

1. Considered July 9, 1958 Appl. No. 475-2
2. Name of Applicant The Arnold Corporation
3. Post Office Address Nenah, Nebraska
4. Amount of water claimed 60 cfs
5. Source of water supply Spring Creek & ground water
6. Water to be used for irrigation
Acres to be irrigated 1078
7. Water to be diverted and used in Todd County about
40 miles southwest of Wesley.
8. Proof of Publication Received _____
Not Received ☒ 1st publication received
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Indian land has been deleted from this already.
Mr. [unclear] is going to object to this as Spring Creek is [unclear] the [unclear] White River

Water Division No. 2 District 1
(Blanks to be filled by the Engineer for the W. R. C.)

RECEIVED
MAR 25 1933
STATE WATER RESOURCES COM.
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 THE ARNOLD CORPORATION
Postoffice address NEUZEL, NEBRASKA, County TODD, State S.D. DAK.

I. If a corporation

(a) Name of same THE ARNOLD CORPORATION
(b) Date and place of incorporation DEC. 22, 1933 X. U. RAUCH, ?, TODD CO. S.D. DAK.
(c) Amount of capital stock \$100,000
(d) Amount paid in \$83,000
(e) Names and addresses of directors Thos. F. Arnold, Valentine, Neb.

Katharine M. Arnold, Menzel, Neb.

Edward M. Arnold, Menzel, Neb.

(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)

By contract and the employment of others

(b) Cash on hand, \$

(c) Treasury stock, \$ 17,000

(d) Bonds to be issued, \$ None

20,000 acres of land
(e) Other resources, \$

2. Name of diversion work The Arnold Spring Creek Irrigation Project

3. Amount of water claimed 6 cubic feet per second

4. Source of water supply Spring Creek and a well in the NE-SE-36, T.36, R. 32W
Between a point 400 ft. N of the SW Cor. Sec. 5, T.35 N., R.32 W and a point

5. Location of point of diversion 2510 ft. W of E 1/4 corner Sec. 25 T.36 N., R.32 E. Well: 1280 feet south
of the NW 1/4 Cor., Sec. 25, T.36 N., R.32 E. Both in Todd County.

6. Annual period or periods during which water is to be used April 1st thru November 1st

7. To be used for:

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

(a) Number of acres to be irrigated 1377 acres.

NW-NE-9 Ac., SW-NE-32 Ac., SE-NE-37 Ac., NW-NW-29 Ac., NW-NW-33 Ac.,
SE-NW-15 Ac., NE-SW-28 Ac., NE-SE-33 Ac., NW-SE-36 Ac., SE-SE-37 Ac.,
SW-SE-30 Ac., Sec. 1, T.35 N., R.32 W. 296 Ac.

SW-NE-30 Ac., SE-NW-20 Ac., SW-NW-18 Ac., NW-NW-23 Ac., Sec. 2 81 Ac.

SW-SE-31 Ac., SE-SW-18 Ac., Sec. 3 49 Ac.,

SW-NW-4 Ac., NW-SE-35 Ac., SW-SE-3 Ac., SW-NE-7 Ac., NE-SW-13 Ac.
Sec. 4 61 Ac.

SE-NE-20 Ac., NE-NE-20 Ac., NW-NE-25 Ac., SW-NE-10 Ac., NE-SW-40 Ac.

NW-SW-25 Ac., SE-SW-23 Ac., SW-SW-25 Ac., NW-SE-15 Ac., SW-SE-7 Ac.
Sec. 5, T.35 N., R.32 W. 813 Ac.

NE-SW-38 Ac., SE-SW-39 Ac., NW-SE-38 Ac., NE-SE-38 Ac., SW-SE-37 Ac.,
SE-SE-30 Ac., Sec. 25, T.36 N., R.32 W. 819 Ac.

NE-NW-14 Ac., SW-SW-36 Ac., SE-SW-35 Ac., Sec. 36, T.36 N., R.32W 85 Ac.

NE-SW-23 Ac., NW-SW-35 Ac., NE-SW-35 Ac., SE-SW-35 Ac., Sec. 26 319 Ac.

NW-SW-39 Ac., SW-SW-15 Ac., Sec. 25, T.36 N., R.32 W. 34 Ac.

Total 1377 Ac. 1078

Map No. 476-2

8. Estimated cost of work: Well development 1500.00
(a) Head Gates, One deep well turbine pump 2000.00
(b) Pumping plant, \$ 2000.00
(c) Fluming, \$ with sprinkler system
(d) Canal earth, \$ line, centrifugal sprinkler pump with
(e) Other structures, complete sprinkler line, pipe, etc.
Rock, \$
Total, \$ 4000.00
\$ 0500.00

9. Description of diversion works:

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

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 highwater mark acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c) Head gate: Width feet; height feet;
Material
(d) Canal: Total length miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.
11. Time required for complete application of water to the proposed beneficial use 5 years.
12. Choice of newspaper for publication of notice of intention to appropriate
THE TODD COUNTY REGISTER, MISSION, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of Todd ss.

I, Edward M. Arnold Jr., Manager, 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 Edward M. Arnold Jr.

Subscribed and sworn to before me this 10th day of February, 1958.

Carl M. Correll

Notary Public for Todd County, S.D.

*Each diversion must have a headgate or measuring device.

PLAT OF THE ARNOLD SPRING CREEK IRRIGATION PROJECT SECTIONS 1, 2, 3, 4 & 5, T.35N., R.32W. SECTIONS 25 & 36, T.36N., R.32W. TODD COUNTY, SOUTHERN DAKOTA

SCALE - INCH - 660 FT.

SURVEYOR'S CERTIFICATE

I, CARL M. CORNELL, LICENSED SURVEYOR IN AND FOR THE STATE OF SOUTHERN DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE ARNOLD CORPORATION OF VALENTINE, NEBRASKA, I HAVE MADE A SURVEY AND PREPARED THIS PLAT OF THE VARIOUS LEGAL SUBDIVISIONS SHOWN HEREON FOR THE PURPOSE OF FURNISHING THE REQUIRED MAP TO BE FURNISHED AS A PART OF THE "APPLICATION FOR PERMIT TO PRODUCE WATER FOR IRRIGATION PURPOSES" (FORM #2).

I FURTHER CERTIFY THAT THE LEGENDS AND BEARINGS OF ALL LINES SHOWN AND THEIR LOCATION, WITH REFERENCE TO THE GOVERNMENT LAND CORNERS SHOWN, ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SUBSCRIBED AND SWORN TO AT BUFFALO, SOUTHERN DAKOTA, THIS 24TH DAY OF FEBRUARY 1936.

SIGNED: *Carl M. Cornell*
CARL M. CORNELL, LICENSED SURVEYOR
BUFFALO, SOUTHERN DAKOTA. (S.S.L.)

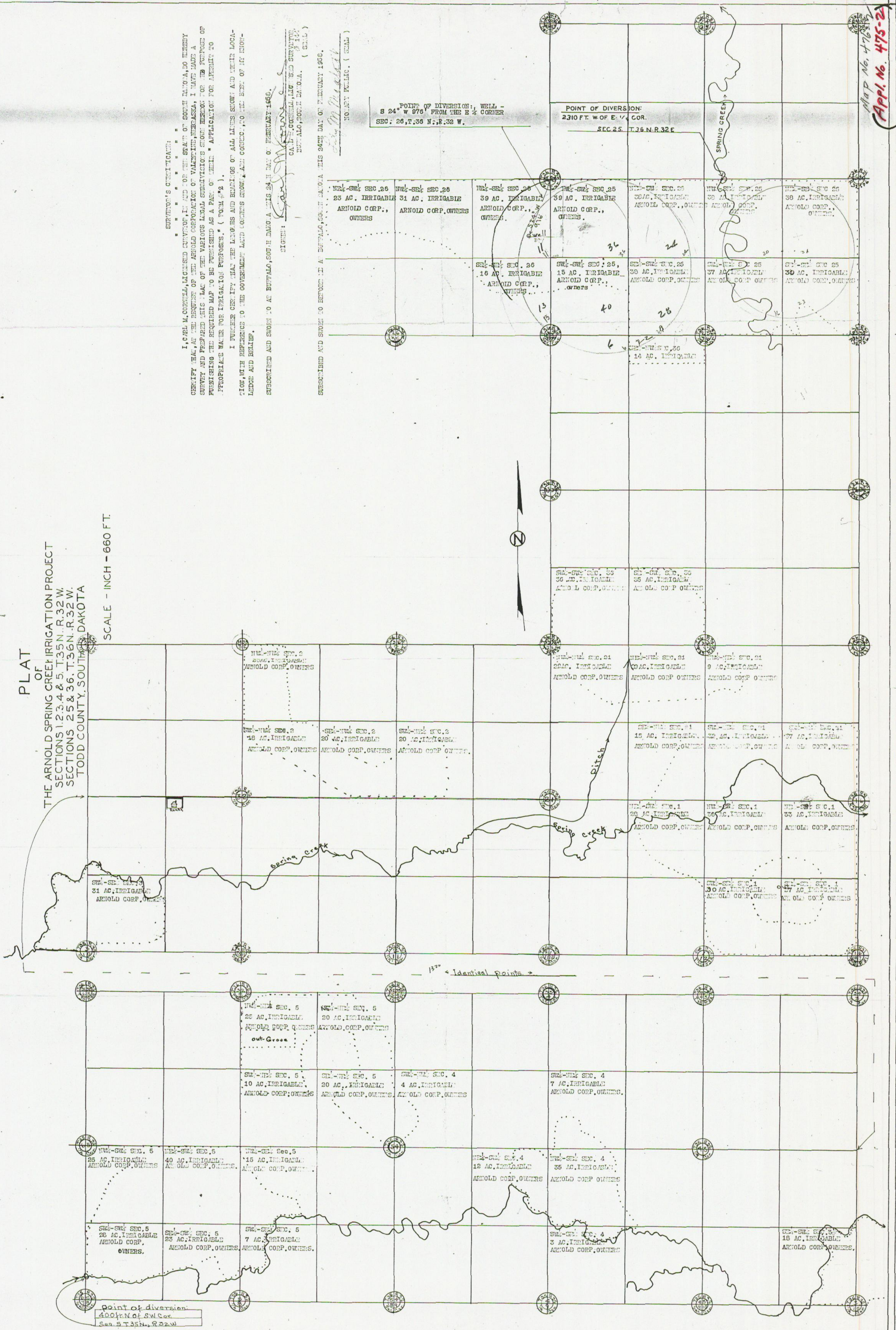
NO. 1000 P.L.M.C. (S.S.L.)

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTHERN DAKOTA, THIS 24TH DAY OF FEBRUARY 1936.

POINT OF DIVERSION: WELL -
S 24° W 976' FROM THE E & CORNER
SEC. 26, T.36 N., R.32 W.

POINT OF DIVERSION:
2310 FT. W. OF E & COR.
SEC. 25, T.36 N., R.32 E

Map No. 4763
Appl. No. 475-2



point of diversion:
400 ft. N. of SW Cor.
Sec. 5, T.35N., R.32W.

