

COPY

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, given at my office in Pierre, State of South Dakota this 14 day of April 1908.

Samuel H. Lea
State Engineer.

By Mrs J. H. Lea
Deputy.

No. 5

Division No. 2. Rapid Cr. District

PERMIT

to appropriate water from

Hay Draw

Pernington County, South Dakota

Name of applicant

August Mailow

Name of diversion works

Hay Draw Dam

Date of first receipt at office of State

Engineer October 18 1906.

Returned to applicant for correction

190

Corrected application received

190

Date of water right

October 18 1906.

Recorded in Book 1 Page 10

One-fifth of work to be completed

October 18 1907.

Whole work to be completed

October 18 1908.

Final proof of use of water

October 10 1909.

Approved December 19 1906.

Samuel H. Lea
State Engineer.

By _____
Deputy.

No. 5

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

(COPY)

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

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

I. Name of applicant August Mallow Transferred to Charles M. Strachan
 Postoffice address Rapid City, County Pennington, State South Dakota.
7/28/67 RDS

1. If a corporation:

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors:

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

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

(a) Method of accomplishing the work. (Whether by contract, employment of others, or by direct labor) By contract(b) Cash on hand, \$ 380.

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works Hay Draw Dam3. Quantity of water claimed 4.77 cubic feet per second.4. Source of water supply Hay Draw

5. Location of point of diversion: On N. E. 1/4 of N. W. 1/4 of Section 35,

Twp. 1 S., Range 13 E. B. H. M. on Right bank
(right or left bank looking down stream.)6. Annual periods during which water is to be used March 1 to October 30

7. To be used for:

A. Irrigation or domestic use:

(a) Number of acres to be irrigated 334 acres.(b) Legal subdivisions to be irrigated SW 1/4 & N W 1/4 Sec. 26; N E 1/4 Sec. 27;
S E 1/4 Sec. 22; and S W 1/4 Sec. 29, Twp. 1 S., R 13 E. B. H. M.

(NOTE--A list of lands to be irrigated, giving the subdivision and fraction with acreage, and location here, or may be appended as a part of this application. Some must also be shown on accompanying map.)

(c) Statement as to domestic use, giving location:

List of legal subdivisions to be irrigated by the Mallow Water Ditch.

SW 1/4 of Section 26, 52 acres.
 S. W. 1/4 of N. W. 1/4 of Section 26, 15 acres.
 N. E. 1/4 of Section 27, 90 acres.
 S. E. 1/4 of Section 22, 124 acres.
 S. W. 1/4 of Section 23, 53 acres. All in T. 1 S., R. 13 E. B. H. M.
 belonging to August Mallow.

Total 334 Acres.

8. Estimated cost of works:

(a) Head gates, \$ 130. (b) Pumping plant \$
 (c) Fluming, \$ (d) Canal-earth, \$ 560. rock, \$
 (e) Other structures Dam \$ 200. Total, \$ 890.

9. Description of diversion works:

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

Dam, Ditch and Spillway

11. Dimensions of works:

(a) Dam: Height 17 feet; length at bottom 109 feet; length at top 220 feet; thickness at bottom 15 feet; thickness at top 10 feet; slope of front (water) face 3 to 1; slope of back face 2 to 1; material used in construction earth and gravel.

(b) Reservoir: Capacity when filled 6.136 acre feet. Surface area at highwater mark 1.315 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH 17 FEET OF DEPTH AT OUTLET-ACRES	CAPACITY - ACRE-Feet
17	1.315	6.136

(c) Head gate: Width 8 feet; height 6 feet

Material Timber

(d) Canal: Total length 2.03 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At 0 mile	1.5 feet	5 feet	8 feet	21.12 feet
At 2 mile	" feet	" feet	" feet	" feet
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet
At mile	feet	feet	feet	feet

[Give dimensions where restrictions in size are noted]

