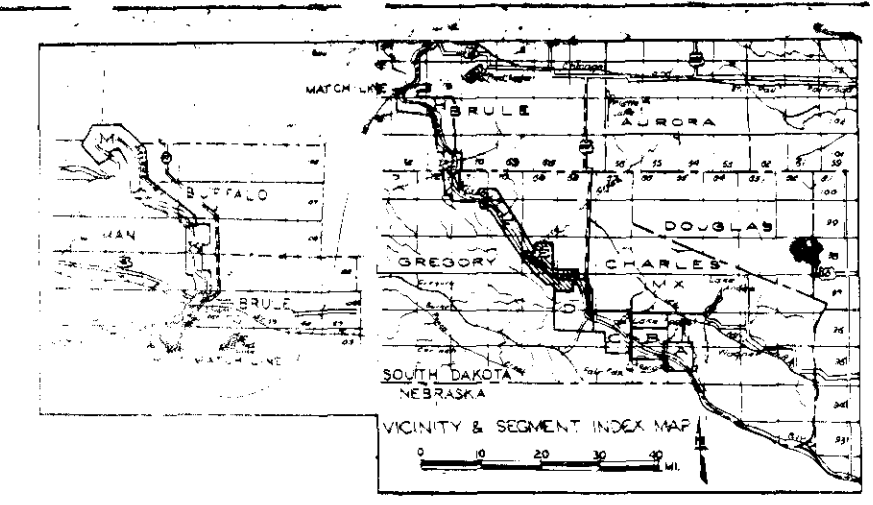
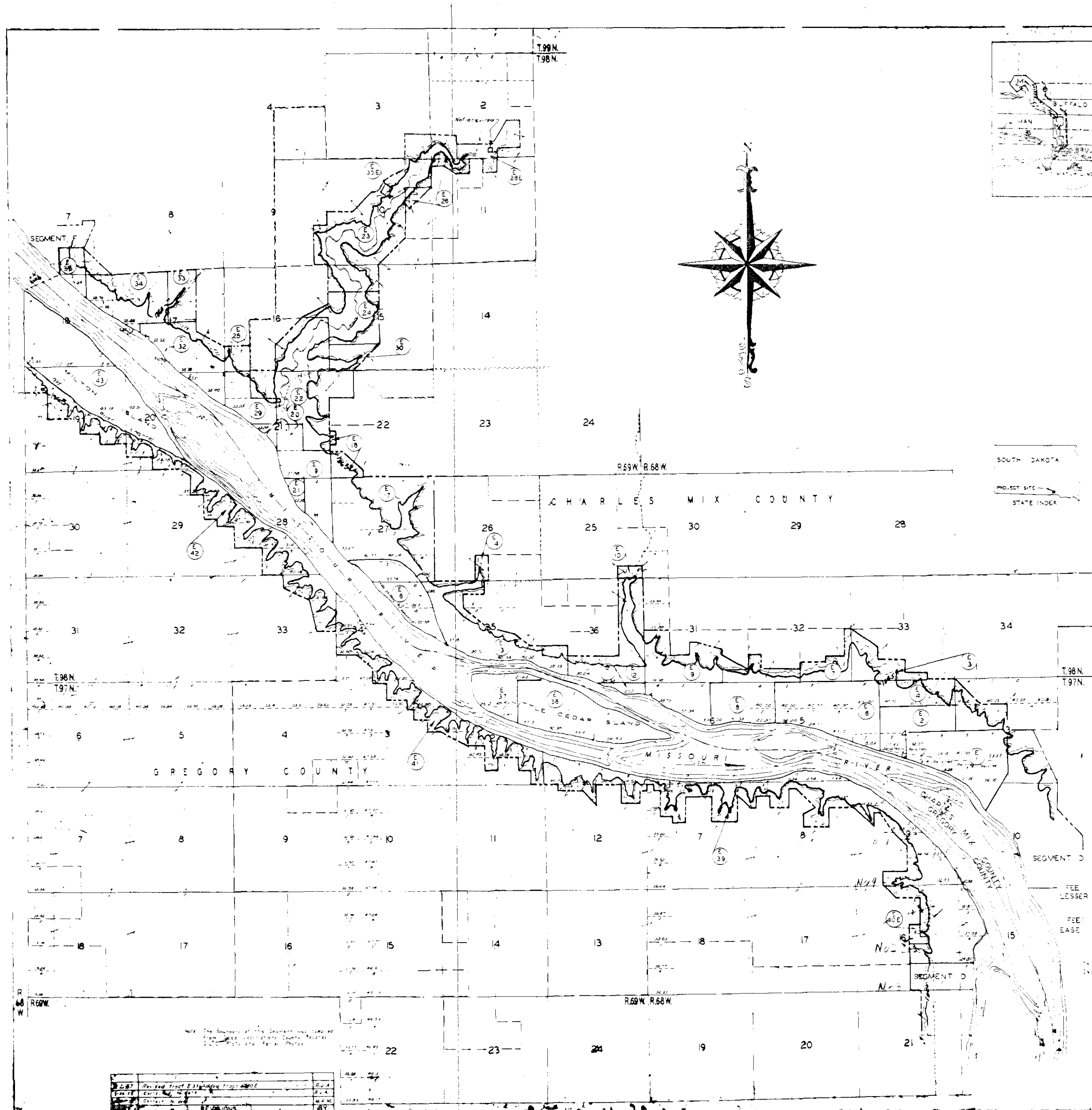
Strip No. 3 - A parcel of land 33' wide in the  $S\frac{1}{2}$  of Section 16, T97N, R68W, Gregory County, South Dakota, lying 16 $\frac{1}{2}$ ' on either side of the following described line; commencing at the South quarter corner of Section 16, thence east parallel to the South line of said Section 16 to the shoreline of Lake Francis Case, containing 0.25 acre, more or less.

