

581-2

1. Considered 4-6, 1966
2. Name of Applicant Raynold Paulsen
3. Post Office Address Wall
4. Amount of water claimed 1.2
5. Source of water supply dry draw
6. Water to be used for irrigation
 Acres to be irrigated 86.4
7. Water to be diverted and used in Peru County about
1.2 miles NE of Wall
8. Proof of Publication Received
 Not Received
9. Application Approved ✓
 Subject to
 Not Approved
 Action deferred
10. Remarks:

No. 581-2Water Division No. 2 Bad River District 8.5.4m
(Blanks to be filled by the Engineer for the W. R. C.)

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

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

1. Name of applicant Reynold Paulsen
Postoffice address Wall, County Pennington, State So. Dak

- I. If a corporation
- (a) Name of same
 - (b) Date and place of incorporation
 - (c) Amount of capital stock
 - (d) Amount paid in
 - (e) Names and addresses of directors

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract

- (b) Cash on hand, \$
- (c) Treasury stock \$
- (d) Bonds to be issued, \$
- (e) Other resources, \$

2. Name of diversion work Reynold Paulsen Irrigation Project no. 1
3. Amount of water claimed 1.2 cubic feet per second
4. Source of water supply Dry draw
5. Location of point of diversion S. 12 50' - 120 rods; S. 11 00' - 130 rods
NW Corner Sec 31 T1N 14E on East bank Pennington County.
6. Annual period or periods during which water is to be used throughout the year when runoff occurs
7. To be used for:

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

- (a) Number of acres to be irrigated
- 86.4
- acres.

- (b) Legal subdivisions to be irrigated
- see attached sheet

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

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

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

- (a) Nature of use
- Digout

Name any of the above uses claimed

- (b) Amount of power to be generated
- none
- horse power.

Amount claimed for engine cooling

- (c) Location of plant

- (d) Method of developing power

- (e) Point where water will be returned to stream

Map No 546-2

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures earth dikes and ditches \$1200----- Total, \$-----

9. Description of diversion works:

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

earth dikes and ditches

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	FEET	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-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work two-----years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Pennington County
Courant, Wall, South Dakota

STATE OF SOUTH DAKOTA

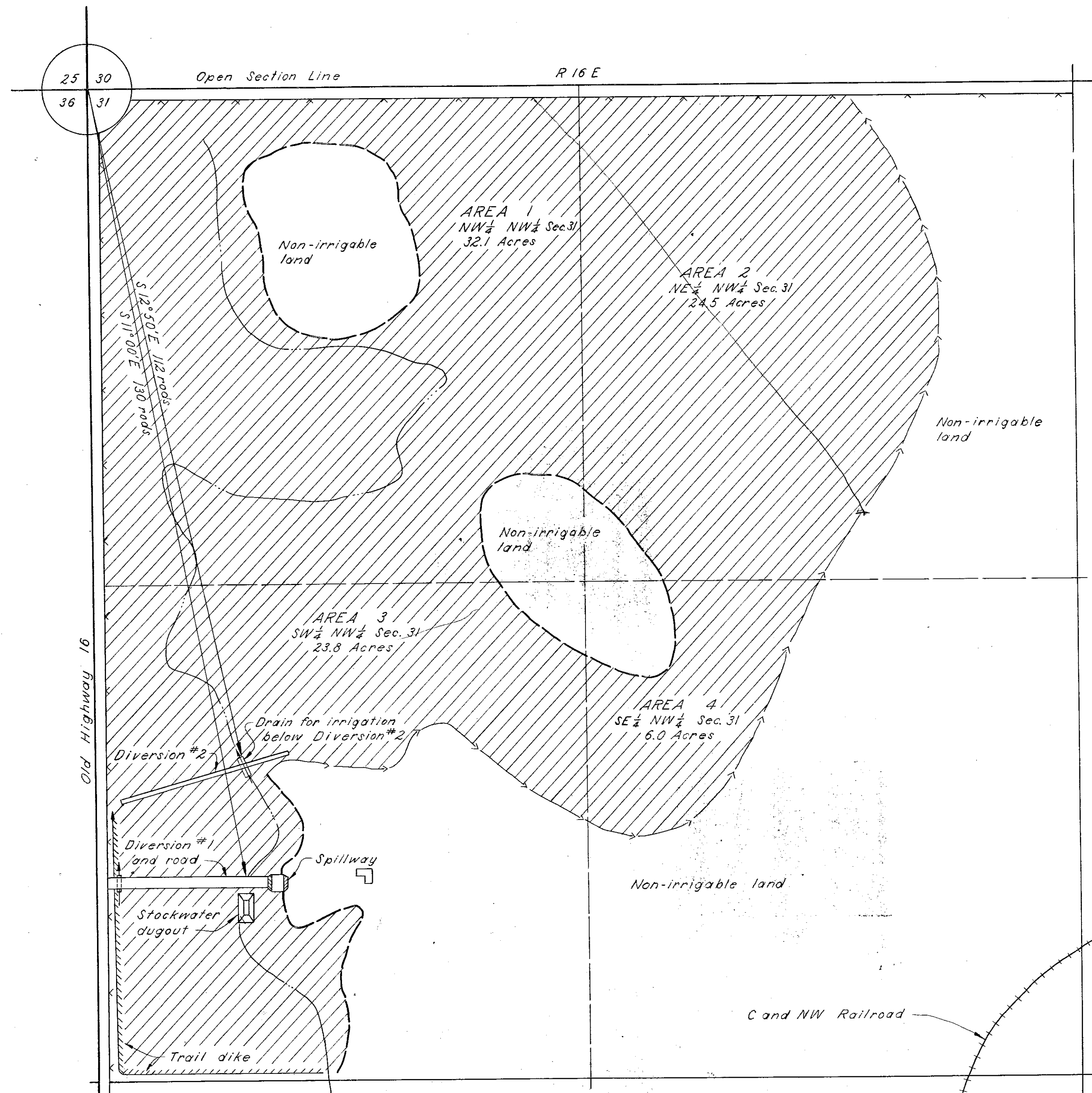
County of Pennington } ss.