10. Time required for completion of work 2 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

Rapid City Journal

STATE OF SOUTH DAKOTA

County of Pennington

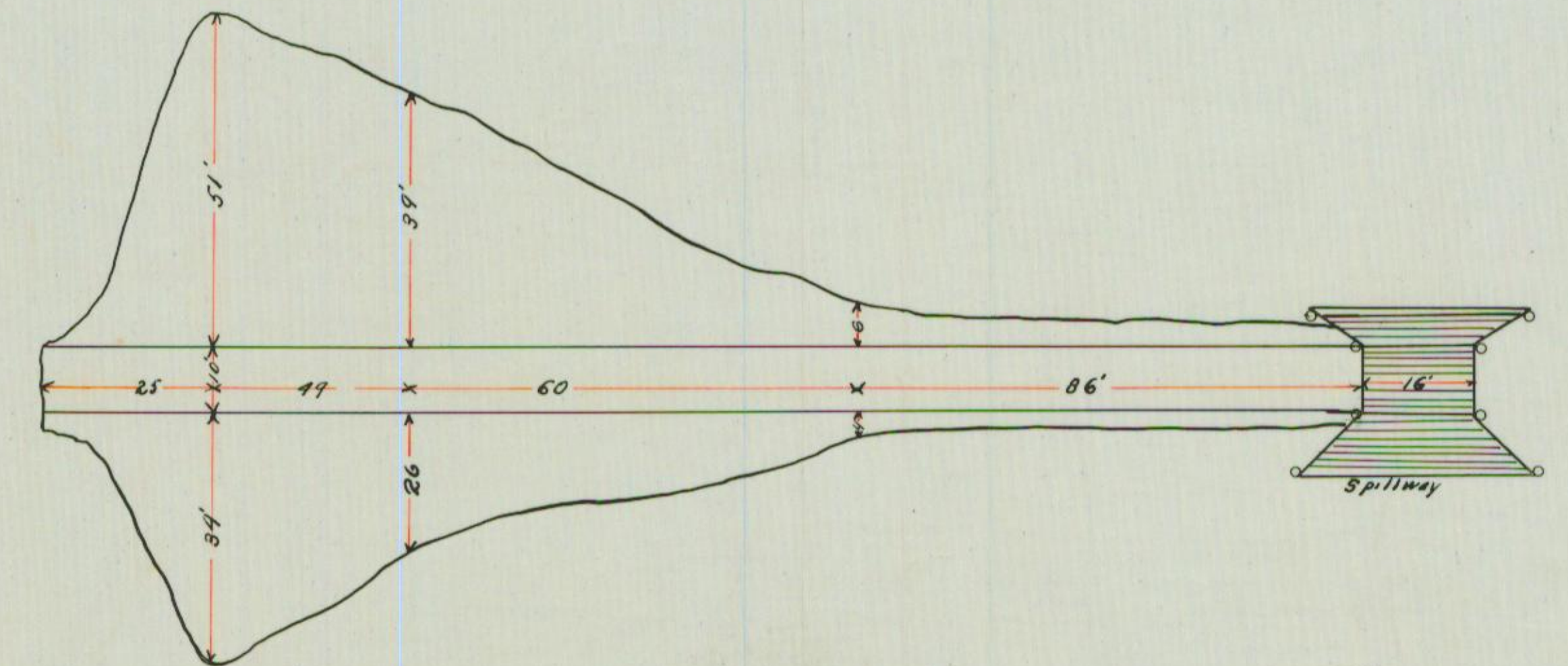
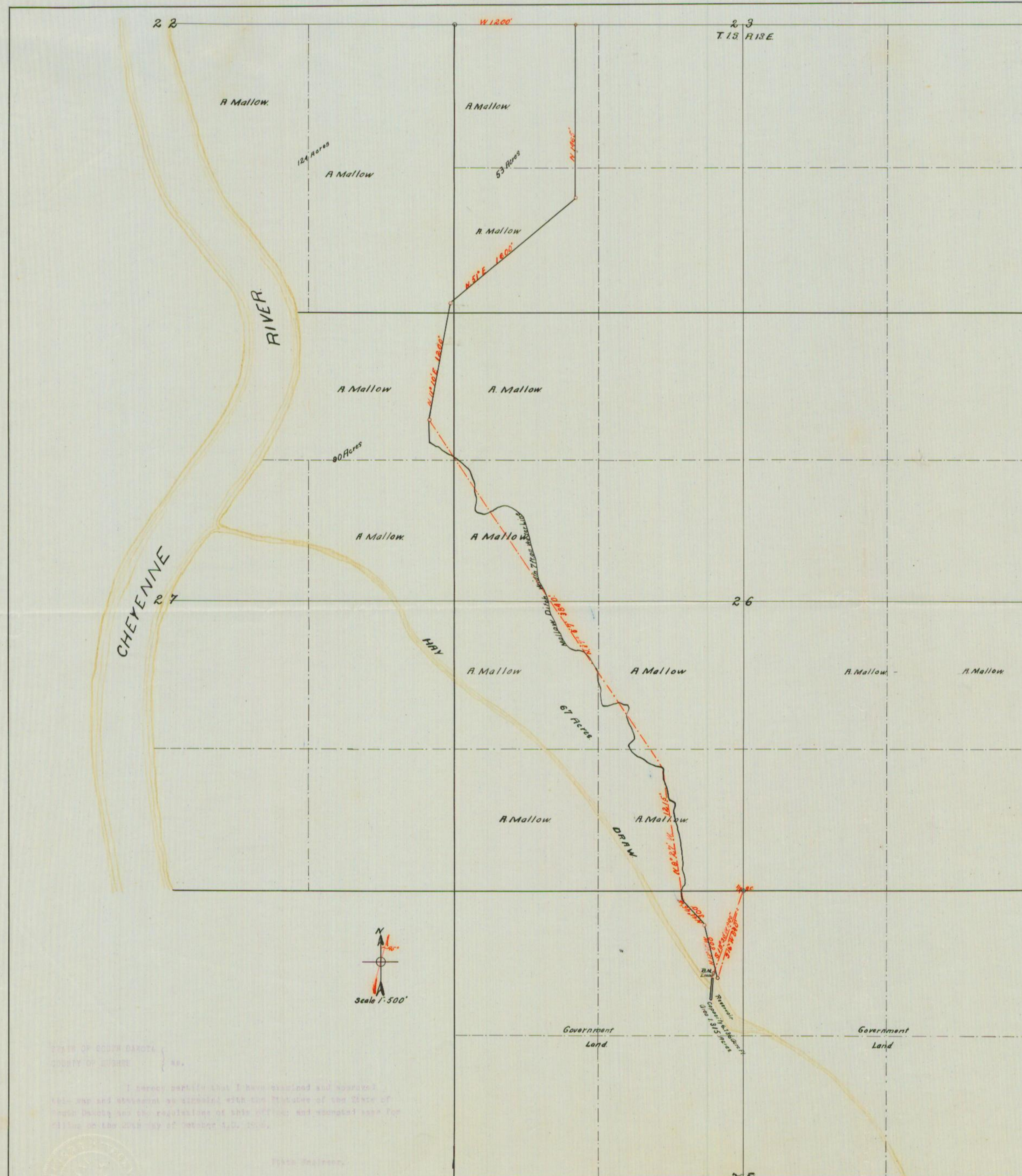
I, August Mallow, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above and foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed August Mallow