Strip No. 4 - A parcel of land 33' wide in the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 9, T97N, R68W, Gregory County, South Dakota, lying 16 $\frac{1}{2}$ ' on either side of the following described line; commencing at the SW corner of said  $SE\frac{1}{4}SW\frac{1}{4}$ , thence East parallel to the South line of said Section 9 to the shoreline of Lake Francis Case, containing 0.25 acre, more or less.

Exhibit B attached to and made

a part of EXHIBIT NO. RACWHS-2-

5185



| ACQUISITION TRACT REGISTER |                   |         |
|----------------------------|-------------------|---------|
| TRACT NO.                  | LAND OWNER        | ACREAGE |
| E-1                        | James H. Thompson | 100.00  |
| E-2                        | John Thompson     | 100.00  |
| E-3                        | John Thompson     | 100.00  |
| E-4                        | John Thompson     | 100.00  |
| E-5                        | John Thompson     | 100.00  |
| E-6                        | John Thompson     | 100.00  |
| E-7                        | John Thompson     | 100.00  |
| E-8                        | John Thompson     | 100.00  |
| E-9                        | John Thompson     | 100.00  |
| E-10                       | John Thompson     | 100.00  |
| E-11                       | John Thompson     | 100.00  |
| E-12                       | John Thompson     | 100.00  |
| E-13                       | John Thompson     | 100.00  |
| E-14                       | John Thompson     | 100.00  |
| E-15                       | John Thompson     | 100.00  |
| E-16                       | John Thompson     | 100.00  |
| E-17                       | John Thompson     | 100.00  |
| E-18                       | John Thompson     | 100.00  |
| E-19                       | John Thompson     | 100.00  |
| E-20                       | John Thompson     | 100.00  |
| E-21                       | John Thompson     | 100.00  |
| E-22                       | John Thompson     | 100.00  |
| E-23                       | John Thompson     | 100.00  |
| E-24                       | John Thompson     | 100.00  |
| E-25                       | John Thompson     | 100.00  |
| E-26                       | John Thompson     | 100.00  |
| E-27                       | John Thompson     | 100.00  |
| E-28                       | John Thompson     | 100.00  |
| E-29                       | John Thompson     | 100.00  |
| E-30                       | John Thompson     | 100.00  |
| E-31                       | John Thompson     | 100.00  |
| E-32                       | John Thompson     | 100.00  |
| E-33                       | John Thompson     | 100.00  |
| E-34                       | John Thompson     | 100.00  |
| E-35                       | John Thompson     | 100.00  |
| E-36                       | John Thompson     | 100.00  |