PLAT

OF
THE ARNOLD SPRING CREEK IRRIGATION PROJECT
SECTIONS 1, 2, 3, 4 & 5, T.35N., R.32W.
SECTIONS 25 & 36, T.36N., R.32W.
TODD COUNTY, SOUTHERN DAKOTA

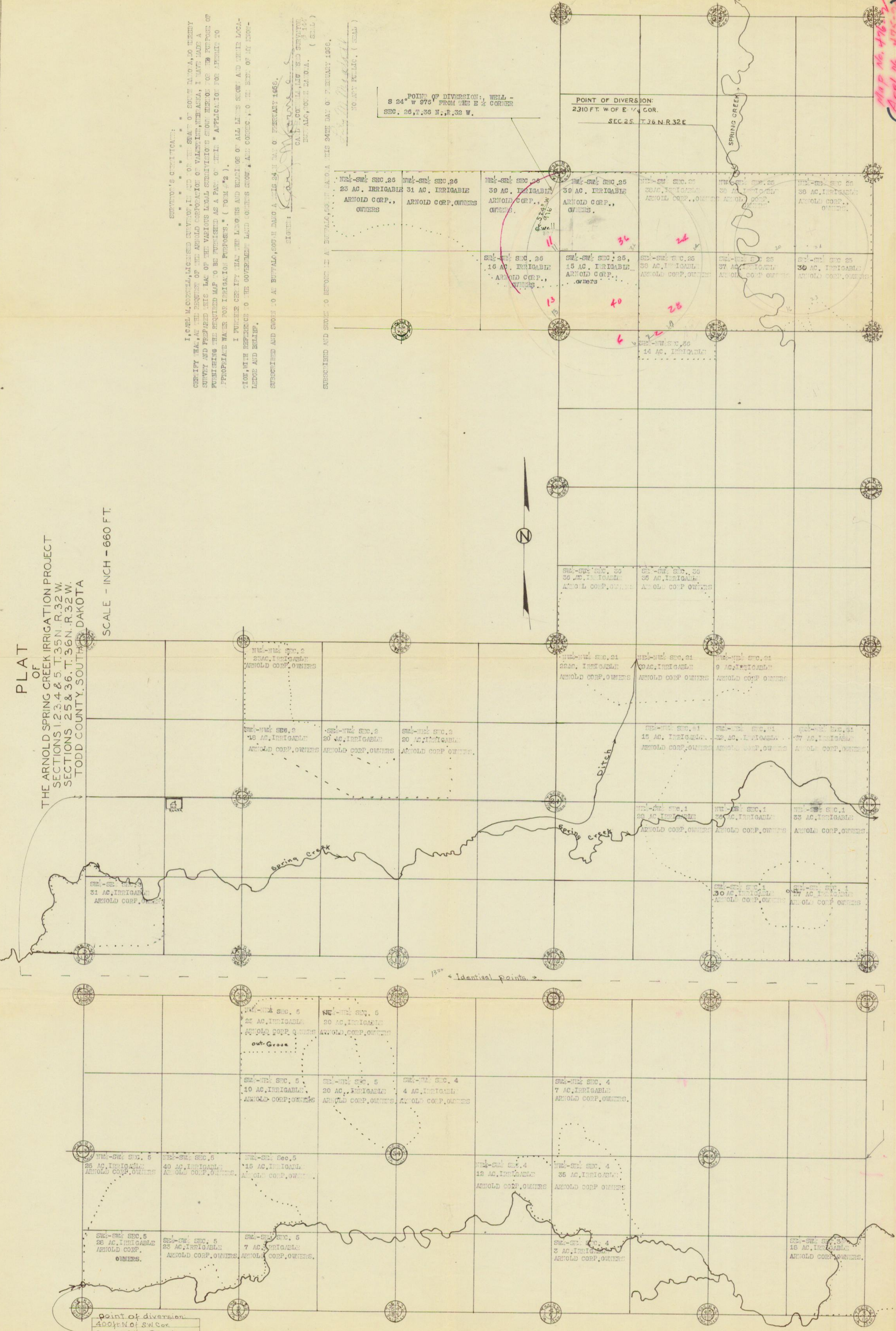
SCALE - INCH = 660 FT.

SURVEYOR'S CERTIFICATION:
I, CARL M. CORWELL, LICENSED SURVEYOR, IN AND FOR THE STATE OF SOUTHERN DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE ARNOLD CORPORATION OF VALENTINE, NEBRASKA, I HAVE MADE A SURVEY AND PREPARED THIS PLAT OF THE VARIOUS LEGAL SECTIONS'S SHOWN HEREON FOR THE PURPOSE OF FURNISHING THE REQUIRED MAP TO BE FURNISHED AS A PART OF THE "APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR IRRIGATION PURPOSES." (FORM #2).
I FURTHER CERTIFY THAT THE LENGTHS AND BEARINGS OF ALL LINES SHOWN AND THEIR LOCATION, WITH REFERENCE TO THE GOVERNMENT LAND OWNERS SHOW, ARE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.
SUBSCRIBED AND SWORN TO AT BUTTE, SOUTHERN DAKOTA THIS 24TH DAY OF FEBRUARY 1956.
SIGNED: *Carl M. Corwell*
CARL M. CORWELL, MTS. SEC. SURVEYOR
BUTTE, ALCO, SOUTHERN DAKOTA. (SEAL)
SUBSCRIBED AND SWORN TO BEFORE ME AT BUTTE, SOUTHERN DAKOTA THIS 24TH DAY OF FEBRUARY 1956.
NOTARY PUBLIC, (SEAL)

POINT OF DIVERSION: WELL -
S 24° W 97° FROM THE E & W CORNER
SEC. 26, T.36 N., R.32 W.

POINT OF DIVERSION:
2310 FT. W OF E 1/4 COR.
SEC. 25, T.36 N. R.32 E

Map No. 476-2
(Appl. No. 475-2)



Point of diversion
400 ft. N of SW Cor.
Sec. 5 T.35N., R.32W.

SCALE - INCH - 660 FT.

SURVEYOR'S CERTIFICATE:

I, CARL M. CORNELL, LICENSED SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE ARNOLD CORPORATION OF VALENTINE, MONTANA, I HAVE MADE A SURVEY AND PREPARED THIS MAP OF THE VARIOUS LEGAL SUBDIVISIONS SHOW HEREON FOR THE PURPOSE OF FURNISHING THE REQUIRED MAP TO BE FURNISHED AS A PART OF THEIR APPLICATION FOR ADEQUATE TO PROPER WATER FOR IRRIGATION PURPOSES." (FORM # 2).

I FURTHER CERTIFY THAT THE LENGTHS AND WRAPINGS OF ALL LINES SHOWN AND THEIR LOCATION, WITH REFERENCE TO THE GOVERNMENT LAND CORNERS SHOWN, ARE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SUBSCRIBED AND SWORN TO AT BUFFALO, SOUTH DAKOTA THIS 24TH DAY OF FEBRUARY 1959.

SIGHTED:

CARL E. CORNELL, LICENSED SURVEYOR
#144
BUFFALO, SOUTH DAKOTA.

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTH DAKOTA THIS 24TH DAY OF FEBRUARY 1958.

Taken out as per Carl Cornell's letter of April 14, 1958

Indian Land according to
Mr. V. E. Godfrey, checked
on May 12, 1958

POINT OF DIVERSION: WELL
S. 24° W 976' FROM E & CORNER
SEC. 26, T. 36 N., R. 32 W.

POINT OF DIVERSION:
2310 FT. W. OF E. 1/4 COR
SEC. 25, T. 36

Map No. 476-2
Appl. No. 475-2

SURVEYOR'S CERTIFICATE

I, Jerry K. Thomas, a Registered Land Surveyor, do hereby certify that, at the request of the City of Wall, South Dakota, this map was prepared under my supervision and that the points of diversion (pump houses) and pipeline and reservoir locations were located from the notes of an original survey made under my supervision.

IN WITNESS WHEREOF I have hereunto set my hand and Seal this 18th day of January 1958

Jerry K. Thomas
Registered Land Surveyor

ACKNOWLEDGMENT

State of South Dakota ss
County of Pennington

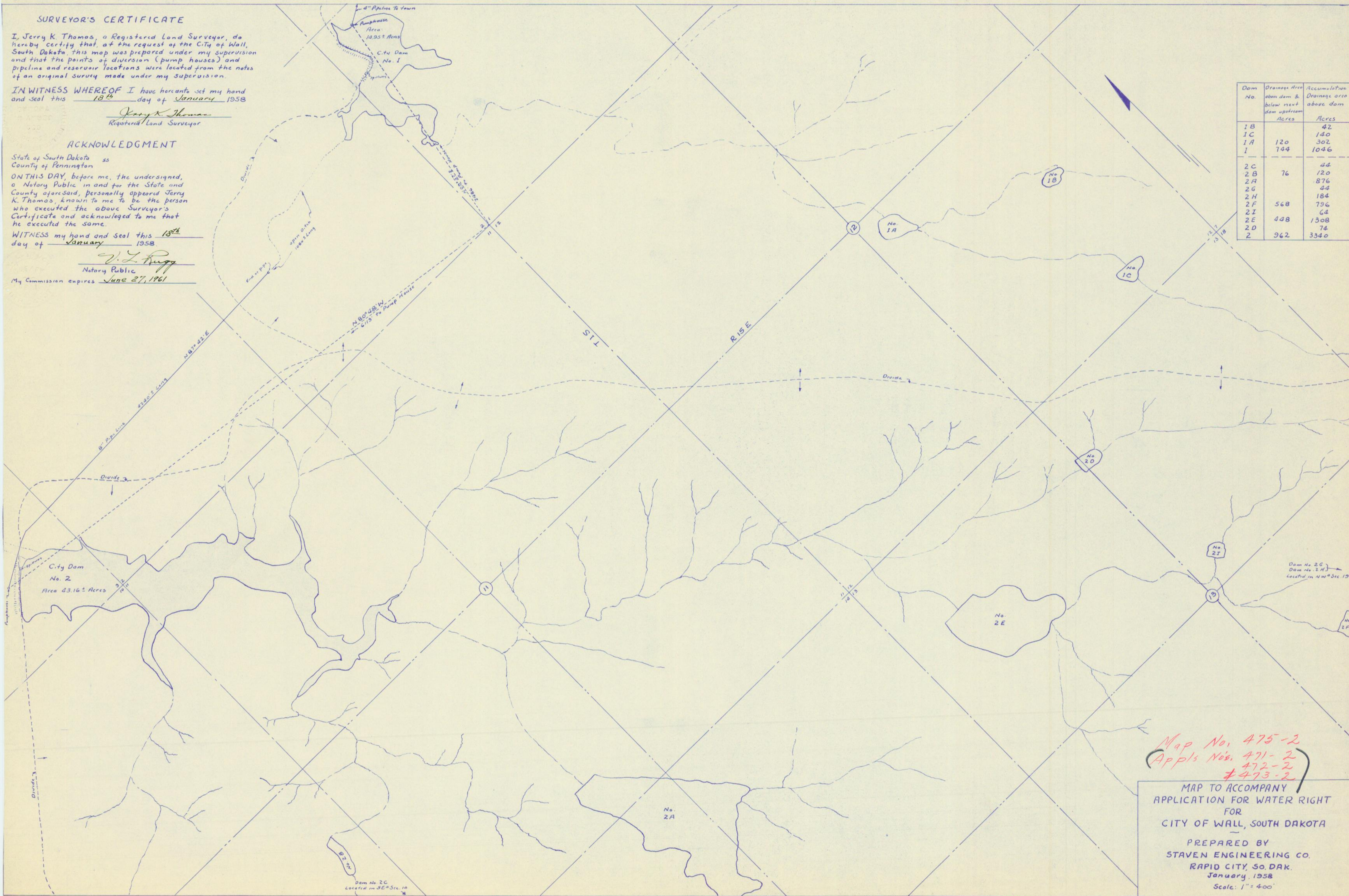
ON THIS DAY, before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Jerry K. Thomas, known to me to be the person who executed the above Surveyor's Certificate and acknowledged to me that he executed the same.

WITNESS my hand and Seal this 18th day of January 1958

V. L. Rugg
Notary Public

My Commission expires June 27, 1961

Dam No.	Drainage Area above dam & below next dam upstream Acres	Accumulative Drainage area above dam Acres
1B		42
1C		140
1A	120	302
1	744	1046
2C		44
2B	76	120
2A		876
2G		44
2H		184
2F	568	796
2I		64
2E	448	1308
2D		74
2	962	3340



Map No. 475-2
Appls Nos. 471-2
472-2
473-2

MAP TO ACCOMPANY
APPLICATION FOR WATER RIGHT
FOR
CITY OF WALL, SOUTH DAKOTA

PREPARED BY
STAVEN ENGINEERING CO.

RAPID CITY, SO. DAK.
January, 1958

Scale: 1" = 400'

Remarks by State Water Resources Commission:

These lands to be irrigated are within the apparent boundaries of the Rosebud Indian Reservation. Use of water granted by this Permit shall not interfere with Dominion use of water.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, March 26, 1958

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock
p.m. upon the 25 day of March, 1958

State Water Resources Commission

By:

J. W. Brinner

Chief Engineer, Executive Officer

Number of permit 475-2

Date of first receipt of application March 25, 1958

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 March 25, 1958

Approved July 9, 1958 Recorded in Book 2 Page 53

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 _____

January 9, 1961

2nd. The whole of said work is to be completed on or before July 9, 1963

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

July 9, 1963

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 6 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion work 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 July 9, 1963; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this 2 day of December, 1958

State Water Resources Commission

By:

J. W. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

JULY 28, 1972

Water License Issued

JULY 28, 1972

No.-----

Division No.-----

District

PERMIT

to appropriate water from 2 well and

Spring Creek

County, South Dakota

Name of applicant ARNOLD

CORPORATION

Name of diversion works MIT ARNOLD

SPRING CREEK IRRIGATION PROJECT

Date of first receipt at Office of State
Water Resources Commission

19--

Returned to applicant for Correction

19--

Corrected application received

19--

Date of Water Right

19--

Recorded in Book----- Page-----

One-fifth of work to be completed

19--

Whole work to be completed

19--

Final proof of use of water

19--

Approved ----- 19--

State Water Resources Commission

By:

Chief Engineer

Form 2A -- Well (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 24" , Depth 160'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 18" , Thickness of casing 12 Ga.

Length of casing 160 If collection gallery, length, size and depth of
gallery

(i) Screens

Type of perforated screen

Size of perforated screen (diameter) (length)

Thickness of gravel pack 0" , length of gravel pack

(c) Water Bearing Materials

Distance to water 15' Character of water bearing materials

Sand with light veins of clay, limestone, gravel, etc.