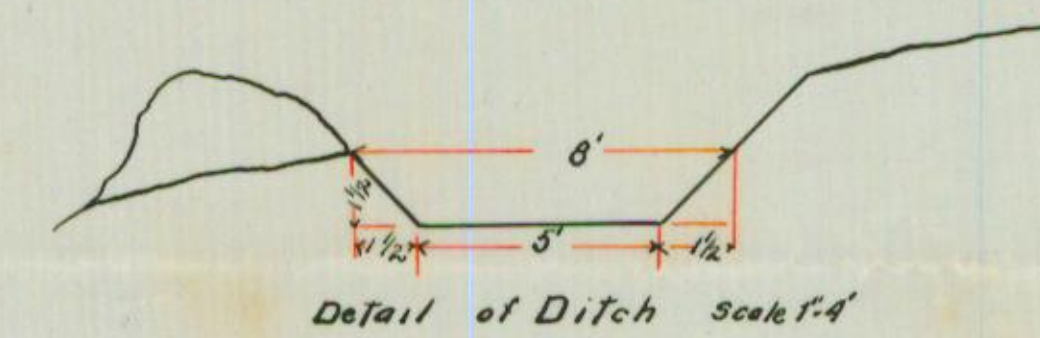
Subscribed and sworn to before me this 13th day of October 1906.