(TYPE) PRELIMINARY PROJECT MAP  
AGENCY - DEPT OF THE ARMY  
STATE - SOUTH DAKOTA  
COUNTY - CHARLES MIX & GREGORY  
DIVISION - MISSOURI RIVER  
DISTRICT - OMAHA  
FIFTH ARMY AREA

LOCATION OF PROJECT  
W. 1/4 S. 20 T. 22 N. R. 68 W.  
22 MILES E. OF GREGORY, S.D.

TRANSPORTATION FACILITIES  
RAILROADS - NONE  
STATE ROADS - NONE  
FEDERAL ROADS - 28  
AIRLINES -

ACQUISITION  
TOTAL ACRES ACQUIRED  
ACRES FEE  
ACRES TRANSFERRED TO WAR DEPT  
ACRES LEASED TO WAR DEPT  
ACRES LESSER INTERESTS

DISPOSAL  
TOTAL ACRES DISPOSED OF  
ACRES SOLD BY WAR DEPT  
ACRES TRANSFERRED BY WAR DEPT  
ACRES RETransferred TO GOVT AGENCY  
ACRES LEASES TERMINATED  
ACRES LESSER INTERESTS TERM

LEGEND  
NOTE: USE SYMBOLS FROM FM-21-30 (WAR  
DEPT BASIC FIELD MANUAL) PAGES 2 TO 27 INC.

EXCEPT  
RESERVATION LINE  
RESERVATION LINE (WATERWAY)  
DAM SITE  
RESERVOIR SITE  
CONTOUR LINES  
AVIGATION EASEMENTS  
TRACT NUMBER - 99

REVISIONS  
DATE  
BY  
1-23-49 Changed boundary & acreage of Tract 42  
4-30-50 Corrected to 51%  
8-20-52 Revised Tract 523 Deleted Tract 61 Added Tract 425 E 322 E 325 E 326 E

DEPARTMENT OF THE ARMY  
OFFICE OF THE CHIEF ENGINEER  
MISSOURI RIVER DIVISION

HEAD ESTATE  
LAND USE & MANAGEMENT PLAN  
FORT RANDALL RESERVOIR  
SEGMENT E

ACQUISITION AUTHORIZATION  
H.L. 544 76TH CONGRESS, 1ST SESS. 1939  
1ST IND. 1939 2ND JUL 49

OFFICE CHIEF OF ENGINEERS, WASHINGTON D.C.  
SHEET 15 OF 16 DED

App 1 of 459-2

**South Dakota**  
**Department of**  
**Water & Natural Resources**

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

January 29, 1988

HOLLIS HAISCH  
RT 2 BOX 18  
BONESTEEL, SD 57317

**NOTICE**

Re: Violation of Requirement To Submit 1987 Irrigation  
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 429-2, 459-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 429-2, 459-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

*John Hatch*

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

REPRODUCTION: REDUCTION COPY: FILE NO. 12-72 DATE MICROFILMED CAMERA OPERATOR



# Department of Water & Natural Resources

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

February 9, 1988

429-2  
459-2

Hollis Haisch  
Rt 2, Box 18  
Bonesteel SD 57317

Dear Mr. Haisch:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 429-2 & 459-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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



January 22, 1999

459-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3101

www.state.sd.us/denr

NOTICE

TO: HOLLIS HAISCH, RT 2 BOX 18, BONESTEEL, SD 57317 9521

FROM: Ron Duvall, Natural Resources Engineer  
for John Hatch, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 429-2 & 459-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 429-2 & 459-2 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 March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



459  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 27, 1999

429-2

459-2

Hollis Haisch  
RR 2 Box 18  
Bonesteel, SD 57317-9521

Dear Mr. Haisch:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right Nos. 429-2 and 459-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

November 26, 2003

459-2

Joe Duling  
RR 1 Box 146  
Dixon SD 57533

Dear Mr. Duling:

Enclosed, as we discussed, is a copy of Water Right No. 459-2. It is my understanding that the water right should be listed in your name.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I believe that Water Right No. 459-2 was obtained to add diversion rate to an existing system. Water Right No. 429-2 authorizes diversion of water from the Missouri River (2.23 cubic feet of water per second) to irrigate 277 acres. No. 459-2 was obtained to increase the diversion rate an additional 1.57 cfs to irrigate the same acreage.