Thickness of water bearing material 145'

(d) Pump and Motor

Type of pump Turbine 8-1/2" (?)
(centrifugal, propeller, mixed flow, etc.)

Name of pump , size

Kind of motor (gasoline, electric, diesel, etc.)

Horsepower , Name of Motor

(e) Complete well

Capacity 1000 GPM. at drawdown of 150 Estimated cost \$1500.00

(f) Owner of land upon which well is located Arnold Corporation
Name

..... NEENZEL, NEBRASKA.
Address

(g) Distance to nearest existing wells

On same owner's property 480' rods. On property owned by others Several miles rods

(1) WHEREAS, On the 25th day of March A. D. 19 58
Arnold Cattle Company
made Water Right Application No. 475-2 for a permit to use 6.0 cubic feet per second of the waters of Spring Creek and ground water
County of Todd, State of South Dakota, for irrigation
_____ purposes; and

(2) WHEREAS, On the 2nd day of December A. D. 19 58
Permit No. 475-2, with a date of priority of March 25, 1958
was issued to said applicant _____ for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 9th day of July A. D. 19 63 and for the application to beneficial use of said water on or before the 9th day of July A. D. 19 63

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.6 cubic feet per second of water for beneficial use and.

for irrigating the following lands:					
From Ground Water		Acres	From Spring Creek	Acres	
Section 26, T36N, R32W	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11	Section 1, T35N, R32W	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13		SW $\frac{1}{4}$ NE $\frac{1}{4}$	32
Section 25, T36N, R32W	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36		SE $\frac{1}{4}$ NE $\frac{1}{4}$	37
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	24		NE $\frac{1}{4}$ SW $\frac{1}{4}$	28
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40		NW $\frac{1}{4}$ SE $\frac{1}{4}$	26
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	28		NE $\frac{1}{4}$ SE $\frac{1}{4}$	33
Section 36, T36N, R32W	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6		SW $\frac{1}{4}$ SE $\frac{1}{4}$	30
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2		SE $\frac{1}{4}$ SE $\frac{1}{4}$	27
			Total	398 Acres	

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota. We hereby grant and confirm to: Arnold Cattle Company

_____ of Nezuel, Nebraska
the holder _____ and owner _____ of said permit No. 475-2 a water right, dating from March 25, 1958
_____ to use of 3.6 cubic feet per second of the waters
of Spring Creek and ground water

in the County of Todd and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at Spring Creek, between points located 550 ft. South and
3960 ft. West and 218 ft. due South from NE Corner of Section 1, T35N, R32W. For Well
100 ft. South and 400 ft. West of Center of SW 1/4, Section 25, T36N, R32W

and conduct to and upon Portions of Sections 25, 26 and 36, T36N, R32W and Section 1, T35N, R32W,
more fully described on the face of this license

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 475-2 and subject to the laws of the State of South Dakota.

WITNESSE, My hand and seal of our office at Pierre, South Dakota
this 28th day of July A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRINES

Permit No. 475-2

Water Diversion No. 2 LITTLE WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Arnold Cattle Company

the holder of

Permit No. 475-2, issued upon Application No. 475-2, bearing date of priority of March 25,
1958 authorizing the diversion of 6.0 cu. ft. per second of the waters of

Spring Creek & ground water County of Todd, State of South Dakota at
Spring Creek, between points located 550 ft. S. and 3960 ft. W. and 218 ft. due South
from E½ Corner of Section 1, T35N, R32W. For Well, 100 ft. South and 400 ft. West of
Center of SW¼, Section 25, T36N, R32W for irrigation

purposes, has 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 3.6 cu. ft. per second of water.

Date July 28, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,

County of Todd
Leona P. Figert

ss.

being first duly sworn, deposes and says: That he is a resident of the County of Todd and State of South Dakota; that the

Todd County Tribune
 is a weekly newspaper of general circulation, printed and published in Miss. on in said county and State, by C. W. Figert

and is now, and has been such newspaper continuously, during all the times hereinafter mentioned; that the affiant is and was during all the times herein-after mentioned the Asst. Bus. Mgr. of said newspaper in charge of the advertising department thereof; and has personal knowledge of all the facts stated in this affidavit, and that the notice and advertisement headed 475-9 Appropriation of Water

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper five successive issues

That the first publication of said notice in said newspaper aforesaid was on Thursday day of April 17th A. D. 1958, and that the succeeding publications on " the 24th day of " on " the 1st day of " on " the " day of " on " the " day of " on " the " day of "

that the fees charged for the printing and publication of said notice and advertisement were Twenty-four Dollars and ninety-nine Cents, and that said fees for the printing and publishing of said notice and advertisement as aforesaid, have been fully paid; that the full amount of the fee charged for the

and annexed notice and advertisement inures to the said newspaper that no agreement or understanding has been made with any other person, whom is a legal newspaper as provided in 65.0508 S. Publ.

Subscribed and sworn to before me this 8th day of May, 1958

C. W. Figert
 Notary Public

Todd County, South Dakota

475-9
 (First Publication before May 2, 1958)

APPROPRIATION OF WATER
 State Water Resources
 Commission
 Pierre, S. Dak.,
 March 26, 1958.

Notice is hereby given that the Arnold Corporation whose post-office address is Nonzel, Nebraska has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.00 cubic feet of water per second of time from Spring Creek through the Arnold Spring Creek Irrigation Project, the point of diversion of which is to be located on both banks of said stream between a point in the SW 1/4 SW 1/4, Sec. 5, T 35 N, R 32 W and a point in the NW 1/4 of the SE 1/4 of Section 26, Twp. 36 N, Range 32 W, and from ground water through the same system, the point of diversion of which is to be located in the NE 1/4 of the SE 1/4, Sec. 26, T 36 N, R 32 W. Said water to be used for the purpose of providing irrigation on parts of the following described land:

SW 1/4, Sec. 25; NE 1/4 SW 1/4, Sec. 26; W 1/2, Sec. 36 all in T 36 N, R 32 W; and Sec. 1; NE 1/4 Sec. 2; SE 1/4 SW 1/4 and SW 1/4 Sec. 3; Sec. 4; S 1/2 and NE 1/4, Sec. 5 all in T 35 N, R 32 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July, 1958, 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: J. W. GRIMES,
 Chief Engineer,
 Executive Officer.

April 19-17-24, May 1-8.

AFFIDAVIT EX-REL. PUBLICATION FEES

STATE OF SOUTH DAKOTA,

County of _____

ss.

duly sworn, on his oath says that he is one of the authorized attorneys of the _____, being first in the action mentioned and described in the annexed notice; that the affiant directed the publication of the annexed notice; that no agreement or understanding for any division of the fees thereof has been made with any person, whomsoever, and that no part thereof has been refunded or rebated by the part _____ publishing said notice.

RECEIVED
 JUL 15 1958
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Subscribed and sworn to before me this _____ day of _____, 19 _____

County, South Dakota

AMENDMENT TO ARTICLES OF INCORPORATION
OF
THE ARNOLD CORPORATION

We, Katharine M. Arnold and Edward M. Arnold Jr., President and Secretary, respectively, of the ARNOLD CORPORATION, a corporation organized and existing under the Laws of the State of South Dakota, hereby certify that said corporation at a special meeting of the stockholders of said Company, held at its office, XU Ranch, Todd County, State of South Dakota, on the 22nd day of December, 1933, amended Article VIII of the Articles of Incorporation so as to read as follows:

ARTICLE VIII

The annual meeting of the stockholders of the corporation shall be held at the principal place of business of the corporation on the first Thursday in January of each year, and no notice of such meeting need be given.

We further certify that there were subscribed and outstanding at said date 845 shares of stock of said Company and no more, and that the vote by which said Amendment was adopted was 845 votes in favor thereof and ----- votes against, being more than two-thirds of the stock outstanding voting in favor of said amendment.

We further certify that said meeting was regularly called and that due and legal notice of the proposed amendment had been given and that the attached copy of notice is a true copy of the notice that was served upon all the stockholders of the ARNOLD CORPORATION, and said notice was given in the manner provided by law.

IN WITNESS WHEREOF, We have herunto signed this Certificate as President and Secretary respectively of the said ARNOLD CORPORATION and caused the seal of said company to be attached thereto.

Seal

Katharine M. Arnold
President of THE ARNOLD CORPORATION

Edward M. Arnold, Jr.
Secretary of the ARNOLD CORPORATION

STATE OF NEBRASKA) ss.
COUNTY OF CHENRY)

BE IT REMEMBERED, That on this 7 day of May, 1937, before me, Fred J. Heenan, a Notary Public, in and for said County and State, personally came Katharine M. Arnold and Edward M. Arnold, Jr. known to me to be the persons described in and who signed the foregoing

Certificate as to the correctness of the foregoing Amendment to the Articles of Incorporation of the ARNOLD CORPORATION personally known to me to be the President and Secretary, respectively, of said ARNOLD CORPORATION, and severally acknowledged the execution and signing of same to be their free act and deed for the purposes therein set forth.

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

FRED J. HOFFMAN
Notary Public

(Seal)

NOTE-Notice of meeting may be waived by the signing of a waiver of notice by stockholders owning three-fourths of the capital stock. Copy of waiver must accompany amendment.

NOTICE TO STOCKHOLDERS

There will be a Special Meeting of the Stockholders of the Arnold Corporation at the XU Ranch in Todd County, South Dakota, on the 22nd day of December, 1933, at 2 o'clock p.m., Mountain Standard Time.

At that time there will be taken up and voted upon changing the date of the annual meeting from the 1st Monday in May of each year to the 1st Thursday in January of each year.

You are requested to attend this meeting.

Yours truly,

EDWARD M. ARNOLD, Jr.
Secretary

STATE OF NEBRASKA)
COUNTY OF CHERRY) SS

On this day of in the year 1937, before me, a Notary Public in and for said County and State, personally appeared Edward M. Arnold Jr., Secretary of the Arnold Corporation, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same freely.

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

FRED J. HOFFMAN
Notary Public

(seal)

AMENDMENT TO ARTICLES OF INCORPORATION

OF

THE ARNOLD CORPORATION

We, Katharine M. Arnold and Edward M. Arnold, Jr., President and secretary, respectively, of the ARNOLD CORPORATION, a corporation organized and existing under the Laws of the State of South Dakota, hereby certify that said corporation at an Annual meeting of the stockholders of said Company, held at the office, XU Ranch, Todd County, State of South Dakota, on the 4th day of January, 1934, amended Article V of the Articles of Incorporation so as to read as follows:

ARTICLE V.

The number of directors of this corporation shall be three, and the names and residences of those who are to serve as directors until the election of their successors are as follows:

Thos. F. Arnold, Todd County, South Dakota
Katharine M. Arnold, Todd County, South Dakota
Edward M. Arnold Jr., Todd County, South Dakota

We further certify that there were subscribed and outstanding at said date 845 shares of stock of said Company and no more, and that the vote by which said Amendment was adopted was 845 votes in favor thereof and ----- votes against, being more than two-thirds of the stock outstanding voting in favor of said amendment.

We further certify that said meeting was regularly called and that due and legal notice of the proposed amendment had been given and that the attached copy of notice is a true copy of the notice that was served upon all the stockholders of the ARNOLD CORPORATION, and said notice was given in the manner provided by law.

IN WITNESS WHEREOF, We have hereunto signed this Certificate as President and Secretary, respectively of the said Arnold Corporation and caused the seal of said Company to be attached thereto.

(Corporate Seal)

Katharine M. Arnold
President of THE ARNOLD CORPORATION

Edward M. Arnold Jr.
Secretary of THE ARNOLD CORPORATION

STATE OF NEBRASKA)
) ss.
COUNTY OF CHERRY)

BE IT REMEMBERED, That on this 27 day of May, 1937, before me, Fred J. Hoffman, a Notary Public in and for said County and State, personally came Katharine M. Arnold and Edward M. Arnold, Jr., known to me to be the persons described in and who signed the

foregoing Certificate as to the correctness of the foregoing Amendment to the Articles of Incorporation of the ARNOLD CORPORATION personally known to me to be the President and Secretary respectively, of said ARNOLD CORPORATION, and severally acknowledged the execution and signing of same to be their free act and deed for the purposes therein set forth.

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

Fred J. Hoffman,
Notary Public

(Seal)

NOTE - Notice of meeting may be waived by the signing of a waiver of notice by stockholders owning three-fourths of the capital stock. Copy of waiver must accompany amendment.