I, Raymond C. Baker, 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.

Sign: Raymond C. Baker

Subscribed and sworn to before me this 17 day of March 1968

Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

I, DWAYNE E. KONRAD DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE RAYNOLD PAULSEN IRRIGATION PROJECT NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE EAST PENNINGTON SOIL CONSERVATION DISTRICT.

SIGNATURE: Dwayne E. Konrad
TITLE: Asst. Engineer, SCS

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 DAY OF February, 1960, A.D.

Roy H. Ensey
NOTARY PUBLIC
MY COMMISSION EXPIRES Jan 1, 1961.

- DIVERSION DITCH
- /// TRAIL DIKE
- - - INTERMITTENT STREAM
- /// IRRIGABLE AREA

All lands described are owned by R. Paulsen

LOCATION OF ALL LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4 NW 1/4	31	1N	16E	32.1
2	NE 1/4 NW 1/4	31	1N	16E	24.5
3	SW 1/4 NW 1/4	31	1N	16E	23.8
4	SE 1/4 NW 1/4	31	1N	16E	6.0
TOTAL					86.4

Scale: 1" = 200'

RAYNOLD PAULSEN IRRIGATION PROJECT NUMBER 1	
Pennington County, South Dakota	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed _____	Date _____
Drawn <u>R.P.M.</u>	1-18-60
Traced _____	Sheet _____
Checked _____	Drawing No. _____

Map No 546-2 (App No 581-2)

Remarks by State Water Resources Commission:

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, April 9, 1960

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

A.m. upon the 27th day of February, 1960

State Water Resources Commission

By:

William J. Jones
for Chief Engineer, Executive Officer

Number of permit 581-2

Date of first receipt of application February 27, 1960

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 February 27, 1960

Approved April 6, 1960 Recorded in Book 6 Page 6

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 _____

April 6, 1962

2nd. The whole of said work is to be completed on or before April 6, 1962

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

April 6, 1964

4th. The water appropriated shall be used for the purpose of irrigation

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

6th. The amount of the appropriation herein granted shall not exceed 1.2 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before April 6, 1964; said water to be used during the following described annual period:

whenever water is available

Witness my hand this 9th day of April, 1960

State Water Resources Commission

By:

William J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 11, 1966

Water License Issued OCTOBER 11, 1966

Location of all land to be irrigated All land owned by Reynold Paulson

area	location	section	township	range	acres
1	NW ¹ / ₄ NE ¹ / ₄	31	1N	16E	32.1
2	NE ¹ / ₄ NW ¹ / ₄	31	1N	16E	24.5
3	SA ¹ / ₄ NW ¹ / ₄	31	1N	16E	23.8
4	SE ¹ / ₄ NE ¹ / ₄	31	1N	16E	6.0
				total	86.4