Also enclosed is a 2003 irrigation questionnaire for No. 459-2. You can combine all your irrigation information on one form, however please return both forms.

You may keep the enclosed map and copy of the water right. The only documents you will need to complete and return to us are the irrigation questionnaires for 429-2 and 459-2 and the "Notice of Transfer of Ownership" form (remember to include the \$2.50 filing fee for the transfer).

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

JAN 08 2004

WATER RIGHTS  
PROGRAM

## NOTICE OF TRANSFER OF OWNERSHIP

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

No. 459-2

Date: 1-6-04

I/We request that Water Right No. 459-2

formerly owned by: Hollis Haisch

be transferred to: (name & address)

ABE Joe Duling  
122 Main St  
Gregory SD 57533

Telephone No. 605-835-8053 Hm  
605-835-9911 off

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

277 acres in portions of the NE ¼ Section 21, NW ¼ Section 22, W ½ Section 15,

Section 16 and Section 9, all in T97N, R68W

I/We understand that the validity of Water Right No. 459-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

**A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

I/We Joe Duling, the new owner, certify that the above information is true and correct.

  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

## WATER RIGHTS PROGRAM

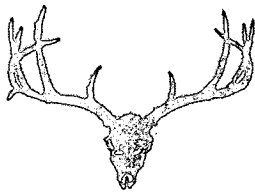
Date January 10, 2019

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

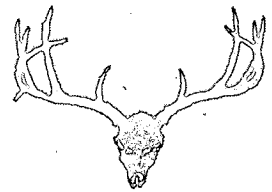
No.

By

**Chief Engineer**



# MULEHEAD RANCH ADVENTURES



January 6, 2004

Department of Environment & Natural Resources  
PMB 2020  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3182

RE: Water Rights

Dear Genny,

Here is what is being irrigated:

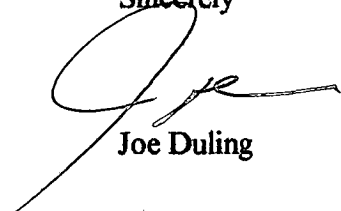
|            |                |
|------------|----------------|
| Section 21 | None           |
| Section 22 | None           |
| Section 15 | None           |
| Section 16 | NW1/4 70 Acres |
| Section 9  | 145 Acres      |

RECEIVED

JAN 08 2004

WATER RIGHTS  
PROGRAM

Sincerely



Joe Duling



JUN 30 2004

459-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

429-2  
459-2

Joe Duling  
122 Main St  
Gregory SD 57533

Dear Mr. Duling:

Enclosed is Reissued Water License No. 459-2. The applicable portions of Water Right No. 429-2 were incorporated into No. 459-2. Also included is Receipt No. 001055 in the amount of \$2.50 which you paid for filing the ownership change for No. 459-2.

Water Right No. 459-2 was originally issued to increase the diversion rate for irrigation of land described in Water Right No. 429-2. Based on a letter received from you in January, 2004, the licenses are being combined and will authorize irrigation of the 215 acres you indicated are still being irrigated.

Combining the water rights eliminates the need for two irrigation questionnaires each year. Next fall, you will receive an irrigation questionnaire for Water Right No. 459-2. Everything you irrigate can be reported on the one form.

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

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
(605) 773-3352

enclosure

# STATE OF SOUTH DAKOTA

## REISSUED WATER LICENSE NO. 459-2

(1) Hollis Haisch was issued Water License No. 429-2, with a priority date of August 14, 1956 for a water right to divert 2.23 cubic feet of water per second (cfs) from the Missouri River, Gregory County, South Dakota for irrigation purposes. Water Right No. 459-2, with a priority date of May 29, 1957 was issued to authorize an increase in the diversion rate to irrigate the same land described in Water Right No. 429-2. The combined diversion rate authorized by Water Right Nos. 429-2 and 459-2 is 3.80 cfs.