(Seal.)

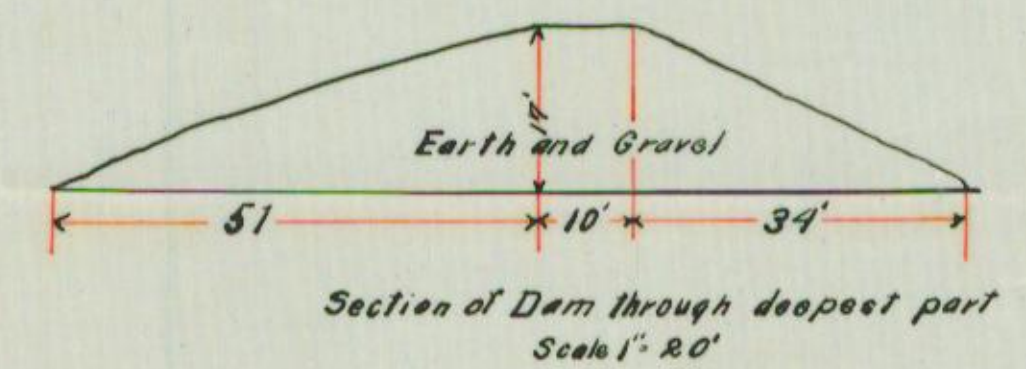
J. H. Mathias
Notary Public (or other qualified officer).



Plan of Dam Scale 1"=20'



Detail of Ditch Scale 1"=4'



Section of Dam through deepest part Scale 1"=20'

MALLOW WATER DITCH.

AFFIDAVIT.

County of Pennington }
State of South Dakota } ss.
I, Stein Bangs, being duly sworn, upon my oath say that I am the engineer of the
MALLOW WATER DITCH, that the survey and map thereof were made by me or under my
direction, and that I have read the accompanying statement, and know of my own knowledge that the
statements therein made are true.

Stein Bangs
Engineer

Subscribed to and sworn to before me this 10 day of October 1906.

J. A. Martin
Notary Public

Remarks by State Engineer:

This application has been duly examined, notice has been duly published, and a hearing concerning same was held at this office on Dec. 18, 1906. The application is now approved.

STATE OF SOUTH DAKOTA
County of Hughes } ss

Pierre, South Dakota, December 19 1906.

This is to certify that the foregoing application was received at this office at 10:15 o'clock a. m. upon the 18th day of October 1906 and that after examination it was found to comply with the irrigation law of South Dakota.

State Engineer.

By Deputy.

Number of permit 5

Date of first receipt of application October 18 1906.

Date of return to applicant for correction 190

Date of receipt of corrected application 1909

Date from which application may claim right October 18 1906.

Approved December 19 1906, Recorded in Book 1 Page 10

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

1st. The equivalent of at least one fifth of the work above specified is to be completed on or before October 18 1907.

2d. The whole of said work is to be completed on or before October 18 1908.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 18 1909.

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 5 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied on or before October 18 1909; said water to be used during the following described annual periods.

Witness my hand this 19th day of December 1906

Samuel H. Lee
State Engineer.