STATE OF SOUTH DAKOTA

WATER LICENSE No. 581-2

WHEREAS, On the 27th day of February A. D. 1960
Raynold Paulsen

of Wall County of Pennington and State of
South Dakota duly made application (No. 581-2) to us for a permit to use 1.2
a dry draw
cubic feet per second of the waters of _____
County of Pennington State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 9th day of April A. D. 1960
Permit No. 581-2 was issued to said applicant... for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 6th day of
April A. D. 1962 and for the application to beneficial use of said
water on or before the 6th day of April A. D. 1964
and,

WHEREAS, On the 26th day of August A. D. 1966
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.2
cubic feet per second of said waters, as evidenced by our Certificate No. 581-2
dated October 11, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.2 cubic feet per second of water, with date of
priority of February 27, 1960 ~~xxx~~ and,

WHEREAS, On the 26th day of August A. D. 1966
proof was duly made of the application to beneficial use of 1.2 cubic feet per second of said water;
for irrigating 86.4 acres in the NW 1/4, Section 31, T1N, R16E

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 **Raynold Paulsen**

of **Wall** the holder and owner of said permit No. **581-2**
a water right, dating from **February 27, 1960** to the use of **1.2**
cubic feet per second of the waters of **a dry 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 **points S 12° E, 120 rods and**
S 11° E, 130 rods from the NW Corner, Section 31, T1N, R16E
and conducted to and upon **86.4 acres in the NW 1/4, Section 31, T1N, R16E**

for the purpose of **irrigation**

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this **11th** day of **October** A. D. Nineteen
Hundred and **Sixty-Six**

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Office

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 581-2Water Division No. 2 Bad River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Raynold Paulsen

of Wall, County of Pennington, and State of South Dakota, the holder of Permit No. 581-2, Issued upon Application No. 581-2, bearing date of priority of February 27, 1960, authorizing the diversion of 1.2 cu. ft. per second of the waters of a dry draw County of Pennington, State of South Dakota, at points S 12° E, 120 rods and S 11° E, 130 rods from the NW corner, Section 3, T1N, R16E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.2 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 86.4 acres in the NW 1/4, Section 31, T1N, R16E

Witness my hand this 11th day of October A. D. 1966

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

(First Publication on or before March 10, 1960)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 2, 1960

Notice is hereby given that Raynold Paulsen whose postoffice address is Wall S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.2 cubic feet of water per second of time from ~~ax~~ a dry draw through the Raynold Paulsen Irr. Proj. #1 the point of diversion of which is to be located on the east between two points bank of said stream/in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 31 Twp. 1N Range 16E Said water to be used for the purpose of providing irrigation of portions of the following described land:

~~ax~~ NW $\frac{1}{4}$ Sec 31 T. 1N. R. 6E ~~ax~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 1960, at 2 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

cc: **R.F. Lewis-Publisher**
Pennington County Courant
Wall, South Dakota

By:

~~State Water Resources Commission~~
Burton F. Jones
Water Right Specialist

RECEIVED
APR 1 1960
PROOF OF PUBLICATION

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
County Pennington } ss.

R. F. Lewis being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

Pennington County 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 Ward County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

March 10, 17, 24 & 31

in each and every issue of the full number thereof, the first publication being made on the 10th day of March 1960 and the last publication on the 31st day of March 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was ----- the printer and publisher of the said newspaper.

R. F. Lewis

Subscribed and sworn to before me this 31st day of March A. D. 1960

Notary Public Pennington County, S. D.