Water Right Nos. 429-2 and 459-2 have been transferred from Hollis Haisch to Joe Duling.

In a letter dated January 6, 2004, the water right holder described the land still being irrigated. The applicable portions of Water Right No. 429-2 are being incorporated into Water Right No. 459-2 with the license being reissued to reflect what is actually being irrigated.

Based on the 215 acres still irrigated, a diversion rate of 3.07 cfs is applied with the following priority dates:

- August 14, 1956 (established under No. 429-2) for 2.23 cfs; and
- May 29, 1957 (established under No. 459-2) for 0.84 cfs.

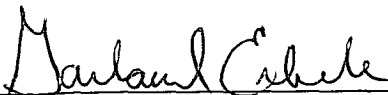
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Joe Duling, 122 Main St, Gregory SD 57533 the holder and/or owner of Water Right No. 459-2 is issued a license, bearing priority dates of August 14, 1956 and May 29, 1957 to appropriate 3.07 cubic feet of water per second from the Missouri River to irrigate 215 acres.

The diversion point is located between a point 225 feet south and 720 feet east of the SW corner of Section 15 (Lot 3 of Section 22) and a point 290 feet east and 885 feet south of the NW corner of Section 9 (NW ¼ NW ¼) all in T97N, R68W.

The acres authorized for irrigation are as follows:

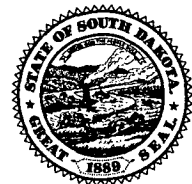
|                                          |
|------------------------------------------|
| 70 acres – NW ¼ Section 16, T97N, R68W   |
| <u>145 acres</u> – Section 9, T97N, R68W |
| 215 acres – Total                        |

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit Nos. 429-2 and 459-2.

  
\_\_\_\_\_  
Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

JUN 30 2004

\_\_\_\_\_  
date





459-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: JOE DULING, 122 MAIN ST, GREGORY, SD 57533

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 459-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 459-2 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 is received in this office on/or before **February 25, 2005**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



459-2

## Track & Confirm

### Current Status

You entered 2301 3460 0000 8516 1329

Your item was delivered at 10:28 am on January 21, 2005 in GREGORY, SD 57533. The item was signed for by J BRAUN.

[Shipment Details >](#)

### Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)



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### Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

## U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:  
62ET 9T59 0000 094E 10E2

JOE DULING  
122 MAIN ST  
GREGORY SD 57533

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

### POSTAL CUSTOMER:

Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)  
or call 1-800-222-1811

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- ☐ Priority Mail®  
☐ Package Services

PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 15, 2005

459-2

Joe Duling  
122 Main St  
Gregory SD 57533

Dear Mr. Duling:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 459-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 8, 2008 

459-2

Joe Duling  
122 Main St  
Gregory SD 57533

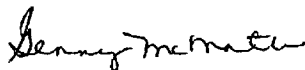
Dear Mr. Duling:

Thank you for calling concerning the possible sale of irrigated land described in Water Right No. 459-2. Enclosed is a copy of the water license in the event you need one to give to the new owner.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The form will need to be completed and signed by the new owner. Once completed, it should be returned to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,



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

RECEIVED

FEB - 9 2012

WATER RIGHTS  
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 459-2

Date: 2-6-12

I/We request that Water Right No. 459-2

formerly owned by: Joe Duling

be transferred to: (name & address) Kelly Bailey + Jody Bailey  
29808 N. Plum Rd  
Fairfax, SD 57335 Telephone No. 605-654-2362

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

215 acres in portions of Section 9 and the NW ¼ Section 16, T97N, R68W

I/We understand that the validity of Water Right No. 459-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

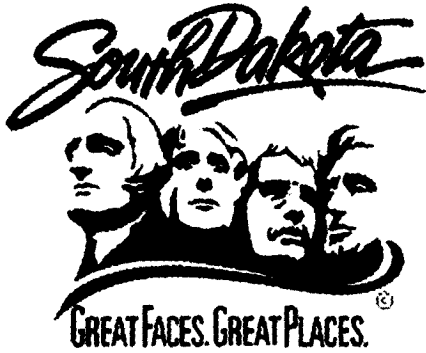
A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Kelly + Jody Bailey, the new owner, certify that the above information is true and correct.