By Deputy.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5

WHEREAS, On the eighteenth day of October A. D. 1900
AUGUST HOLLOW

of Rapid City County of Pennington and State of
South Dakota duly made application (No. 5) to me for a permit to use 4.77
cubic feet per second of the waters of RAY DITCH
County of Pennington State of South Dakota, for irrigation
purposes; and

WHEREAS, On the eighteenth day of December A. D. 1900
Permit No. 5 was issued to said applicant for the diversion of said water, and providing for the com-
pletion of the works of diversion therein described on or before the eighteenth day of
October A. D. 1900 and for the application to beneficial use of said
water on or before the eighteenth day of October A. D. 1900
and,

WHEREAS, On the twenty-sixth day of December A. D. 1900
the holder of said permit duly made proof of the completion of adequate works for the diversion of
4.77 cubic feet per second of said waters, as evidenced by the Certificate of the engineer
dated December 23, 1900, confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 4.77 cubic feet per second of water,
with date of priority of October 18, 1900 and

WHEREAS, On the twenty-sixth day of December A. D. 1900
proof was duly made the application to beneficial use of 4.77 cubic feet per second of
said water;

For irrigation of the SW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of
Section 27; SE $\frac{1}{4}$ of Section 28, and SW $\frac{1}{4}$ of Section 29, Township 1 S.,
Range 13 E. D.H. 2.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to.....AUGUST MALLON.....
 of.....Rapid City.....the holder... and owner... of said permit No.....5.....
 a water right, dating from.....October 12, 1908.....to the use of.....4.77.....
 cubic feet per second of the waters of.....Hay Draw.....
 in the County of.....Pennington.....and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at.....the NW 1/4 of the NW 1/4 of.....
Section 35, Township 1 S., Range 13 E., R. 13 E......
 and conducted to and upon.....NW 1/4, SW 1/4 of NW 1/4 of Section 30; NW 1/4 of Section 37; NW 1/4 of Section 33; NW 1/4 of Section 28; Township 1 S., Range 13 E., R. 13 E......
 for the purpose... of.....irrigation.....

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

WITNESS, My hand and the seal of my office at Pierre, South Dakota,
 this.....fourteenth.....day of.....May.....A. D. Nineteen
 Hundred and.....Ten.....

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 5

To.....AUGUST MALLON.....

Source of Supply.....

Hay Draw

County.....

County

Am't.....4.77.....

Sec. Feet

Point of Diversion.....NW 1/4 of NW 1/4 of.....

Section 35, Township 1 S., Range 13 E., R. 13 E.

Place of Use.....NW 1/4, SW 1/4 of NW 1/4 of.....

Section 30, NW 1/4 of NW 1/4 of Section 37; NW 1/4 of.....

Section 33; NW 1/4 of Section 28; Township 1 S., Range 13 E., R. 13 E.

Purpose.....irrigation.....

Date of Priority.....October 12, 1908.....

Recorded.....December 19, 1908.....

in Book.....2.....of Record, Page.....10.....

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
County of Pennington }

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

Each Daily issue of said paper

in each and every issue of the full number thereof, the first publication being made on the 27th day of October 1906 and the last publication on the 29th day of November 1906, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was proprietor the printer and publisher of the said newspaper.

Joseph B. Gossage

Subscribed and sworn to before me this December day of December A. D. 1906

Fred R. Buchanan
Notary Public, Pennington County, S. D.

(First publication October 27, 1906.)
Appropriation of Water.
Office of the State Engineer, Pierre, S. D.
October 18, 1906.
Notice is hereby given that August Hallow, whose post office address is Rapid City, Pennington County, S. D., has made an application in accordance with the provisions of the Irrigation Laws of South Dakota for a permit to appropriate for beneficial use 17 cubic feet of water per second at a time from 1907 through the fall of water ditch, the point of diversion of which is to be located upon the right bank of said stream in the northeast quarter of the north-west quarter of section 34, township 16, range 18, east 12, N. M. said water to be used for the purpose of irrigation upon the south-west quarter and north-west quarter of section 14, the northeast quarter of section 21, the southwest quarter of section 22 and the southwest quarter of section 23, in township 16 south, range 18 east, N. 12, M. Pennington County, South Dakota. This application will be taken up by the State Engineer at his office at Pierre for consideration and appropriate action upon the 13th day of December, 1906, at nine A. M., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any negative testimony.
SAMUEL H. LISA,
State Engineer.