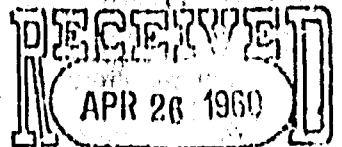
No. 581-2
(First Publication on or before March 10, 1960)
APPROPRIATION OF WATER
Office of State Water Resources Commission,
Pierre, S. Dak.
March 5, 1960

Notice is hereby given that Reynold Paulsen whose postoffice address is Ward, S. Dak., has made an application in accordance with the provision of the water laws of South Dakota for a permit to appropriate for beneficial use 1.2 cubic feet of water per second of time from a dry draw through the Reynold Paulsen Paulsen Irr. Proj. No. 1, the point of diversion of which is to be located on the east bank of said stream between two points in the SW 1/4 of the NW 1/4 of Section 31, Twp. 1N, Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following-described land:

NW 1/4 Sec. 31, T. 1N, R. 10E
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of April, 1960, at 2 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: Burton F. Jones
Water Right Specialist
cc: R. F. Lewis-Publisher
Pennington County Courant
Ward, South Dakota
Pub. March 10, 17, 24, 31, 1960

Permit No. 581-2



Water Division No. 2 - Bal. River - Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Wall, South Dakota

(Date) April 25, 1960

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIRs, Notice is hereby given that on the 25 day of April 1960, at Pennington County of Wall State of South Dakota, before _____ proof will be submitted of the application to beneficial use of 1.2 cubic feet per second of the waters of Dry Draw _____ in accordance with the terms and conditions of Permit No. 581-2 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are
Raynold Paulsen, Wall, South Dakota

2. The use to which said water has been applied is Irrigation

3. The amount applied to beneficial use is 1.2 cubic feet per second

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated)

Area	Location	Section	Township	Range	Acres
1	NW 1/4 NW 1/4	31	1N	16 E	32.1
2	NE 1/4 NW 1/4	31	1N	16 E	24.5
3	SW 1/4 NW 1/4	31	1N	16 E	23.8
4	SE 1/4 NW 1/4	31	1N	16 E	6.0
					Total 86.4

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Raynold Paulsen Irrigation Project No. 1

6. The right to take the water from such works is based upon permit No. 581-2

7. The source of supply from which such water is diverted is Dry Draw

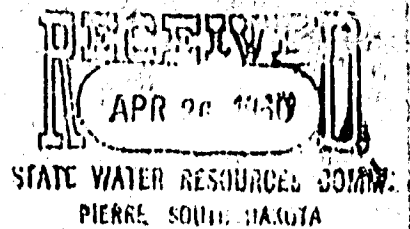
8. The date of priority which said user is prepared to establish is February 27, 1960

(Sign)

Raynold Paulsen

Permit No. 581-4-2

Water Division No. 2 Bad River Water District



NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Wall, South Dakota

(Date) April 25, 1963

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of _____
_____ 1.2 _____ cu. ft. per second of the waters of the state from Dry Draw
through the Reynold Faulsen Irrigation Project No. 1
for _____ Irrigation _____ purposes
_____ In accordance with the terms and con-
ditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Reynold Faulsen
2. The postoffice address of such person or the place of business of such corporation is Pinnington
County of Wall State of South Dakota
3. The number of such permit is 581-4-2 and the date set for the completion of such work is
April 6, 1963
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 ac-
companying the application for such permit, is 1.2 cubic feet per second.
6. The amount of land for which said water is available is 36.4 acres,
particularly described as follows: on attach sheet

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

(Signature of Owners)

Permit No. 581-2Water Division No. 2 Bad River Water District

Certificate of Examination of Works

Report of Examining Engineer

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

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 10_____, I have this day made a thorough examination of the diversion works constructed by _____
Raymond Paulsen _____, of _____
Pennington _____ County, South Dakota, holder of Permit No. 581-2, issued
 upon Application No. 581-2, bearing date of priority of 581-2, 10.66., authorizing the
 diversion of 1.2 cu. ft. per second of the waters of Surface water for irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Earth Dikes & Ditch 1/4 mile of main
ditch & one mile of laterals

and the system is in the following condition: Good

The point of diversion is located S 12° 50' - 120 rods' S 11° 00' - 130 rods
from the NW cor. sec. 31 TIN RIVER

The works are capable of diverting and conveying to the place of use 1.2 cu. ft. per second of water,
 which is to be used for Irrigation

The legal subdivisions to be irrigated are: 32 acres in NW 1/4 NW 1/4 sec. 31 TIN RIVER,
24.5 acres in NE 1/4 NW 1/4 sec. 31 TIN RIVER, 21.8 acres in SW 1/4 NW 1/4
sec. 31 TIN RIVER & 6.0 acres in SE 1/4 NW 1/4 sec. 31 TIN RIVER.
Total, 86.4 acres

comprising a total of 86.4 acres of land.