Jody Bailey Kelly Bailey  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

February 9, 2012

459-2

Kelly & Jody Bailey  
29808 N Plum Rd  
Fairfax SD 57335

Dear Mr. & Mrs. Bailey:

I am writing to acknowledge receipt of the ownership change you filed to transfer Water Right No. 459-2 from Joe Duling to your names.

Enclosed is your check in the amount of \$2.50. The fee for filing an ownership change is \$50.00. I reviewed the file and found I had originally sent the transfer form to Mr. Duling in January, 2009 after he contacted us indicating a sale of the property was pending. All of our fees went up July 1<sup>st</sup>, 2009.

Please remit a total of \$50.00 for filing of the ownership change. The check or money order can be made payable to the "Water Rights Program". I am enclosing a postage paid envelope for your convenience in returning the fee.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/15, 20 12

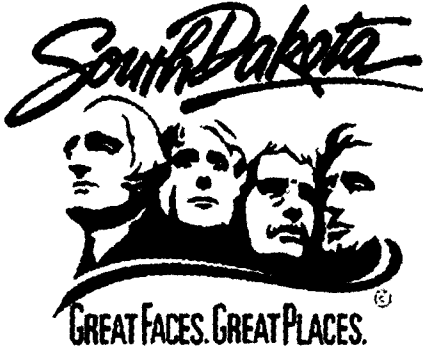
RECEIVED OF Kelly & Jody Bailey 29808 N Plum Rd Fairfax SD 57335

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

|                                                                                                                |       |       |
|----------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |       |
| Fee for Filing Transfer Form <u>459-2</u>                                                                      |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. 05356

By *Shirley Erdel*  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

February 9, 2012

459-2

Kelly & Jody Bailey  
29808 N Plum Rd  
Fairfax SD 57335

Dear Mr. & Mrs. Bailey:

Thank you for following up on the ownership change Water Right No. 459-2. The ownership change has been completed. Water Right No. 459-2, formerly held by Joe Duling is now listed in your names.

Irrigators in South Dakota are required to report water use on an annual basis. I am enclosing a copy of the 2010 irrigation questionnaire to give you an idea of what type of information to keep track of during the season. The forms to report irrigation use for 2012 will be sent to irrigators in mid-October and due by the first week in December.

Enclosed for your records is Receipt No. 05356 in the amount of \$50.00 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosures



459-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 18, 2013

NOTICE

TO: KELLY & JODY BAILEY, 29808 N PLUM RD, FAIRFAX, SD 57335

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 459-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 459-2 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 **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

March 8, 2013

459-2

KELLY & JODY BAILEY  
29808 N PLUM RD  
FAIRFAX, SD 57335

Dear Kelly and Jody:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit No. 459-2. The information was received in our office prior to the Water Management Board meeting and your name was 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  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

Jody and Kelly

I have created a map outlining the area the license describes as authorized for irrigation.

Acreage authorized: 70 acres in the NW  $\frac{1}{4}$  Section 16, T97N, R68W  
145 acres in Section 9, T97N, R68W

If an area is going to be irrigated outside of the area described on the license, a new permit will need to be obtained. The license authorizes diversion points between Lot 3 of Section 22 and NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 9, T97N, R68W.