ARTICLES OF INCORPORATION

of

THE ARNOLD CORPORATION

---0---

KNOW ALL MEN BY THESE PRESENTS, That we, the undersigned, Edward M. Arnold, Sr., Thomas F. Arnold and Katharine M. Arnold, for ourselves, our associates and successors, have associated ourselves together for the purpose of forming a corporation under and by virtue of the statutes and laws of the State of South Dakota, and we do hereby certify and declare as follows:

ARTICLE I

The name of this corporation shall be THE ARNOLD CORPORATION

ARTICLE II

The purposes for which this corporation is formed are:

1. Conducting a general ranching, farming and livestock business;
2. Breeding, raising, feeding, acquiring, owning, buying, selling, mortgaging, and trading in and/or dealing with livestock of all kinds;
3. Acquiring, buying, renting, leasing, owning, selling, mortgaging, trading in and/or dealing with property of every nature and description, real, personal, and/or mixed;
4. Borrowing money with or without security; loaning money with or without security;
5. Purchasing, holding, cancelling, selling, and/or reissuing its capital stock;
6. Acting as dealer, agent, factor, or in any other representative capacity for any person, corporation or association in transacting any business or act in this Article named that this corporation is authorized to transact business as principal;
7. Transacting business both within and without the State of South Dakota;
8. To do all things and acts in connection with the purposes hereinbefore mentioned which an individual engaged in a similar business could lawfully do.

ARTICLE III

The place where the principal business of this corporation shall be transacted is the XU RANCH in the County of Todd, State of South Dakota.

ARTICLE IV

The term for which this corporation shall exist shall be for fifty years from and after the filing of these Articles of Incorporation with the Secretary of State of the State of South Dakota.

ARTICLE V

The number of Directors of this corporation shall be four, and the names and residences of those who are to serve as directors until the election of their successors is as follows:

Edward M. Arnold, Sr.
Thomas F. Arnold
Katharine M. Arnold
Edward M. Arnold Jr.

Lusk, Wyoming
Todd County, South Dakota
Todd County, South Dakota
Todd County, South Dakota

ARTICLE VI

The amount of the capital stock of this corporation shall be and is \$100,000 divided into one thousand shares of the par value of \$100 each, and the capital stock may be issued from time to time on authorization of the board of directors for money, labor done, or property actually received, at the fair and reasonable value thereof, fixed and determined by the board of directors.

ARTICLE VII

No stockholder shall be liable for the debts of the corporation in any amount greater than his or her unpaid subscription.

ARTICLE VIII

The annual meeting of the stockholders shall be held at the principal place of business of the corporation on the first Monday in May of each year, and no notice of such meeting need be given.

ARTICLE IX

These Articles may be amended at any annual meeting of the stockholders, or at any special meeting called for that purpose by a vote of the stockholders representing a two-thirds majority of all outstanding stock, after thirty days notice in writing given to each stockholder, stating the time and place of such meeting, and the proposed amendment or amendments to the Articles of Incorporation; provided that to increase the capital stock of this corporation a notice of sixty days shall be given, and provided further that the capital stock shall in no case be diminished to an amount less than the indebtedness of the corporation.

IN TESTIMONY WHEREOF, We have hereunto set our hands this 19th day of May, 1933.

Edward M. Arnold, Sr.
Thomas F. Arnold
Katharine M. Arnold
Incorporators

STATE OF NEBRASKA)
) SS
County of Cherry)

BE IT REMEMBERED that on this 19th day of May, A. D. 1933, before the undersigned, personally appeared the above mentioned Edward M. Arnold Sr., Thomas F. Arnold, and Katharine M. Arnold, well and personally known to be the same persons described in and who executed the foregoing Articles of Incorporation, and each severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal at said County the day and year last above mentioned

(Seal -
(Commission Expires
(March 19, 1936

H. L. CAMPBELL
Notary Public

STATE OF NEBRASKA)
) SS
COUNTY OF CHERRY)

Edward M. Arnold Sr, and Thomas F. Arnold, being duly sworn each for himself deposes and says that he is one of the persons described in and who signed the foregoing Articles as an Incorporator therein; that he has read said Articles, knows the contents thereof, and that the incorporators intend in good faith to form a corporation for the purpose of the promotion of a lawful business as set forth in said Articles, not for the purpose of enabling any corporation or incorporations to avoid the provisions of Sections 4352 to 4364 inclusive of the Revised Code of South Dakota relating to unlawful trusts and combinations and laws amendatory thereto.

Edward M. Arnold Sr.
Thomas F. Arnold

Sworn to and subscribed before me this 19th day of May, 1933

H. L. CAMPBELL
Notary Public

(Seal -
(Commission Expires
(March 19, 1936

Articles filed in office of Secretary of State of South Dakota
May 24, 1933.

STATE OF SOUTH DAKOTA



DEPARTMENT OF STATE

United States of America, Secretary's Office
State of South Dakota,

*This is to certify that the attached instrument of writing
is a true, correct and examined copy of*

Articles of Incorporation of THE ARNOLD CORPORATION, as filed May 24,
1933, together with Amendments thereto

*and the whole thereof, and has been carefully compared with
the original now on file in this office and found correct.*

*The within document, book, instrument, paper or law
shall not be received in evidence in any court of this state
unless this certificate is countersigned by the state treasurer
with a statement of the fees received.*

In Testimony Whereof, I have hereunto
set my hand and affixed the Great
Seal of The State of South Dakota
at the City of Pierre, the Capital, on
this 7th day of March, 1938

FEES, \$8.00
COUNTERSIGNED BY

E. J. Elkins
State Treasurer.

Clara H. Allen
Secretary of State

EXISTENCE OF INCORPORATION

OF

THE ARNOLD CORPORATION

-- 0 --

BEFORE ALL MEN BY THREE PRESENTS, That we, the undersigned, Edward H. Arnold, Sr., Thomas E. Arnold and Katharine H. Arnold, for ourselves, our associates and successors, have associated ourselves together for the purpose of forming a corporation under and by virtue of the statutes and laws of the State of South Dakota, and we do hereby certify and declare as follows:

ARTICLE I

The name of this corporation shall be THE ARNOLD CORPORATION.

ARTICLE II

The purposes for which this corporation is formed are:

1. Conducting a general ranching, farming and live stock business;
2. Breeding, raising, feeding, acquiring, owning, buying, selling, mortgaging, and trading in and/or dealing with live stock of all kinds;
3. Acquiring, buying, renting, leasing, owning, selling, mortgaging, trading in and/or dealing with property of every nature and description, real, personal, and/or mixed;
4. Borrowing money with or without security; loaning money with or without security;
5. Purchasing, holding, (canceling), selling, and/or raising its capital stock;
6. Acting as dealer, agent, factor, or in any other representative capacity for any person, corporation or association in transacting any business or act in this article named that this corporation is authorized to transact business as principal;

7. Transacting business both within and without the State of South Dakota;

8. To do all things and acts in connection with the purposes hereinbefore mentioned which an individual engaged in a similar business could lawfully do.

ARTICLE III

The place where the principal business of this corporation shall be transacted is the XU RANCH, in the County of Todd, State of South Dakota. Postoffice address is Menzel, Nebraska.

ARTICLE IV

The term for which this corporation shall exist shall be for fifty years from and after the filing of these Articles of Incorporation with the Secretary of State of the State of South Dakota.

ARTICLE V

The number of directors of this corporation shall be four, and the names and residences of those who are to serve as directors until the election of their successors are as follows:

Edward M. Arnold, Sr., Lusk, Wyoming;

Thomas F. Arnold, Todd County, South Dakota;
Postoffice address: Menzel, Nebraska

Katharine M. Arnold, Todd County, South Dakota;
Postoffice address: Menzel, Nebraska

Edward M. Arnold, Jr., Todd County, South Dakota.
Postoffice address: Menzel, Nebraska

ARTICLE VI

The amount of the capital stock of this corporation shall be and is \$100,000, divided into one thousand shares of the par value of \$100 each, and the capital stock may be issued from time to time on authorization of the board of directors for money, labor done, or property actually received, at the fair and reasonable value thereof, fixed and determined by the board of directors.

ARTICLE VII

No stockholder shall be liable for the debts of the corporation in any amount greater than his or her unpaid subscription.

ARTICLE VIII

The annual meeting of the stockholders shall be held at the principal place of business of the corporation on the first Monday in May of each year, and no notice of such meeting need be given.

ARTICLE IX

These Articles may be amended at any annual meeting of the stockholders, or at any special meeting called for that purpose by a vote of the stockholders representing a two-thirds majority of all outstanding stock, after thirty days notice in writing given to each stockholder, stating the time and place of such meeting and the proposed amendment or amendments to the Articles of Incorporation; provided that to increase the capital stock of this corporation a notice of sixty days shall be given, and provided further that the capital stock shall in no case be diminished to an amount less than the indebtedness of the corporation.

IN TESTIMONY WHEREOF We have hereunto set our hands this 19th day of May, 1933.

Edmund B. Randall Sr.
Thomas F. Randall
William B. Randall
Incorporators

Notar Public
STATE OF SOUTH DAKOTA)
COUNTY OF ~~TESS~~ *Cherry*) SS

BE IT REMEMBERED that on this *19th* day of May, A. D. 1933, before the undersigned, personally appeared the above mentioned Edward M. Arnold, Sr., Thomas F. Arnold and Katharine M. Arnold, well and personally known to me to be the same persons described in and who executed the foregoing Articles of Incorporation, and each severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal at said County the day and year last above mentioned.

(Seal)

[Signature]
Notary Public

Notar Public
STATE OF SOUTH DAKOTA)
COUNTY OF ~~TESS~~ *Cherry*) SS

Edward M. Arnold, Sr., and Thomas F. Arnold, being duly sworn, each for himself deposes and says that he is one of the persons described in and who signed the foregoing Articles as an incorporator therein; that he has read said Articles, knows the contents thereof, and that the incorporators intend in good faith to form a corporation for the purpose of the promotion of a lawful business as set forth in said Articles, and not for the purpose of enabling any corporation or corporations to avoid the provisions of Sections 4352 to 4354 inclusive of the Revised Code of South Dakota relating to unlawful trusts and combinations and laws amendatory thereto.

Edward M. Arnold Sr
Thomas F. Arnold

Sworn to and subscribed before me this *19th* day of May, 1933.

(Seal)

[Signature]
Notary Public

State of South Dakota } ss.
Office of Secretary of State

I hereby certify that the within instrument
was filed for record on the 24th
day of May A. D. 1933
at 12 o'clock P. M., and recorded in
Vol. 128 on Page 211 Record
Domestic Corporations of this office.

Myrtle M. ...
Secretary of State:

Assistant Secretary of State.

Amendment to Articles of Incorporation
OF

THE ARNOLD CORPORATION

We, KATHARINE M. ARNOLD and EDWARD M. ARNOLD JR.,
President and Secretary, respectively, of the ARNOLD CORPORATION,
a corporation organized and existing under the Laws of the State of South Dakota, hereby certify
that said corporation at a SPECIAL meeting of the stockholders of said Company, held at its
office at ~~the bank~~ X U RANCH TODD COUNTY, State of SOUTH DAKOTA, on the
22nd day of DECEMBER, 1933, amended Article ~~Eight~~ VIII of the
Articles of Incorporation so as to read as follows:

Article ~~Eight~~ VIII

The annual meeting of the stockholders of the corporation shall be
held at the principal place of business of the corporation on the
first Thursday in January of each year, and no notice of such
meeting need be given.

We further certify that there were subscribed and outstanding at said date 046 shares of stock of said Company and no more, and that the vote by which said Amendment was adopted was 045 votes in favor thereof and votes against, being more than two-thirds of the stock outstanding voting in favor of said amendment.

We further certify that said meeting was regularly called and that due and legal notice of the proposed amendment had been given and that the attached copy of notice is a true copy of the notice that was served upon all the stockholders of the ARNOLD CORPORATION

and said notice was given in the manner provided by law.

IN WITNESS WHEREOF, We have hereunto signed this Certificate as President and Secretary, respectively of the said ARNOLD CORPORATION and caused the seal of said Company to be attached thereto.

President of THE ARNOLD CORPORATION

Secretary of THE ARNOLD CORPORATION

NEBRASKA
STATE OF NEBRASKA

County of CHERY

BE IT REMEMBERED, That on this 07 day of May 1907, before me, Fred J. Hoffmann, a Notary Public in and for said County and State, personally came KATHARINE M. ARNOLD and EDWARD M. ARNOLD, Jr., known to me to be the persons described in and who signed the foregoing Certificate as to the correctness of the foregoing Amendment to the Articles of Incorporation of the ARNOLD CORPORATION personally known to me to be the President and Secretary, respectively, of said ARNOLD CORPORATION and severally acknowledged the execution and signing of same to be their free act and deed for the purposes therein set forth.

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

Notary Public.

NOTE-- Notice of meeting may be waived by the signing of a waiver of notice by stockholders owning three-fourths of the capital stock. Copy of waiver must accompany amendment.

NOTICE TO STOCKHOLDERS

There will be a special meeting of the stockholders of The Arnold Corporation at the XU Ranch in Todd County, South Dakota, on the 22nd day of December, 1933, at 2 o'clock P. M. Mountain Standard time.

At that time there will be taken up and voted upon changing the date of the annual meeting from the 1st Monday in May of each year to the 1st Thursday in January of each year.

You are requested to attend this meeting.