The domestic use intended comprises _____

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

Witness my hand, this 26 day of August, A. D. 1966

—SEAL—

William H. Miller

Examining Engineer.

1-2

JUN 1989
DIVISION OF
WATER RIGHTS
PORTLAND, OR

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 10, 1989

86.4 acres in the NW 1/4 Section 31 - T14N - R16E

formerly owned by

has been transferred to

Edith Paulsen 703 Hustead, Wall, SD 57790
(please include complete mailing address)

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

Water Right Permit No. 581-2 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

5.2.2. *Phylogenetic analysis*

County of Penn

1, Edith Paulsen 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.

Edith Paulsen
(Signed)

Subscribed and sworn to before me this 16 Day of June, 1989.

Richard J. Burke
(Notary Public)

My Comm Exp. 3-12-96

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 19, 1989

RECEIVED OF Edith Paulsen, 705 Hustead, Wall, SD 57790

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. 531-2	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 Salvatore (Mike)
Chief Engineer



Department of Water & Natural Resources

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

July 14, 1989

Edith Paulsen
703 Hustead
Wall, SD 57790-9998

Dear Ms. Paulsen:

Enclosed is Receipt No. 411798 in the amount of \$2.50 which you paid for the transfer of Water Right No. 581-2.

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

Sincerely,

Marie R. Arthur

MARIE R. ARTHUR
Secretary
for Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



581-2

Dakota Department of Water & Natural Resources

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

July 5, 1989

NOTICE

TO: Dennis Foster
Sleepy Hollow Campground
PO Box 101
Wall SD 57790

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Requirement to Construct Dike with a Gate Culvert at
Dugout Channel Inlet

This notice is to confirm your conversation and agreement with Del Brosz, Hydrologist, Division of Water Rights. You agreed to construct a dike with a gated culvert at the inlet to your dugout. This dike will divert the water around your dugout and on to the two downstream dugouts, one of which is on Mrs. Edith Paulsen's property. This dike will be completed by July 20, 1989.

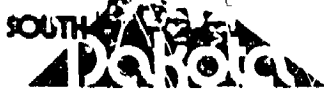
The gate on the culvert is to remain closed until one of the following takes place:

- 1) You file a location notice on the dugout for livestock purposes as required by SDCL Chapter 46-4; however, the culvert gate may not be opened until downstream dugouts have adequate water supplies.
- 2) You file a water permit application for irrigation of trees on the campground and for livestock water. If the application is approved, the water permit will describe when the culvert gate may be opened. If the application is denied, a location notice must be filed.

Mrs. Paulsen, whose Water Right No. 581-2 bears a priority date of February 27, 1960, is entitled to water first. Water for irrigation under Water Right No. 1337-1, which bears a priority date of January 13, 1976 is second in line for available water.

cc: Mrs. Edith Paulsen
Representative Gordon Pederson





Department of Water & Natural Resources

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

July 18, 1989

Dennis Foster
Box 101
Wall, SD 57790

Dear Mr. Foster:

I am writing in response to your letter dated July 12, 1989 requesting an extension of the deadline by which the construction of a dike with a gated culvert that will divert water around your dugout is to be completed. According to the July 5, 1989 Notice sent to you, this work was to be completed by July 20, 1989.

You have requested an extension to August 10, 1989 because Soil Conservation Service personnel cannot stake the project until approximately July 26, 1989.

Your request for an extension of the time to complete the project is approved. Please keep us informed of your progress.

Very truly yours,

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

cc: Mrs. Edith Paulsen
Representative Gordon Pederson





July 12, 1989

John Hatch, Chief Engineer
S.D. Dept of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Hatch:

Regarding the notice sent to me from your office on July 5, 1989, I have contacted the Soil Conservation Service personnel in Wall. They have responded by doing some transit work on July 7 and again on July 12 on the dugout area and future site of the dike that will divert water around my dugout to downstream dugouts.

Due to the present workload of the Soil Conservation Service personnel at the field office in Wall and the area office in Rapid City, they will not be able to get the proposed dike staked for construction work until approximately July 26, 1989. After this work is completed, I will need a few more days to get the dirt work done. Consequently, I am requesting an extension on this project from July 20 to August 10 or thereabouts at your discretion.

Thank-you for your concerns and immediate attention to this matter.