10 min to be comp. Oct. 18, 1908
App. to be comp. use Oct. 18, 1909

NOTICE OF PROOF OF COMPLETION OF WORKS

(This blank must be filled out by holder of permit and forwarded by registered mail to the State Engineer at least 60 days before the time set for completion of works.)

P.O.-----

Date -----

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that at ----- M. on the

----- day of ----- 190____, at -----

County of ----- State of South Dakota, before

----- proof will be submitted of the completion of

works for the diversion of ----- cubic feet per second of the

waters of ... *Hwy. Draw* ... in accordance with

the terms and conditions of a certain permit heretofore issued by the State Engineer of South Dakota

1. The name of the person or corporation holding said permit is

... *August C. Mallow* ...

2. The postoffice address of such person or the place of business of such corporation is *Rapid City* County of *Pennington* South Dakota.

3. The number of such permit is and the date set for the completion of such work is

4. Said water to be used for *irrigation* . . . purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for permit, is cubic feet per second.

6. The amount of lands for which water is available is. acres, particularly described as follows:--

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Stein Bang
Engineer.

5-2, 127-2 and 343-2

INVESTIGATION OF WATER RIGHTS 5-2, 127-2 and 343-2

On July 28, 1967, Mr. Strehlow was contacted concerning these water rights.

5-2 Mr. Strehlow stated that water license 5-2 has been in use through the years whenever water was available in Hay Draw. I looked over the works and found them in the following condition.

The Dam is approximately 500' long with a massive concrete spillway. The reservoir has completed full to the level of the top of this spillway. The spillway is still functional but showing signs of age with several large cracks in it and the downstream apron has broken off due to undermining. Since there is no reservoir now, diversion is accomplished by putting a small earth dike across the mouth of the spillway which forces the water into the headgates. The headgates are also concrete and in very good repair.

The land has a natural level slope and only two spreader dikes are needed to control the water. Both dikes are fully operational and in good condition.

Mr. Strehlow is to submit a form 24 and a Notice of Transfer for this license. They were filed out by me and all he had to do was sign them and mail them in.

127-2 Mr. Strehlow stated that to his knowledge no pumping had ever taken place and that he was agreeable to cancellation.

343-2 Mr. Strehlow stated that the previous owners had done some work on this system but that he had never pumped nor did he own a pumping plant. He is agreeable to cancellation.

Conclusions: It is recommended that water permits 127-2 and 343-2 be cancelled

Richard Schroyer
Water Rights Specialist

August 3, 1967
RS/bw

Location No. 5-2Water Division No. 2 Rapid Creek Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Charles Strickland, Olevanka, Ranchman

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

Ans. NONE

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

Ans. October 18, 1906

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

Ans. Hay Draw NE⁴ NW⁴, Section 35,T1S, R13E.

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

Ans. Earth Dam with concrete spillway Approximately
500' long, 4' high.

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

Ans. Water spreading over 330 acres on
East side of ditch as shown on map.

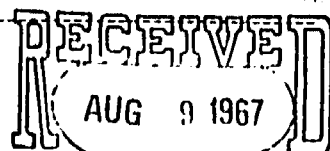
Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. NONE

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

Ans. 4.7

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

Ans. By purchaseSTATE WATER RESOURCES COM. **PIERRE SOUTH DAKOTA**

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

Ans. I have lived here all of my life in this vicinity and the acreage has always been irrigated every year when water was available.

(Sign) Charles M. Stricker

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____ State of South Dakota, on this _____ day of _____ A. D. 19____

} Witnesses.