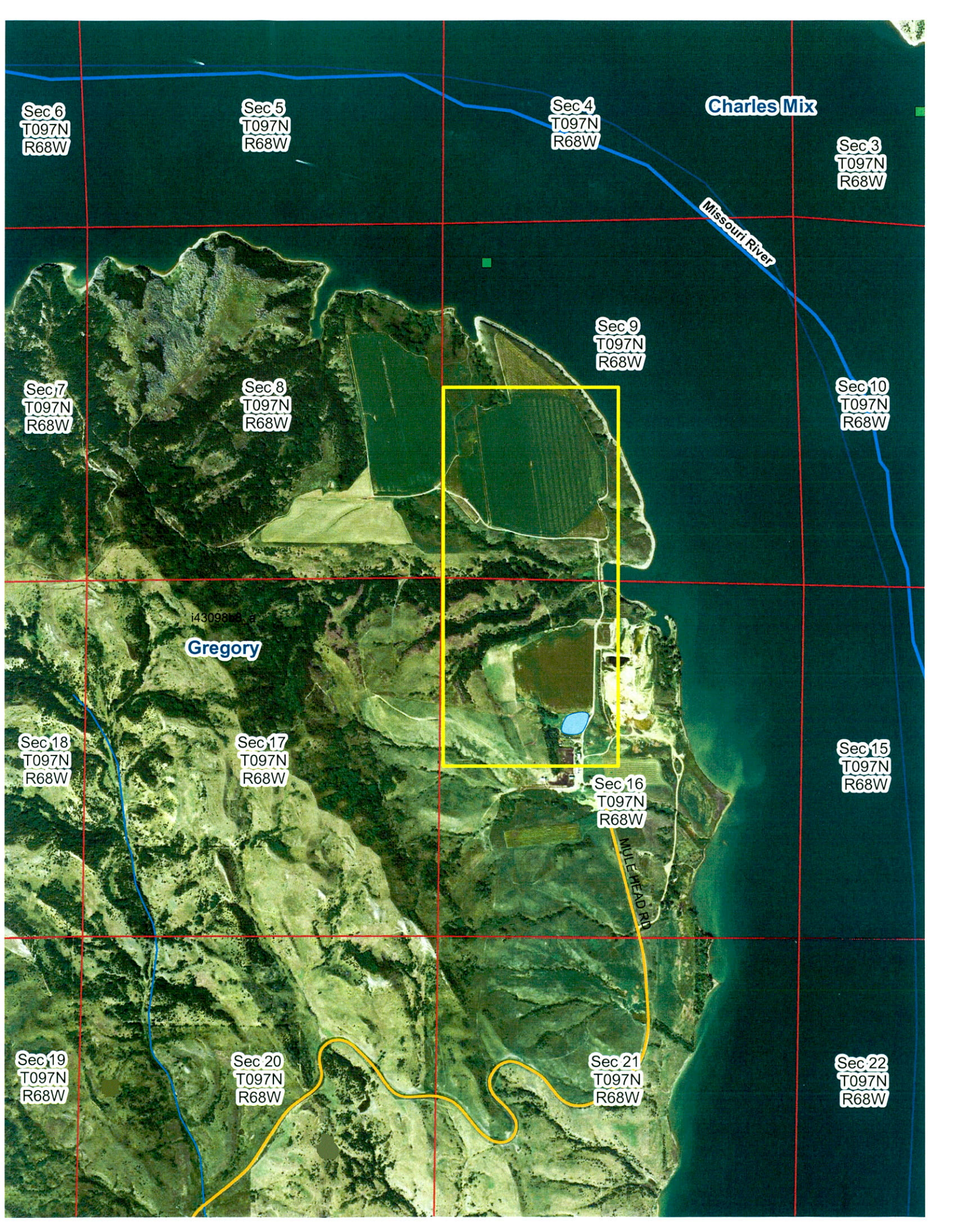
As far as the "sites" you referred to in our conversation, I am not sure which ones or how many are still in your name – that would be a matter for the Corps of Engineers. Getting an irrigation permit is a two part process for access. You need a water permit from the state and an easement from the Corps for a specific site.

The water permit was originally obtained by Hollis Haisch and later transferred to Joe Duling. A transfer from Mr. Duling to you occurred in 2012. I do not know if the Corps of Engineers issued new easements or transferred existing easements when ownership changes occurred.

Once you have reviewed the enclosed map and license, give me a call and we can talk about what needs to be done to update the water right.