Sincerely,

Dennis Foster
Box 101
Wall, SD 57790

CERTIFICATION

I hereby certify that on July 5, 1989 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Requirement to Construct a Dike addressed as follows:

Dennis Foster
Sleepy Hollow Campground
PO Box 101
Wall SD 57790

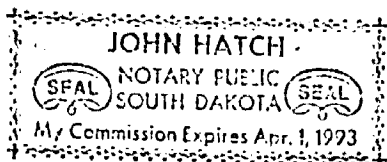
Mrs. Edith Paulsen
PO Box 202
Wall SD 5779

Representative Gordon Pederson
Box 312
Wall SD 57790

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of July, 1989.



John Walter
Notary Public

Water Rights Division - DWR
Conversation or File Documentation

File No. 581-2

NAME OF PERSON OR FILE: Mrs Edith Paulsen

ADDRESS: P.O. Box 202, Wall, SD 57790 COUNTY Pennington

DATE: July 6, 1989 TELEPHONE _____

RE: Complaint by Mrs Paulsen on dugout constructed by Dennis Foster

COMMENTS:

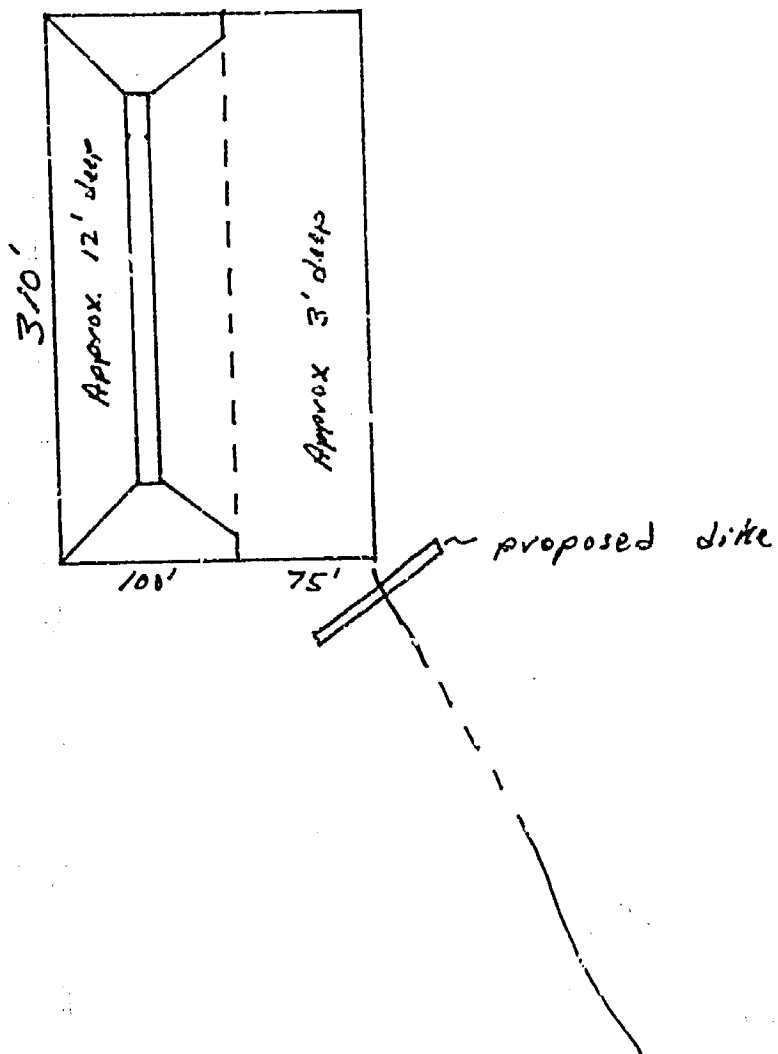
I made an investigation of the complaint on June 28, 1989. I discussed the complaint with Dennis Foster, owner of the dugout. I also viewed the dugout with Mr. Foster. The dugout measures approximately 310 feet long and 175 feet wide. 75 feet of the width is approximately 3 feet deep and the remaining 100 feet width is approximately 12 feet deep. The side slopes of the dugout are approximately 3 to 1. Water fills the dugout from a stream channel that enters the dugout at the SE corner. This same stream provides water to Mrs Paulsen's dugout. I suggested to Mr. Foster that he construct a dike across the stream channel at the ~~entrance~~ entrance to the dugout, with a gated culvert. He agreed to do this. In discussing this with Mrs Paulsen she stated that this was agreeable to her.