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

Location No. _____	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water _____ c. f. s.	
Source _____	
County _____	
Purpose _____	
Place of Use _____	

Date of recording _____	

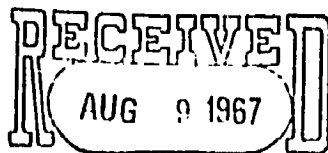
Received and filed _____	

NOTICE OF TRANSFER OF WATER PERMIT

July 28, 1967TO: Office of State Water Resources Commission
Pierre, South DakotaThis is to notify you that August Mallowwho previously owned the land described below has sold his interests to Charles M. Strehlowtogether with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 5-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere. water spreading
on all land east of ditch as shown on
map # 7-2.You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Pennington } ss.I Lyle D. Klotzner 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 here stated is true.Signed Charles M. StrehlowSubscribed and sworn to before me this 4th day of August, 1967.STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Notary Public

Lyle D. Klotzner
Commission Expires May 27-1971

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

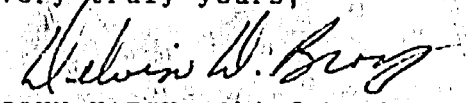
Charles Strehlow
Owanka SD 57767

Dear Mr. Strehlow,

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 5-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for 
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

September 23, 1988

5-2

NOTICE

Mel & Dorothy Anderson
HCR 86, Box 3
Wasta, SD 57791

Dear Mr & Mrs. Anderson:

Our office has received notification that you now own the lands described in Vested Water Right Claim No. 5-2, currently listed as Charles Strehlow. Enclosed is a copy for your review. I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988, that I intend to oppose validation of Water Right Claim No. 5-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

Enclosed is a partially completed "Notice of Transfer" for use in filing a change of ownership on Vested Water Right Claim No. 5-2. Please complete the form and sign in the presence of a notary. Upon completion of the form, please return it to our office with a required filing fee of \$2.50.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

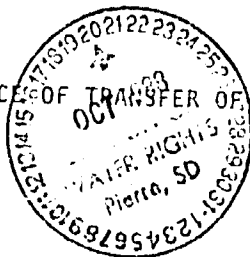
Very truly yours,

John H. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosure



NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 1, 1988

This is to notify you that the title to the lands described as follows:
SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 26, NE $\frac{1}{4}$ Section 27, SE $\frac{1}{4}$ Section 22, SW $\frac{1}{4}$ Section 23

T1S, R13E BHM

formerly owned by Charles M Strehlow
has been transferred to Dorothy & Melvin Anderson HCR 46 Box 3 Wasta, SD 57791
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 5-2 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 Bennett ss.

I, George Strehlow 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.

Dorothy Anderson
Melvin Anderson
(Signed)

Subscribed and sworn to before me this 18 Day of October, 19 88

George Strehlow
(Notary Public)

RECEIPT

Division of Water Rights

411456

South Dakota Department of Water and Natural Resources

Pierre, October 20, 1988

RECEIVED OF Me/Dorothy Anderson, Wasta, SD 57791

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Permit No. 5-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (ins)

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

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

November 4, 1988

Mel & Dorothy Anderson
Wasta, South Dakota 57791

Dear Mr. & Mrs. Anderson:

Enclosed is receipt No. 411456 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 5-2.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

 **Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 5-2

Mel & Dorthy Anderson
HCR 86, Box 3
Wasta SD 57791

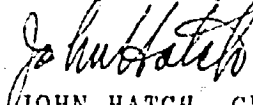
Dear Mr. & Mrs. Anderson:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



Water Rights Division - DWR
Conversation or File Documentation

File No. 5-2

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY Pennington

DATE: 7-24-90 TELEPHONE _____

RE: Vested Right Claim Inspections in

COMMENTS:
On July 16, 1990

The following vested right claims were inspected and are

recommended for validation:

461-2, ~~462-2~~, ~~463-2~~, 769-2, 509-2, 565-2, 948-2

495-2 and 926-2.