Yours truly,

Edward M. Arnold
Secretary.

STATE OF NEBRASKA

COUNTY OF CHEYENNE

On this day of in the year 1937, before me, a Notary Public in and for said county and state, personally appeared Edward M. Arnold, Jr., Secretary of The Arnold Corporation, known to me to be the person who is described in and who executed the within and foregoing instrument, and acknowledged to me that he executed the same freely.

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

Paul J. Hoffmann
Notary Public

(Seal)

12/19/37

Amendment to Articles of Incorporation

OF

THE ARNOLD CORPORATION

We, KATHARINE M. ARNOLD and EDWARD M. ARNOLD JR.

President and Secretary, respectively, of the THE ARNOLD CORPORATION
a corporation organized and existing under the Laws of the State of South Dakota, hereby certify
that said corporation at an ANNUAL meeting of the stockholders of said Company, held at its
office ~~EDWARDSVILLE~~ X U RAYON TODD COUNTY, State of SOUTH DAKOTA, on the
4th day of JANUARY, 1934, amended Article ~~XXXX~~ V of the
Articles of Incorporation so as to read as follows:

Article FIVE V

The number of directors of this corporation shall be three, and
the names and residences of those who are to serve as directors
until the election of their successors are as follows:

Thos. E. Arnold, Todd County, South Dakota
Katharine M. Arnold, Todd County, South Dakota
Edward M. Arnold Jr, Todd County, South Dakota.

We further certify that there were subscribed and outstanding at said date 846 shares of stock of said Company and no more, and that the vote by which said Amendment was adopted was 846 votes in favor thereof and votes against, being more than two-thirds of the stock outstanding voting in favor of said amendment.

We further certify that said meeting was regularly called and that due and legal notice of the proposed amendment had been given and that the attached copy of notice is a true copy of the notice that was served upon all the stockholders of the ARNOLD CORPORATION

 and said notice was given in the manner provided by law.

IN WITNESS WHEREOF, We have hereunto signed this Certificate as President and Secretary, respectively of the said ARNOLD CORPORATION and caused the seal of said Company to be attached thereto.

Corporate Seal

 President of THE ARNOLD CORPORATION

 Secretary of THE ARNOLD CORPORATION

NEBRASKA
STATE OF ~~NEBRASKA~~
County of CHERRY

BE IT REMEMBERED, That on this 27 day of August, 1937, before me, Fred J. Hoffmann, a Notary Public in and for said County and State, personally came KATHARINE M. ARNOLD and EDWARD M. ARNOLD JR. known to me to be the persons described in and who signed the foregoing Certificate as to the correctness of the foregoing Amendment to the Articles of Incorporation of the ARNOLD CORPORATION personally known to me to be the President and Secretary, respectively, of said ARNOLD CORPORATION and severally acknowledged the execution and signing of same to be their free act and deed for the purposes therein set forth.

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

(Seal)

Fred J. Hoffmann
Notary Public.

NOTE.—Notice of meeting may be waived by the signing of a waiver of notice by stockholders owning three-fourths of the capital stock. Copy of waiver must accompany Amendment.

July 22, 1958

Mr. Glenn R. Landbloom
Bureau of Indian Affairs
820 South Main
Hartman, South Dakota

Dear Mr. Landbloom:

During public hearings on the Water Right applications before the Water Resources Commission on July 9, 1958, you requested copies of the portion of the minutes of the hearings concerning the water right applications by the Arnold Corporation.

q Copies of this portion of the minutes are enclosed, including the favorable action by the Commission in approving the Arnold applications.

Supplementing the contents of the minutes, the Water Resources Commission, under present circumstances, considers that obligations of the United States to Indians and Indian Tribes include assurances for Indian use of water. This Federal obligation includes Indians or Indian Tribes as landowners. However, transfer of Indian land ownership to a non-Indian owner is considered to remove Federal interests in such land and the water use thereon while still retaining the Federal treaty obligations to the former Indian owner. State water laws are considered applicable to the non-Indian owner including responsibility to recognize water use which is appurtenant to the acquired land as measured by provisions of State law. The Water Resources Commission will honor water right applications by Indians, should they elect to make such application in addition to such rights to use water as they may enjoy under treaty provisions, in which case the water rights acquired shall accrue to such Indian in the same manner under provisions of State law as though the applicant had been non-Indian.

Glenn R. Landbloom

2

July 22, 1958

We believe that the above policy, together with the expressions in the minutes of the public hearing, provides equitable bases for water administration pending solution of Federal-State jurisdictional problems. I hope that these policies provide similar equitable bases for you to discharge your responsibilities.

Sincerely,

JWG:ls

Enc's.

cc -with encl.

Val M. Higgins

Asst. Att. General

Pierre, South Dakota

J. W. GRIMES
Chief Engineer

Excerpt from the Minutes of the Water Resources Commission Meeting held in Pierre, South Dakota July 9, 1958.

HEARINGS

2:00 PM.

475-2, 476-2, 477-2 - Arnold Corporation

Robert Burnett, President of the Rosebud Sioux Tribe appeared before the Commission in objection to application 475-2, 476-2 and 477-2, the Arnold Corporation.

Robert Burnett: I appear before this Commission as president of the Rosebud Sioux Tribe and in behalf of the governing body of the Tribe. I am here to question the jurisdiction of this Commission. We do not think that you have the jurisdiction over the water rights on the reservation.

In the Act of March 2, 1889 the Rosebud Reservation was set up for the undisturbed use of the Rosebud members.

Mr. Burnett quoted Article 22 Constitution of the U. S.

We do not think that you can overlook our Constitution.

Also I would like to question the Commission as to the scientific facts on the availability of water in connection with this. You have facts about White River but not on Spring Creek. I believe the appropriation as requested is in excess as to what there is in that creek.

I would also like the Commission to take a look at a Court Case held in Federal Court upon which a decision was reached.

There are other members of our tribe who have land holdings in this same area. In the near future the Arnold Corporation will be in Federal Court, we claim they do not hold title to these lands. So you may be making appropriation of water on lands that do not belong to this Corporation.

In reply to Mr. Taylor's question on more definite information on the Court Case, Mr. Burnett answered that it was Swartz versus the Tribe and that it was in the latter 30's or first part of the 40's and had bearing upon the water rights of the Little White River.

Mr. Grimes: Some of the objections you have listed as to whether or not State Water Laws apply to Indian Reservations have been questions between the Federal Government and the States for many years.

These questions have not been resolved even though they have been considered by high policy makers in government. In part they remain unanswered because of differing interpretations of Federal laws which

have not been resolved by Congress although proposed legislation is now in committee. In part the questions result from Federal agencies policy interpretations of decisions of the United States Supreme Court. Even now additional cases are before the Supreme Court. In part the questions arise because of the lack of definitions as to the treaty obligations of the United States to Indians and Indian Tribes. In part, also, your questions concern the meaning of our Federal and State Constitutions.

These questions face us when considering Federal water resource developments involving local sponsorship. Irrespective of which Federal agency has jurisdiction, the contract between the United States and the local sponsor covering the project, contains provisions through which the local sponsor assumes full liability for all damages which may result from construction, operation or maintenance of the project. Such provisions are in these contracts because the Federal Government assumes no jurisdiction over individual property rights under the powers granted by the Constitution, Indian rights excepted, perhaps, through the provisions of international treaty obligations. State Government then becomes the highest level of legislative government concerned with property rights. The State water laws may be considered a discharge of that responsibility because they provide for acquisition of property rights in public water supplies and protection for investments made in water supply facilities.

Your questions come up when States negotiate inter-state compacts concerning water. Such a compact is now being negotiated between the States of Nebraska, South Dakota and Wyoming concerning the waters of the Niobrara River drainage basin. This drainage basin includes a portion of your Rosebud Indian Reservation. Compact negotiations involve such questions as; what are the boundaries of the Indian Reservation? do the obligations of the United States apply to non-Indian owners of land or to the Indians only? just what are the responsibilities of the United States under the treaty? Specific answers to these questions are necessary because the provisions of the compact are not binding in any instance involving international treaty provisions.

Those of us concerned must consider your questions when administering State water laws. We must recognize that State laws do not apply in cases of Federal jurisdiction. Where South Dakota Water laws do have jurisdiction, however, the Water Resources Commission is assigned the responsibility to carry forward the provision of such State laws.

I have spent some time here with these explanations because I am convinced that understanding of the problems brought about by the lack of answers to these questions is the best way to get them answered.

Pending resolution of these high level national water policies, the Water Resources Commission must take action on the water right applications directed to them. The Commission does not believe that they can discharge their obligations to the people of South Dakota by inaction or deferment pending settlement of these national controversies. The Commission recognizes the limitations of the jurisdiction of State water laws where Federal Indian treaties are involved. We do not consider that the Indian treaties cover non-Indian owners or land owned by non-Indian owners within an Indian reservation. We believe that such non-Indian property owners are entitled to the rights and protection offered by State laws since Federal jurisdiction does not include them. We realize that water rights acquired under provisions of State laws cannot adversely affect Indians use of water. In case of conflict, the holder of State water rights must curtail his use of water to the extent necessary. We believe, however, that anyone, desiring to use water which, otherwise, would flow unused, may acquire the privileges and protection of the South Dakota water laws subject to the provisions of such laws. In fact, we consider that a non-Indian landowner within the boundaries of an Indian Reservation is subject to the provisions of the State water laws. We believe that these policies of the Commission administered with good judgement is equitable to everyone concerned.

We are pleased that you have given us the benefit of your position concerning the water right application by Mr. Arnold. You are assured that the Commission appreciates fully the rights of Indians to use of water.

Mr. Burnett: If approval is granted to the Spring Creek application, what would happen if an Indian filed below?

Mr. Grimes: If an Indian wished to obtain water rights under State laws he would have the same rights and privileges as any other applicant.

I might mention also, that Mr. Arnold has deleted from his application those lands which are owned by Indians. I believe this was done because of questions raised by the Indian Service.

I might also add here that Mr. Arnold's application does not include water storage facilities. This means that he will use flood flows--that is flows of water during periods when there is excess water in the creek. The State water laws anticipate that new water rights will be issued when there is unused water available. The water rights of the Arnold Corporation, if granted, will include only those waters which are in excess of prior water rights use downstream and use of water by Indians.

Mr. Burnett: The type of soil is pure sand - I never have seen quick overflow - their water right is going to be very limited.

Mr. Cronin asked Mr. Burnett just what the objection was.

Mr. Burnett: Excessive water appropriation might hurt the rest of the people in that area.

Mr. Biggar: In case this permit is granted what assurance can we give these people that their water rights will be respected?

Mr. Grimes: At any time there is a shortage of water, the Arnold Corporation will have to curtail operation if water is needed for Indian use or for use by prior water right holders.

Mr. Ferris: What about ground water survey?

Mr. Grimes: We have observation wells downstream from the Indian Reservation. Spring Creek has only had spot checks of surface water measurements which must be correlated with stream gaging records.

Mr. G. R. Landbloom, E. W. Barrett, G. W. Wilcox, F. W. Pederson and C. R. Myer of the Indian Bureau, Aberdeen, South Dakota also appeared in objection to the Applications of the Arnold Corporation.

Mr. Landbloom, Assistant Director of the Aberdeen Land Area Office of the Indian Service presented (Exhibit A herewith attached) "Statement of the Bureau of Indian Affairs before the South Dakota Water Resources Commission at the Hearings on the Applications of the Arnold Corporation for waters for Irrigation Purposes". He then commented on the statements made by Mr. Grimes as very interesting and that he assumed they will be made a part of the Arnold Permits. He also said that he assumed that such statements were the opinion of the Water Resources Commission and the Attorney General and various other state organizations. He asked for a copy of Mr. Grimes statements.

Mr. Grimes again stated that if the Arnold Corporation interfered with Indian use the Corporation would have to curtail irrigation. He asked Mr. Landbloom if Mr. Landbloom did not feel that the Arnold Corporation should be entitled to the use of that water as long as full protection is provided for the Indian's use of water.

Mr. Landbloom stated he appreciated the fact that we have a problem and he was only acting as part of his job.

Commission Action

Arnold Corporation:

475-2 - Application is for 6.0 cfs from Spring Creek & ground water to irrigate 1078 acres. Proof of Publication not received.

476-2 - Application is for 4.92 cfs from the Little White River to irrigate 345 acres. Proof of Publication not received.

477-2 - Application is for 3.2 cfs from ground water to irrigate 226 acres. Proof of Publication not received.

It was moved by Mr. Davis that these applications be approved subject to reconfirmation of Commission policies in this particular case by the Attorney General on non-interference with Indian rights, subject to receipt of proof of publication and subject to deletion of Indian owned land from the application. Motion seconded by Mr. Ferris and unanimously carried.