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: _____

William D. Bloor, P.E.
Hydrologist



SILSON,

Enclosed is the "notice of Transfer of Water Permit."
It has been completed and notarized.

I also enclosed a copy of the water license
for you.



If I can be of further assistance please
feel free to contact me.

Please keep me updated as to what your organization
is getting accomplished on this case.

Thanks

Broth. Balaam

 **Department of
Water & Natural Resources**

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

June 22, 1989

Dennis Foster
Sleepy Hollow Campground
Box 101
Wall, SD 57790

Dear Mr. Foster:

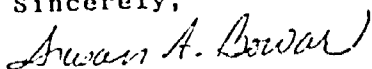
This letter is in reference to our telephone conversation this morning. I am enclosing three sets of forms for you:

- (1) An instruction sheet, permit application forms, and supplemental information form to be completed for filing a water permit application should you decide you want to use the water in your dugout to irrigate your trees.
- (2) Three forms for filing a location notice for your dugout. One copy needs to be submitted to the Register of Deeds in Pennington County, one copy needs to be submitted to the Division of Water Rights, and one copy should be kept for your files.
- (3) A transfer form for the portion of Gale Dartt's property that you purchased, if you intend to irrigate in the NE 1/4 Section 31-T1N-R16E as is covered by Mr. Dartt's Water Right No. 1337-2. After talking to you, it sounds as if you could receive incidental runoff from Mr. Blasius's field, but would not be irrigating per se. In this case, it would probably not be necessary to complete this form. The acreage you purchased that is covered by Mr. Dartt's Water Right for irrigation purposes would be omitted.

As I mentioned to you on the phone, we are still reviewing the situation that I stopped out and discussed with you last week. Del Brosz, also from this Division, will be in the area next week and would like to stop by on Wednesday morning.

Please feel free to contact us if you have any questions.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures



Water Rights Division - DWR
Conversation or File Documentation

File No. 1337-2

NAME OF PERSON OR FILE: Gale North Water Right

ADDRESS: _____ COUNTY Pennington

DATE: June 22, 1989 TELEPHONE _____

RE: Transfer to Brett Blasius

COMMENTS:

I sent transfer forms to Brett Blasius, Wall, SD.
He purchased a portion of the land covered by
Water Permit No. 1337-2 (Gale North has passed
away).

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: Susan Brown

NAMRS, ADDRESSES:

Mrs. Raynold (Edith) Paulsen (ph. # 279-2439)
Box 202, Wall, SD 57790

Dennis Foster (ph. # 279-2100)
Sleepy Hollow Campground
Box 101, Wall, SD 57790

Brett Blasius (ph. # 279-2366)
Box 13, Wall, SD 57790

DATE: June 21, 1989

COUNTY: Pennington

RE: Investigation of complaint received June 5, 1989 from Mrs. Paulsen

BACKGROUND

On June 15, 1989, I conducted an investigation of the complaint received June 5, 1989 from Mrs. Paulsen regarding a dugout constructed by Dennis Foster, owner of the Sleepy Hollow Campground in Wall. Mrs. Paulsen's concern is that the dugout, created during the construction of the new campground last spring, is intercepting the water that would normally enter her dugout.

Water Right No. 581-2, under the name of Raynold Paulsen, now deceased, has a priority date of February 27, 1960 and appropriates 1.2 cfs from a dry draw and earth dikes and ditches between two points in the SW 1/4 NW 1/4 to irrigate 86.4 acres in the NW 1/4; all in Section 31-T1N-R16E. The affected dugout is mentioned on the water permit application, is indicated on the Water Right map, and is used for domestic purposes to water cattle. The location of the dugout is indicated on the attached aerial photo. A transfer form was left with Mrs. Paulsen to transfer the Water Right to her name.

Mrs. Paulsen was contacted and a visual inspection was made of her dugout. No actual measurements were taken. There was some water present in the dugout. The water was approximately 3-4 feet low, vertically from the high water mark and approximately 30 feet low, horizontally from the high water mark. Mrs. Paulsen estimated that there is currently 2 to 3 feet of water in her dugout. Assuming a depth of 7 feet and 3:1 side slopes, the estimated storage capacity of her dugout is 3 acre-feet. She is concerned that she will lose the renters on her land if there is not enough water for the cattle. There has not been any water for irrigation this year.