Genny  
605 773-5455

*(sent via email)*



Sec 6  
T097N  
R68W

Sec 5  
T097N  
R68W

Sec 4  
T097N  
R68W

Charles Mix

Sec 3  
T097N  
R68W

Missouri River

Sec 9  
T097N  
R68W

Sec 7  
T097N  
R68W

Sec 8  
T097N  
R68W

Sec 10  
T097N  
R68W

i4309818\_8

Gregory

Sec 18  
T097N  
R68W

Sec 17  
T097N  
R68W

Sec 15  
T097N  
R68W

Sec 16  
T097N  
R68W

MULE HEAD RD

Sec 19  
T097N  
R68W

Sec 20  
T097N  
R68W

Sec 21  
T097N  
R68W

Sec 22  
T097N  
R68W

RECEIVED

NOV - 3 2015

WATER RIGHTS  
PROGRAM



**COMMERCIAL PARTNERS**

T I T L E, L L C

200 South Sixth Street, Suite 1300

Minneapolis, MN 55402

Phone: (612) 337-2470

Fax: (612) 337-2471

November 2, 2015

VIA FEDERAL EXPRESS

PMB 2020  
DENR Water Rights Program  
523 E Capital Ave  
Pierre, SD 57501-3182

RE: CP File No. 50259/Spaulding/Living Dream

Enclosed you will find the following documents to record:

1. Notice of Transfer of Ownership
- 2.

Also enclosed is check 32037 in the amount of \$50.00 for the recording fee.

Please send verification of the transaction in the self - addressed envelope.

Very truly yours,

COMMERCIAL PARTNERS TITLE, LLC

Michelle Christensen  
Closing Assistant

enc

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/3, 20 15

RECEIVED OF Commercial Partners Title LLC 200 S 6th St # 1300 Mnpls MN 55402

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

|                                                                                                                |       |       |
|----------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |       |
| Fee for Filing Transfer Form <u>459-2</u>                                                                      |       |       |
| Fee for _____                                                                                                  |       |       |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |       |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |       |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |       |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |       |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 50 00 |

No. 07515

By

Jeanne Goodman  
Chief Engineer

RECEIVED

NOV - 3 2015

WATER RIGHTS  
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020  
DENR - Water Rights Program  
523 E Capitol Ave  
Pierre, SD 57501-3182

Water Right/Permit No. 459-2

Date: October 26, 2015

I/We request that Water Right/Permit No. 459-2 formerly owned by:  
Kelly and Jody Bailey be transferred to:

New Owner Name: Alan J. Spaulding  
Address: 616 Lincoln Ave.  
City, State, Zip St. Paul MN 55102 Telephone No. 651-294-3281

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

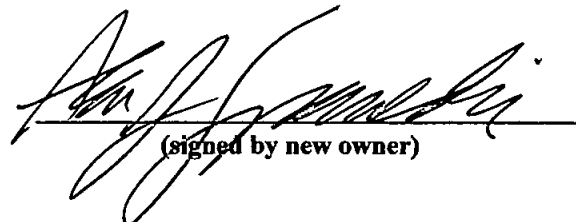
All of Sections 8,9,16 and 17 in Township 97N, Range 68 W of the 5th PM, Gregory County, SD

☒ I understand that the validity of Water Right/Permit No. 459-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Alan J. Spaulding, the new owner, certify that the above information is true and correct.

  
(signed by new owner)

**NOTE:** Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

November 23, 2015

459-2

Alan J Spaulding  
616 Lincoln Ave  
St Paul MN 55102

Dear Mr. Spaulding:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 459-2.

The ownership change has been completed. Water Right No. 459-2, formerly held by Kelly and Jody Bailey is now listed in your name.

One issue to clear up is with reference to the annual irrigation questionnaire. I had mailed the form to the Bailey's in October prior to receiving the ownership change from you. Please give me a call so we can discuss who will be filing out the questionnaire and if I need to send another copy of it. If it is easier, I can take the information over the phone too. The information for 2015 needs to be submitted on or before December 1<sup>st</sup>.

The receipt for the filing fee is being forwarded by copy of this letter to Commercial Partners Title, LLC.

Sincerely,

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

c: Michelle Christensen, Commercial Partners Title LLC