Unpublished Records
 Dec. 1933
 Subject to Revision

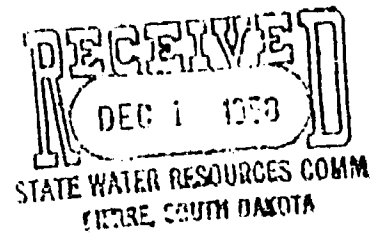
UNITED STATES DEPARTMENT OF THE INTERIOR
 GEOLOGICAL SURVEY
 WATER RESOURCES DIVISION

Unpublished Records
 Subject to Revision

Discharge measurements made at points other than gaging stations in the South Fork White River basin during the water year 1938

Station	Triangulation	Location	Bridge	Measurement	Date	Discharge
South Fork						
White River	White River	SE 1/4 sec. 19, T. 37 N., R. 36 W., at county highway bridge 6 miles east of Martine	310	1938-40	June 19, 1938	118.4
South Fork	White River	SE 1/4 sec. 17, T. 36 N., R. 33 W., at county highway bridge 5 miles southwest of Martine			June 19, 1938	118
Spring Creek	South Fork	SW 1/4 sec. 5, T. 35 N., R. 32 W., at timber bridge 1 1/2 miles southwest of Rt. Francis			July 1, 1938	3.26
Spring Creek	South Fork	NE 1/4 sec. 25, T. 36 N., R. 32 W., at culvert 3 1/2 miles southwest of St. Francis			July 1, 1938	3.76
Spring Creek	South Fork	SW 1/4 sec. 14, T. 36 N., R. 32 W., 1 mile upstream from mouth and 8 1/2 miles southwest of St. Francis			June 19, 1938	13.5

Nenzel, Nebraska
December 1, 1958



State Water Resources Commission
State Office Building
Pierre, South Dakota

Gentlemen:

Please consider this letter as authority to correct and amend Applications #475-2, #476-2 and #477-2 as itemized in the following tabulations:

Application #475-2 to be corrected and amended as follows:

Delete the following lands:

- 31 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$)
 - 39 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$)
 - 26 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$)
- Sec. 26, T 36 N, R 32 W

Change proposed location of the well in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26 T 36 N, R 32 W to read 1280 feet south of the W 1/16 Cor., Sec. 25, T 36 N, R 32 W instead of 976 feet, S 24° W of the E $\frac{1}{4}$ Cor., Sec. 26, T 36 N, R 32 W. This will place the new proposed location in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T 36 N, R 32 W.

All of the remaining lands under Application #475-2 are deeded lands with title held by the Arnold Corporation and/or family.

Application #476-2 to be corrected as follows:

Delete the following lands:

- 8 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 14 T 36 N, R 33 W
 - 15 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$)
 - 15 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$)
- Sec. 21, T 36 N, R 33 W

Correct the following descriptions:

- NW $\frac{1}{4}$ NW $\frac{1}{4}$ to read NW $\frac{1}{4}$ NE $\frac{1}{4}$
- SW $\frac{1}{4}$ NW $\frac{1}{4}$ to read SW $\frac{1}{4}$ NE $\frac{1}{4}$
- SE $\frac{1}{4}$ NW $\frac{1}{4}$ to read SE $\frac{1}{4}$ NE $\frac{1}{4}$
- NW $\frac{1}{4}$ SW $\frac{1}{4}$ to read NW $\frac{1}{4}$ SE $\frac{1}{4}$
- NE $\frac{1}{4}$ SW $\frac{1}{4}$ to read NE $\frac{1}{4}$ SE $\frac{1}{4}$

All of the afore mentioned descriptions being in Sec. 17,
T 36 N, R 33 W

2.

Application #476-2, Con't.

All of the remaining lands under Application #476-2 are deeded lands with title held by the Arnold Corporation and/or family.

Application #477-2 to be corrected as follows:

Delete the following lands.

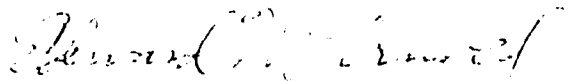
5 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$)

11 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$) Sec. 22, T 36 N, R 33 W

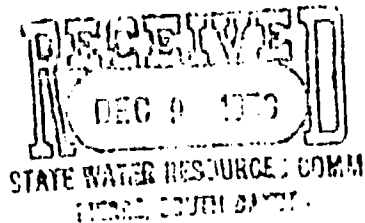
All of the remaining lands under Application #477-2 are deeded lands with title held by the Arnold Corporation and/or family.

I believe the afore mentioned information will complete our applications and comply with the requests in your letter of July 24, 1958 relative to a new proposed well location in Application #475-2 and questions of land ownership under Applications #475-2, #476-2 and #477-2.

Sincerely,



Edward M. Arnold, Manager
The Arnold Corporation



White River, S.D.
December 8, 1958.

State Water Resources Commission
J.W. Grimes, chief engineer and executive officer
State Office Building,
Pierre, S.D.

Dear Mr Grimes:

The White River Hydro-Electric Co of White River, S.D. hereby protests against the approval of Water Permits Nos 475-2, 476-2 and 477-2 to the Arnold Corporation of Nenzel Nebraska and protests further against the issuance of any water licenses pursuant to said applications, for the following reasons, to-wit:

1. That the White River Hydro Electric Co of White River, S.D. is holder of Water License No 253-2, issued November 14, 1929 for 400 cfs of water for the generation of electricity throughout the entire year and under said water right as amended and adjudicated in the case of Emily Schwartz vs the Bureau of Reclamation et al now on file in your office, has the prior right to all of the waters of the watershed of the said Little White River.
2. That from tables issued by the Bureau of Reclamation Region 6, based on log taken at the Little White River dam site from October 1929 to October 1955 it is disclosed that the average flow of said Little White River was 115.92 cfs.
3. That to run our two generators ie 1-250 KW & 1-100 KW, requires a minimum of 350 cfs and therefore we make beneficial use of all of the waters flowing in said Little White River, except during the March break up.
4. That any waters taken directly from Little White River, Spring Creek or from wells fed by the diversion of said Spring creek will materially decrease the flow of said Little White River and therefore interfere with our prior water right.

We further contend that the position taken by Mr Grimes, relative to the percolation of waters from said Spring Creek and Little White River to Minnehadusa Creek, is highly theoretical in regard to permits No 475-2 & 477-2 and beyond all reason in regard to permit No 476-2.

We feel that before any permit issue to the Arnold Corporation the theory of Mr Grimes in this case should be proved beyond any reasonable doubt and that the burden of proof thereof and the expense incurred should be borne by the said corporation and not by the tax payers of the State or by the holder of the prior water right

Respectfully submitted.

WHITE RIVER HYDRO -ELECTRIC

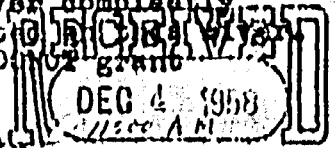
By

Eon Jones, Owner.

PETITION, AGAINST GRANTING WATER RIGHT Nos. 475-2, 476-2, 477-2
TO ARNOLD CORPORATION OF HENZEL NEBR. to be granted on Little
White River in Todd County So. Dak.

WE, the undersigned are in protest to the granting of Water Right permits to the Arnold Corporation of Henzel Nebr, said rights permit said Corporation to take water from the Little White River in Todd County to Irrigate 1700 acres of land in possession of said corporation. Said project will take 13.2 cubic feet of water as called for by permit Nos. 475-2, 476-2, 477-2. This would considerably lower the water in Little White River at the Town of White River and jeopardize the water needs of the town and also water right of Don Jones for the Power Plant at White River S.D. on the river. Said rights for 400 cubic feet of water, and at present the flow of the river is less than 35 cubic feet per second. SHOULD this water rights be granted to Arnold Corporation, there is no reason that other rights similar to this won't be granted and this would stop the flow of the Little White River completely at the Town of White River and the Power plant located at White River.

WE, Ask that the Board Governing this rights and Don't grant such permits.



Date
STATE WATER RESOURCES COMM.
SIOUX FALLS, SOUTH DAKOTA

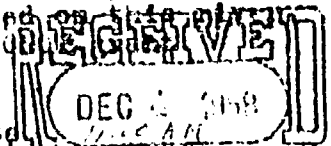
Name	Address	Date
L. A. Swan	White River S.D.	10-18-58
Lincoln Peterson	White River, S.D.	10-18-1958
Wm. C. Webb	White River S.D.	10-18-58
C. W. Hagg	White River S.D.	10-18-58
Adrian J. Jansen	White River S.D.	10-18-58
W. J. Holliday	White River S.D.	10-18-58
Henry Helgeson	White River S.D.	10-18-58
Bess Helgeson	White River S.D.	10-18-58
Letter Stromer	White River S.D.	10-18-58
H. W. Worcester	White River S.D.	10-18-58
Fred Samelson	White River S.D.	10-18-58
Edward Roberts	White River S.D.	10-18-58
Ronald Norrison	White River S.D.	10-18-58
Hayden Jansen	White River S.D.	10-20-58
Larry J. Bryan	White River S.D.	10-20-58
John Jansen	White River S.D.	10-20-58
Don Fry	White River S.D.	10-20-58
Paul McOmber	White River S.D.	10-20-58
William R. Dyer	White River S.D.	10-20-58
James B. Jorset	White River S.D.	10-20-58
Robert J. Jorset	White River S.D.	10-20-58
Libert E. Stewart	White River S.D.	10-20-58
John E. Jensen	White River S.D.	10-20-58
Robert W. Jorset	White River S.D.	10-20-58

PETITION, AGAINST GRANTING WATER RIGHT NOS. 475-2, 476-2, 477-2
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WE, the undersigned are in protest to the granting of water
Right permits to the Arnold Corporation of Henzel Nebr, said rights
permit said Corporation to take water from the Little White
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of said corporation. said project will take 13.2 cubic feet of
water as called for by permit Nos. 475-2, 476-2, 477-2. This would
considerably lower the water in Little White River at the Town of
White River and jeopardise the water needs of the town and also
water right of Don Jones for the Power Plant at White River S.D.
on the river. ^{rights} for 400 cubic feet of water, and at present the
flow of the river is less than 35 cubic feet per second.

SHOULD, this water rights be granted to Arnold Corporation, there is
no reason that other rights similiar to this won't be granted
and this would stop the flow of the Little White River completely
at the Town of White River and the Power plant located on the river.

WE, Ask that the Board Governing this rights and DO NOT
such permits.



Name

Address

Date

STATE WATER RESOURCES COMM

PIERRE, SOUTH DAKOTA

Paul Monahan White River S.D. 10/18/58

Frank Bechtold White River S.D. 10-19-58

Harry Lomel White River S.D. 10-19-58

Jim Monahan White River S.D. 10-19-58

Adolph Burmiste White River S.D. 10-19-58

Charles Maloney White River S.D. 10-19-58

Francis Gere White River S.D. 10-19-58

John Kahl White River S.D. 10-19-58

John Kahl White River S.D. 10-19-58

John Kahl White River S.D. 10-19-58

Charles Gering White River S.D. 10/20/58

W. E. Clark White River S.D. 10-20-58

John Hef White River S.D. 10-20-58

Mr. Ernest Harrison White River S.D.

Maurice E. Hays White River S.D. Oct 20, 1958

Ben Petrone White River S.D. Oct 20, 1958

Arthur Sager White River S.D. Oct 20, 1958

Mr. Kathleen Burke White River S.D. Oct 20-58

Allen D. Laird White River, S.D. Oct 20-58

John L. Lee White River, S.D. Oct 20, 1958

Mr. Francis Gere White River, S.D. Oct 20, 1958

Miss Marlene Anderson White River, S.D. Oct 20 1958

John M. Chap White River S.D. Oct 20, 1958

Charles White River S.D. Oct 20, 1958

Ernest Harrison White River S.D. Oct 20, 1958

John E. Carr Jr	White River S.D.	Oct 20 1958
Charles Miller	White River S.D.	Oct 21 1958
Eugene A. Olson	White River S.D.	Oct 20 1958
Cate Johnson	White River S.D.	Oct 20 1958
Boyer Christensen	White River S.D.	Oct 20, 1958
Howard Richman	Wood S.D.	Oct 20 - 1958
Gay W. Bartlett	White River S.D.	Oct 20 - 1958
Dora B. Bove	White River S.D.	Oct 20 - 1958
Mrs Pearl Monroe	White River S.D.	Oct 20, 1958
Louise Krogman	White River S.D.	Oct. 21. 1958
Wade Nielsen	White River S.D.	Oct 21. 1958
Jack Ellis	White River S.D.	Oct 21-58

ATTACHMENT for Water Right 475-2, Arnold Cattle Company, Nenzel, Nebr.