July 19, 90

The following vested right claims were inspected and are recommended
for validation:

(5-2), 489-2, and 925-2

* This claim is for groundwater and surface water (Cheyenne River)
the groundwater part of it never developed.

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

NAME: NRH-Rad

5-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5-2 FOR IRRIGATION

Date of Receipt of Claim October 18, 1906.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 5-2 for irrigation purposes for Melvin and Dorothy Anderson, HCR 86, Box 3, Wasta, SD, 57791 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5-2 appropriates 4.77 cubic feet per second of water from Hay Draw to irrigate 334 acres. The point of diversion is located in the NE1/4 NW1/4 Section 35, T1S, R13E. The irrigated lands are located in the SW1/4, SW1/4 NW1/4 Section 26; NE1/4 Section 27; NE1/4 Section 22 and SW1/4 Section 23; all in T1S, R13E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: March 1 to October 31.
3. The priority date of the Vested Water Right is October 18, 1906.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John H. H. H.
Chief Engineer

MAR 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

5-2



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

MAR 11 1993

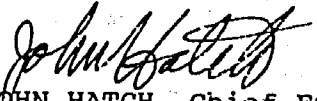
Melvin and Dorothy Anderson
HCR 86, Box 3
Wasta SD 57791

Dear Mr. & Mrs. Anderson:

The Water Management Board has validated the enclosed Vested Water Right No. 5-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,


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

enclosure

5-2



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

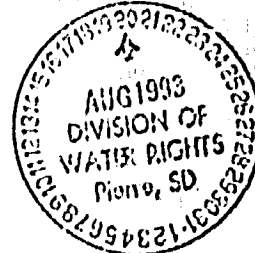
Belle Fourche Projects Office

P.O. Box 226

Newell, South Dakota 57760-0226

WTR-4.10
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 2, 2011

5-2

Carla Jobgen
24080 Higgins Rd
Scenic SD 57780

Dear Ms. Jobgen:

Thank you for contacting us concerning the ownership change needed for Vested Water Right No. 5-2. Enclosed as we discussed is a copy of the entire file. Some of the pages are not as clear as they should be. The documents were extremely old when they were scanned and some of the clarity was lost.

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 4, 2011

5-2

Carla Jobgen
24080 Higgins Rd
Scenic SD 57780

Dear Ms. Jobgen:

I am contacting you concerning Vested Water Right No. 5-2, currently listed in the names of Melvin and Dorothy Anderson. On August 2nd you contacted our office and indicated an ownership change was needed. To date, we have not received the transfer form and filing fee back from you.

In the event you no longer have the original form, I am enclosing a duplicate copy of the Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure

RECEIVED

OCT 20 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5-2

Date: October 11, 2011

I/We request that Vested Water Right No. 5-2

formerly owned by: Melvin & Dorothy Anderson

be transferred to: (name & address) Duane and Carla Jobgen
24080 Higgins Road, Scenic, SD 57780

Telephone No. 993.6321

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

334 acres – SW ¼, SW ¼ NW ¼ Section 26; NE ¼ Section 27; SE ¼ Section 22 and SW ¼ Section 23

all in T1S, R13E

I/We understand that the validity of Vested Water Right No. 5-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We Duane and Carla Jobgen, the new owner, certify that the above information is true and correct.

Carla Jobgen Duane Jobgen
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/20, 20 11

RECEIVED OF Duane Jobgen 24080 Higgins Rd Scenic SD 57780

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>vested WR 5-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05048**

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 2011

5-2

Duane & Carla Jobgen
24080 Higgins Rd
Scenic SD 57780

Dear Mr. & Mrs. Jobgen

Thank you for sending in the transfer of ownership form and filing fee for Vested Water Right No. 5-2.

The ownership change has been completed. The vested right, formerly held by Melvin and Dorothy Anderson is now listed in your names.

Enclosed for your records is Receipt No. 05048 in the amount of \$50.00.

If you have any questions, please contact me.

Sincerely,

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

enclosure