IRRIGATED FROM GROUND WATER

Section 26, T36N, R32W		<u>Acres</u>
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	11
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	13

Section 25, T36N, R32W	NW $\frac{1}{4}$ SW $\frac{1}{4}$	36
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	24
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	28

Section 36, T36N, R32W		
	NW $\frac{1}{4}$ NW $\frac{1}{4}$	6
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2

IRRIGATED FROM SPRING CREEK

Section 1, T35N, R32W		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	15
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	32
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	37
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	28
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	36
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	33
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	30
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	27

Total	398 Acres
-------	-----------

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

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have ~~this day~~ made a thorough examination of the water use system constructed by Arnold Cattle Co.
of Nenzel, Nebraska holder
of Permit No. 475-2, bearing date of priority of March 25, 19 58
authorizing the diversion of 6 cu. ft. per second of the waters of Spring Creek and Ground Water
for irrigation purposes, in Todd County.

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

The Water Use System consists of,

A. Works used to divert the water:

Berkely 4 inch centrifugal pump powered by Oliver diesel tractor, 90 HP.
Ninety Seven foot deep well.
Western Land Roller, 6 inch pump powered by 75 HP, G.E. Electric motor

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

1100 feet of 6 inch aluminum main line

C. Works used to apply water to beneficial use.

1600 feet of 4 inch diameter, hand moved pipe.
"Valley" center pivot circular sprinkler system (14 tower)

The system is in the following condition: Pivot system excellent; Hand moved system fair.
Spring Creek, between points located 550 ft. South and
The point of diversion is located 3960 ft. West and 218 ft. due South from E $\frac{1}{2}$ Corner of
Section 1, T35N, R32W. For Well, 100 ft. South and 400 ft. West of Center of
SW $\frac{1}{4}$, Section 25, T36N, R32W.

The works are capable of diverting and conveying to the place of use 3.6
cu. ft. per second of water which is to be used for irrigation

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

comprising a total of 398 acres of land.

Date July 29, 1974
Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer
Water Resources Commission

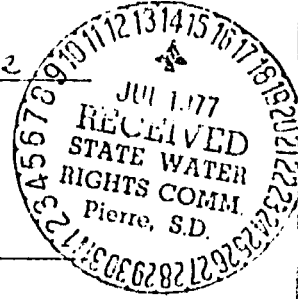
Form 20.

No. 475-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: _____



This is to notify you that title to the lands described as follows:

formerly owned by Arnold Corp & Ed Arnold
has been transferred to T & W Ranch, a Partnership
together with any rights to the beneficial use of water thereon as evidenced by
water Right Permit No. _____ as provided for in Section 61.0127 of the 1960
Supplement to the South Dakota Code of 1939.

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

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
) SS.
County of Pennington)

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

Tom Peddicord
(Signed)

Subscribed and sworn to before me this 13 day of July

19 77.

Mary Bryton
(Notary Public)

**SOUTH DAKOTA Department of
Water & Natural Resources**
Water Rights Division
605 773-3352

Joe Foss Building
523 East Capitol
Pierro, South Dakota 57501-3181
June 27, 1984

475-2
477-2
1097-2
1114-2

Reynolds Ranch Co.
Nenzel NE 69219

Dear Sirs:

This letter is in regard to Water Right Nos. 475-2, 477-2, 1097-2 and 1114-2 listed in the name of T & W Ranch Partnership. The Register of Deeds Office has indicated to us that you now own the lands covered under the above listed water rights.

Enclosed please find partially completed transfer forms. Please check over, date and sign before a notary. The forms should then be returned to this office with a \$2.50 filing fee for each one, total of \$10.00. Upon receipt of the transfer forms and filing fee, the water rights will then be transferred to Reynolds Ranch Co.

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

Also enclosed are the 1983 Irrigation Questionnaires pertaining to Water Right Nos. 475-2, 477-2, 1097-2 and 1114-2. If you acquired the land before the 1983 irrigation season, please complete the forms and return them along with the transfer forms.

If you have any questions, please contact us. Your assistance in this matter will be appreciated.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

encl.

Equal Opportunity Employer

NO. 475-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 7-26-84

This is to notify you that the title to the lands described as follows:

398 acres E 1/2 SE 1/4 Sec 26; SW 1/4 Sec 25; N 1/2 NW 1/4 Sec 36; all in
T36N, R32W; and SE 1/4 NW 1/4, S 1/2 NE 1/4; NE 1/4 SW 1/4, SE 1/4, Sec 1,
T35N, R32W
formerly owned by T & W Ranch Partnership

has been transferred to Reynolds Ranch Co. Nenzel NE 69219
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 475-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

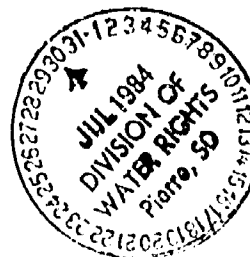
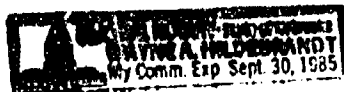
STATE OF SOUTH DAKOTA)
County of Todd) ss.

I, Reynolds Ranch Company being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Don B. Reynolds, Jr. Pres.
(Signed)

Subscribed and sworn to before me this 26th Day of July, 1984.

Shirley A. Helander
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9724 -

Pierre, July 30, 1934

RECEIVED OF Reynolds Ranch Co., Menard, NE 69219

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. _____	2	50
Fee for Filing Transfer Form <u>475-2</u>		
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 J. H. Hatch
Chief Engineer JOHN HATCH (ES)

No. 475-2
477-2
1097-2
1114-2

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

August 1, 1984

Reynolds Ranch Co.
Nenzel, Nebraska 69219

Dear Sir:

4-9724, 4-9723

Enclosed is receipt Nos 4-9722, 4-9721 in the amount of \$2.50 each which you
paid for transfer of Water Right Nos 475-2, 477-2, 1097-2 & 1114-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79
Receipt & Notice of Filing of Transfer of Water Right

Water Rights Division
605 773-3352

January 2, 1986

475-2

Reynolds Ranch Co.
PO Box 26
Nenzel NE 69219

Dear Sirs:

I am writing in response to the 1985 Irrigation Questionnaire you submitted for Water Right No. 475-2. You indicated on the data sheet that you did not know what all the forms sent to you pertained too.

Each of the questionnaires sent to you pertains to a specific water right held by Reynolds Ranch Company. Enclosed is a copy of Water Rights No. 475-2, 477-2, 1097-2 and 1114-2.

If you have any questions concerning the data sent to you, please advise.

Sincerely,

GENNY MCMAH
Natural Resources Engineer

Gf:ks

NOTE: Although the copies of the water rights are listed under Arnold Cattle Co., all were transferred to Reynolds Ranch Co. in July of 1984.

Water Rights Division - DWNR
Conversation or File Documentation

File No. (475-2)
477-2
1097-2
1114-2

NAME OF PERSON OR FILE: Reynolds Ranch Company

ADDRESS: _____ COUNTY Todd

DATE: January 15, 1988 TELEPHONE _____

RE: irrigation questionnaires for 1984

COMMENTS:

The 1984 irrigation questionnaires for Reynolds Ranch Company were found in some old files and apparently were not microfilmed with the rest of the 1984 questionnaires. Since the questionnaires can no longer be filmed on the end of the microfilm roll for 1984, this documentation is being placed in the permit files to reflect that the questionnaires were returned for Reynolds Ranch Company in 1984.

All four of the questionnaires were marked "no irrigation".

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

4/82

NAME: Sunny McMath

475-2

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 8, 1987

NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE

475-2
REYNOLDS RANCH COMPANY
PO BOX 26
MENZEL
NE 69219

TD/WH

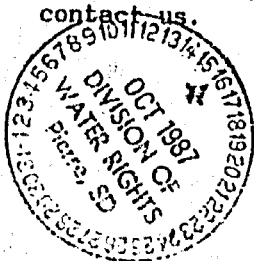
U

The 1987 Irrigation Water Use Questionnaire(s) and a postage paid return envelope are enclosed. Water Management Board Rules or water permit qualifications require the Irrigation Questionnaire(s) to be submitted each year. Please complete the enclosed questionnaire(s) as accurately as possible and return by November 30, 1987.

If you have multiple permits, you may receive more than one questionnaire. If you are unable to complete the questionnaire for each water permit or water right, complete one and return all questionnaires. Make any necessary corrections to your mailing address. If you no longer own the land irrigated under a water permit or water right include the new owner's name and mailing address on the bottom of the questionnaire(s).

Actual irrigation water use from an aquifer or stream helps the Board determine if additional water permits can be approved. Returning the questionnaire also establishes a record of water use, and provides excellent documentation of South Dakota's rights and claims to water when dealing with downstream States.

If you have any questions, or need assistance in completing the form, please contact us.



For the Water Management Board,

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



enclosure *Sirs* —

We have 2 center pivot sprinkler systems.
I don't know which of these sheets apply to them.
The systems are Valley Electronics. One is 60
acres, the other is 150 acres. The 60 is in corn, the
150 in alfalfa. I have no idea how much or when
water was used. They were run when needed.
Elmer Reynolds

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

October 22, 1987

Don B. Reynolds, Jr.
Reynolds Ranch Company
P.O. Box 26
Nenzel, Nebraska 69219

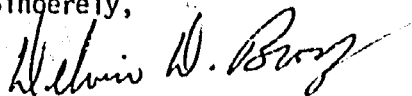
Dear Mr. Reynolds:

I am returning your 1987 Irrigation Water Use Questionnaires. As stated in the October 8th letter, Water Management Board Rules or water permit qualifications require questionnaires to be submitted each year.

The questionnaires will have to be completed and returned. The statements in your letter do not provide the data that is required. Copies of your permits were sent to you last year. From these copies you should be able to determine which permits apply to which systems.

If you have any questions, please contact me.

Sincerely,



Delvin D. Brosz, P.E.
Hydrologist

DDB:ms
Enc.



Could you give us the legal description for each questionnaire. We could probably give you an estimate. You sent four forms, we have only two systems.

 **Department of
Water & Natural Resources**

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

November 23, 1987

Don B Reynolds, Jr.
Reynolds Ranch Co
PO Box 26
Nenzel, NE 69219

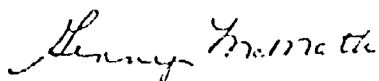
Dear Mr. Reynolds:

Enclosed is your 1987 Irrigation Water Use Questionnaires. I have typed the legal description of the land covered under each water right underneath the label in the upper left part of each questionnaire.

You indicated in your November 19, 1987 response to us that you only have two systems. I have returned all four questionnaires to you. Please indicate on the questionnaires which systems you no longer have.

Complete the questionnaires as accurately as possible and return them to our office by December 15, 1987. If you need assistance in completing the forms, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst

enclosures

**Department of
Water & Natural Resources**

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

December 21, 1987

Don B. Reynolds, Jr.
Reynolds Ranch Company
P.O. Box 26
Nenzel, Nebraska 69219

Dear Mr. Reynolds:

As stated in my letter of October 22, 1987, Water Management Board Rules require irrigation questionnaires to be submitted each year for your irrigation water rights.

Since you are unable to provide the required 1987 data, the questionnaires will be filed as such. You will need to make sure to keep the necessary records during the 1988 irrigation season and all future seasons so as to be able to complete the questionnaires. In the future, if the required data is not provided on the questionnaires your water right will be scheduled for a hearing before the Water Management Board. The Board may amend the water rights or suspend them.

You did indicate that some of the Water Rights were no longer being used. South Dakota Water Rights Laws state that a water right that has not been used for three years and water was available is no longer valid. If some of the Water Rights are no longer being used please let me know and I will schedule an inspection of your Water Rights.

Sincerely,

Delvin D. Brosz, F.E.
Hydrologist

DDB:ms

 **Department of
Water & Natural Resources**

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

February 14, 1989

475-2
477-2
1097-2
1114-2

John Pitkin
Box 92
Nenzel, NE 69219

Dear Mr. Pitkin:

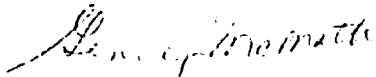
In followup to our telephone conversation, enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right Nos. 475-2, 477-2, 1097-2 and 1114-2. The water rights are currently listed in the name of Reynolds Ranch Company.

The forms should be completed and signed by the new owner in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$10.00).

South Dakota Water Law 46-5-39.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



 **Department of
Water & Natural Resources**

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

February 8, 1989

DON B. REYNOLDS
REYNOLDS RANCH CO
PO BOX 26
NENZEL, NE 69219

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 475-2, 1114-2, 1097-2, 477-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

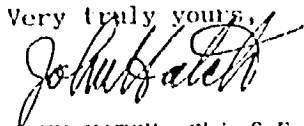
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 475-2, 1114-2, 1097-2, 477-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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





Department of Water & Natural Resources

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

March 7, 1989

475-2
477-2
1097-2
1114-2

Allan Day
% John Pitkin
Box 92
Nenzel, NE 69219

Dear Mr. Day:

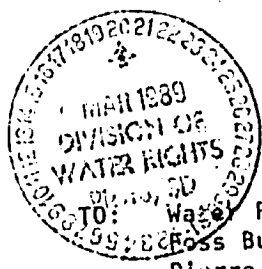
I am writing to acknowledge receipt of the 1988 irrigation questionnaires for Water Permit Nos. 475-2, 477-2, 1097-2 and 1114-2. The above permits are currently listed under the name of Reynolds Ranch Company. Since the questionnaires were received prior to the March Water Management Board meeting they were deleted from the agenda pertaining to the hearing.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
597 E. Cross Building
Pierre, SD 57501

Date: March 13, 1989

This is to notify you that the title to the lands described as follows:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 26, SW $\frac{1}{4}$ Section 25, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 36, T36N, R32W

SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 1, T35N, R32W 398 acres

formerly owned by Reynolds Ranch Co

has been transferred to Rex Ranch Box 92 Nanzel, NE 69219

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 475-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

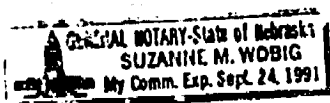
STATE OF SOUTH DAKOTA)
County of Todd) ss.

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

Rex Ranch

John Pitkin
(Signed)

Subscribed and sworn to before me this 13th Day of March, 1989.



Suzanne M. Wobig
(Notary Public)

WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411007

Pierre, March 20, 1989

RECEIVED OF Rex Ranch (John Pitkin) Box 02, Nenzel, NE 69219

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 _____ Water Right Permit No. <u>850</u>		2 50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
	Total	2 50

By John Hatch/mra
Chief Engineer John Hatch/mra

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

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

May 2, 1989

475-2
477-2
1097-2
1114-2

John Pitkin
Rex Ranch
Box 92
Nenzel, NE 69219

Dear Mr. Pitkin:

Enclosed are Receipt Nos. 411694, 411695, 411696, and 411697 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 1114-2, 1097-2, 477-2, and 475-2.

Our records do not reflect you as the owner of this Water Right.

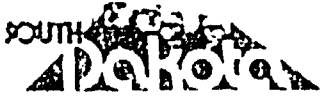
Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
Water Rights Division
(605) 773-3352

enclosure





Department of Water & Natural Resources

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

February 9, 1990

JOHN PITKIN - REX RANCH
BOX 92
NENZEL, NE 69219

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). (475-2, 1097-2, 1114-2, 477-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City 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). 475-2, 1097-2, 1114-2, 477-2 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

 **Department of
Water & Natural Resources**

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

February 23, 1990

475-2
477-2
1097-2
1114-2

John Pitkin
Rex Ranch
Box 92
Nenzel ND 58219

Dear Mr. Pitkin:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 475-2, 477-2, 1097-2 and 1114-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall

RON DUVAL
Natural Resources Engineer
Water Rights Division



GREAT FACES. GREAT PLACES.

475-2

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

JOHN PITKIN - REX RANCH
BOX 92
NENZEL NE 69219

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 475-2, 477-2, 1097-2, 1114-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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) 475-2, 477-2, 1097-2, 1114-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

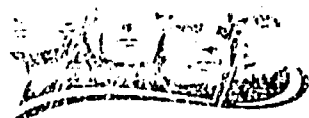
The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 21, 1991

475-2
477-2
1097-2
1114-2

John Pitkin
Rex Ranch
Box 92
Nenzel, NE 69219

Dear Mr. Pitkin:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Right Nos. 475-2, 477-2, 1097-2 and 1114-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

475-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JOHN PITKIN -- REX RANCH
BOX 92
NENZEL NE 69219

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) 475-2, 477-2, 1097-2 & 1114-2. 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) 475-2, 477-2, 1097-2 & 1114-2 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 black ink, appearing to read 'Ron Duvall', is written over a horizontal line.

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

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.

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:

JOHN PITKIN - REX RANCH
BOX 92
NENZEL, NE 69219

4a. Article Number

P 906 557 677

4b. Service Type

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

7. Date of Delivery

DEC 31 - 92

5. Signature (Addressee)

John Pitkin

6. Signature (Agent)

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1992

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: JOHN PITKIN - REX RANCH
BOX 92
MENZEL, NE 69219

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *RSD*

SUBJECT: Amendment to Water Permit No(s). 475-2, 477-2,
1097-2 & 1114-2

Pursuant to the provisions of the Notice dated January 27, 1992, and following the hearing March 4, 1992, the Water Management Board has amended Water Permit No(s). 475-2, 477-2, 1097-2 & 1114-2 to add the following qualification:

"This permit is subject to the Irrigation Water Use
Questionnaire being submitted each year."

The addition of this qualification to your Permit means that failure to submit future irrigation questionnaires could result in suspension of the water permit and no use of water for up to one year for the first violation.



475-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 19, 1992

John Pitkin
Rex Ranch
Box 45
Nenzel, NE 69219

Dear Mr. Pitkin:

Enclosed is a copy of the Application Map for Water Permit Application No. 475-2, outlining the land originally intended to be irrigated by the Arnold Corporation. Also enclosed is some information from the file concerning some of the opposition this application received. I would expect similar opposition if you choose to apply for more irrigation from Spring Creek, especially from the tribe.

The 1992 Irrigation Questionnaires were sent out last week before I could tell them I talked to you about cancellation of Water Rights No. 477-2 and No. 1097-2. When you return the Questionnaires for No. 477-2 and No. 1097-2, just indicate that they are no longer used and will be cancelled.

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

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer
Water Rights Division
605 773-3352

enclosures



JOHN PITKIN - REX RANCH
BOX 92
MENZEL NE 69219

475-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS - DNR
523 EAST CAPITOL
SIOUX FALLS, SOUTH DAKOTA 57105-3001

NOTICE

RE: Violation of Water Permit No(s) 475-2 & 1114-2

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 475-2 & 1114-2. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 475-2 & 1114-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 475-2 & 1114-2 in accordance with applicable provisions of SDCL 46-1-12;
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, you will no longer be in violation of your permit and 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 ADDRESS completed 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.

3. Article Addressed to:

JOHN PITKIN - REX RANCH
BOX 92
NENZEL NE 69219

5. Signature (Addressee)

6. Signature (Agent)

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

475-2
P837692621

4b. Service type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-24-94

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

Thank you for using Return Receipt Service



475-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 9, 1994

NOTICE

TO: JOHN PITKIN - REX RANCH
BOX 92
NENZEL, NE 69219

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 475-2 & 1114-2,

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

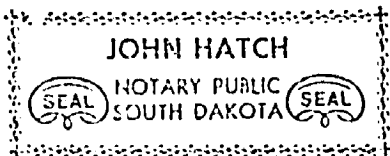
- 2709-3: Alex A./Ann L. Falk, 1301 N. 1th St., Aberdeen, SD 57401.
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
 2534-3: Barry Emsland, RR 2, Box 26, Conde, SD 57431.
 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
 1614-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
 3026-3: G. Waldner, Hillcrest Colony, Box 1, Rapid City, SD 57236.
 1291-3 & 2474-3: Gary Hanson, Operator, RR 1, Box 224, Elk Point, SD 57025.
 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 8, Box 50, Kennebec, SD 57544-9503.
 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
 5315-3: Hillcrest Golf/Country Club, T. Cibak, President, 2206 Mulberry, Yankton, SD 57078.
 2595-3 & 4379-3: James E. Zell, Rt 1, Box 350, Cavour, SD 57324.
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 57219.
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Boland, SD 57436.

4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streater, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Golliher, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost
 Cheryl F. Frost
 Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
 Notary Public
 JOHN HATCH, Notary Public
 My Commission Expires
 April 1, 2001

475-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 1994

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: John Pitkin, Rex Ranch, Box 92, Nenzel, NE 69219

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: One Year Suspension of Water Right Nos. 475-2 and 1114-2

Pursuant to the provisions of the notice dated February 16, 1994, and following the hearing of April 6, 1994, the Water Management Board has ordered:

That Water Right Nos. 475-2 and 1114-2 be suspended until December 31, 1994. Suspension of the water rights does not excuse the water right holder from the requirement to submit the 1993 Irrigation Questionnaires.

Suspension of a water right or permit means water may not be pumped during the 1994 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- 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.

3. Article Addressed to:

REX RANCH
JOHN PITKIN
BOX 92
NENZEL NE 69219

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

PS Form 3811, December 1994

I also wish to receive the following services at extra fee:

1. ☐ Addressed to Addressee
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

4b. Service Type

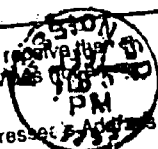
- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

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

Domestic Return Receipt

Thank you for using Return Receipt Service.





February 4, 1997

475-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: REX RANCH, JOHN PITKIN, BOX 92, NENZEL, NE 69219

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 475-2 & 1114-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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 2:30 pm, March 5, 1997, 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) 475-2 & 1114-2 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 February 28, 1997, 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.



475-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1997

475-2

1114-2

John Pitkin
Rex Ranch
Box 92
Nenzel, NE 69219

Dear Mr. Pitkin:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaires

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

Thank you and if you have any questions, please contact me.

Sincerely,

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

475-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 575 181

January 9, 1998

NOTICE

TO: REX RANCH, JOHN PITKIN, BOX 92, NENZEL, NE 69219
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 475-2 & 1114-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 475-2 & 1114-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, February 25, 1998 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 475-2 & 1114-2 in accordance with applicable provisions of SDCL 46-1-12;
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 February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Ginny 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Place 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.
- Mark "Return Receipt Requested" on the mailpiece before the article number.
- This 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:

REX RANCH
JOHN PITKIN
BOX 92
NENZEL NE 69219

475-2

4a. Article Number

2119 141 494

4b. Service Type

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

7. Date of Delivery

1-21-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *John Pitkin*

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



475-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 1998

475-2
1114-2

John Pitkin
Rex Ranch
Box 92
Nenzel, NE 69219

Dear Mr. Pitkin:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 475-2 and 1114-2.

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



475-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: REX RANCH, JOHN PITKIN, BOX 92, NENZEL, NE 69219
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 475-2 & 1114-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 475-2 & 1114-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 1:30 pm, March 1, 2000 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 475-2 & 1114-2 in accordance with applicable provisions of SDCL 46-1-12;
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 February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

475-2

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY									
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		<table border="1"><tr><td>A. Received by (Please Print Clearly) <u>John Pitkin</u></td><td>B. Date of Delivery <u>1-21-00</u></td></tr><tr><td>C. Signature <u>[Signature]</u></td><td>☐ Agent ☐ Addressee</td></tr><tr><td colspan="2">☒ Delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No</td></tr><tr><td colspan="2"><u>HC 74 Box 45</u> <u>Nenzel NE 69219</u></td></tr></table>		A. Received by (Please Print Clearly) <u>John Pitkin</u>	B. Date of Delivery <u>1-21-00</u>	C. Signature <u>[Signature]</u>	☐ Agent ☐ Addressee	☒ Delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No		<u>HC 74 Box 45</u> <u>Nenzel NE 69219</u>	
A. Received by (Please Print Clearly) <u>John Pitkin</u>	B. Date of Delivery <u>1-21-00</u>										
C. Signature <u>[Signature]</u>	☐ Agent ☐ Addressee										
☒ Delivery address different from item 1? ☒ Yes If YES, enter delivery address below: ☐ No											
<u>HC 74 Box 45</u> <u>Nenzel NE 69219</u>											
1. Article Addressed to REX RANCH JOHN PITKIN BOX 92 NENZEL NE 69219		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.									
2. Article Number (Copy from service label) <u>2 227 670 499</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes									

PS Form 3811, July 1999

Domestic Return Receipt

102595 99 M-1789



March 2, 2000

475-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHTS

TO: John Pitkin, Rex Ranch, HC 74 Box 45, Nenzei, NE 69219

FROM: Garland Erbele, Chief Engineer
Water Right's Program *Garland Erbele*

SUBJECT: Three Year Suspension of Water Right Nos. 475-2 & 1114-2

Pursuant to the provisions of the notice dated January 14, 2000, and following the hearing of March 1, 2000, the Water Management Board has ordered:

That Water Right Nos. 475-2 and 1114-2 be suspended until December 31, 2002, for failure to submit the 1999 irrigation questionnaires.

Suspension means water may not be pumped during the 2000, 2001 or 2002 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspensions, you will need to submit the 1999 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2000, in Pierre, SD. The letter should include your reasons for not completing the 1999 irrigation questionnaires.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

File No. 475-2
1114-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: John Pitkin - Rex Ranch, PO Box 125, Cody, NE 69211

DATE: August 5, 2003

RE: status of Water Right Nos. 475-2 and 1114-2

COMMENTS:

Nos. 475-2 and 1114-2 were suspended for the 2000, 2001 and 2002 irrigation seasons due to violations of the irrigation questionnaire qualification. Prior to mailing the 2003 irrigation questionnaires, I called the Todd County Director of Equalization and also the Register of Deeds Offices to find out if Mr. Pitkin still owned the land.

I was told that the land was held in trust by the United States Government for the Rosebud Sioux Tribe.

RECOMMENDED ACTION:

Remove Nos. 475-2 and 1114-2 from the yearly irrigation questionnaire database.



Genny McMath
Environmental Scientist