The land immediately south of Mrs. Paulsen is covered by Water Right No. 1337-2, under the name of Gale Dartt. It has a priority date of January 13, 1976 and appropriates 0.50 cfs to irrigate 38 acres of land. The diversion ditch, which receives drainage from the west side of the City of Wall, is located in the SW 1/4 SW 1/4 and the irrigated acreage is located in portions of the W 1/2, NE 1/4; all in Section 31-T1N-R16E (see attached copy of the Water Right map). A series of four spreader ditches are used to flood irrigate the lands. There is also a dugout on this property. Mr. Dartt has passed away and the land has been sold to two different owners.

Brett Blasius bought a portion of the W 1/2 of Section 31-T1N-R16E. The diversion point and much of the irrigated land is located on this portion. I talked to Mr. Blasius and learned that he bought 45 acres of the land formerly owned by Gale Dartt. There has not been enough water for irrigation on his property this season, either. He said that there has been no runoff at all, making this the second drought year in a row. The water level in his dugout is currently lower than it is has ever been. Mr. Blasius did not know the depth of his dugout since it has never been dry. He feels that Mr. Foster's dugout may be affecting the water levels in both his dugout and Mrs. Paulsen's dugout, but also stated that it is hard to differentiate between the effects of no spring runoff and the effects of Mr. Foster's dugout. He is not aware of any water use from Foster's new dugout and also said the dugout filled up almost immediately after it was excavated. A transfer form has been sent to Mr. Blasius for his portion of the Gale Dartt property. The diversion dike on the north side of his property directs runoff water to the east and north into Mrs. Paulsen's dugout.

Dennis Foster bought the remainder of the land and has established the Sleepy Hollow Campground. This land contains one existing dugout, a portion of two of the spreader ditches, and the new dugout that was constructed last spring. The locations of these are also indicated on the attached aerial photo. Both dugouts were full of water. The existing dugout has a surface area of approximately 0.35 acres and is approximately 4 feet deep. Assuming 3:1 side slopes, it has an estimated storage capacity of 1 acre-foot. It appears to catch a lot of debris. The new dugout has approximate dimensions of 150 feet by 250 feet. The depth of the dugout ranges from 3 to 16 feet. Assuming an average depth of 12 feet and 3:1 side slopes, an estimated storage capacity of this dugout is 6 acre-feet. According to Mr. Foster, the new dugout is just a borrow area for dirt work that had to be completed at the campground site. It filled up with water almost right after excavation. Last fall it was about 4 feet low. He said that Mike Sterling, SCS, had determined the location of the site of the borrow area and may have some information on its dimensions. Mike Sterling informed me that they had not staked the site and did not have any information on the dimensions of the borrow area. He also said that he had not seen the dugout empty, i.e. that it had apparently filled quite soon after construction. An overflow culvert that connects the existing dugout to the new dugout has recently been installed. Mr. Foster said the water in the new dugout has not been used. He does, however, have a cattle permit from the City of Wall to put cattle north of his campground and would like to eventually use the water for livestock purposes. He may also want to use the water to irrigate the trees that surround the campground area. He was informed that a water permit would be necessary to water the trees. Applications forms should he wish to irrigate trees, papers for filing a Location Notice for the dugout, and transfer forms should he want to irrigate the portions of land that are covered by Gale Dartt's Water Right have been sent to Mr. Foster.

DRAINAGE

The topography of the area in which all four of these dugouts are located is very flat. The USGS 7.5 minute quadrangle map labels the area as a "Lake Flat". The majority of the runoff received is artificially routed by the City of Wall. Determining the actual effects created by Foster's new dugout from the topographical map is nearly impossible.

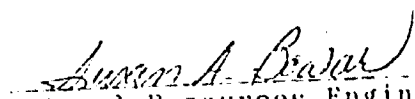
OPTIONS

Because this area is again experiencing drought conditions, it is very difficult to ascertain whether the low level of water in Mrs. Paulsen's dugout (and Mr. Blasius's dugout, for that matter) can be attributed to Mr. Foster's dugout. More than likely, the dugout is affecting the water level in Mrs. Paulsen's dugout, but probably not to the extent that she believes it is. According to Mr. Foster, many ranchers in the area are hauling water.

Some of the options to consider include:

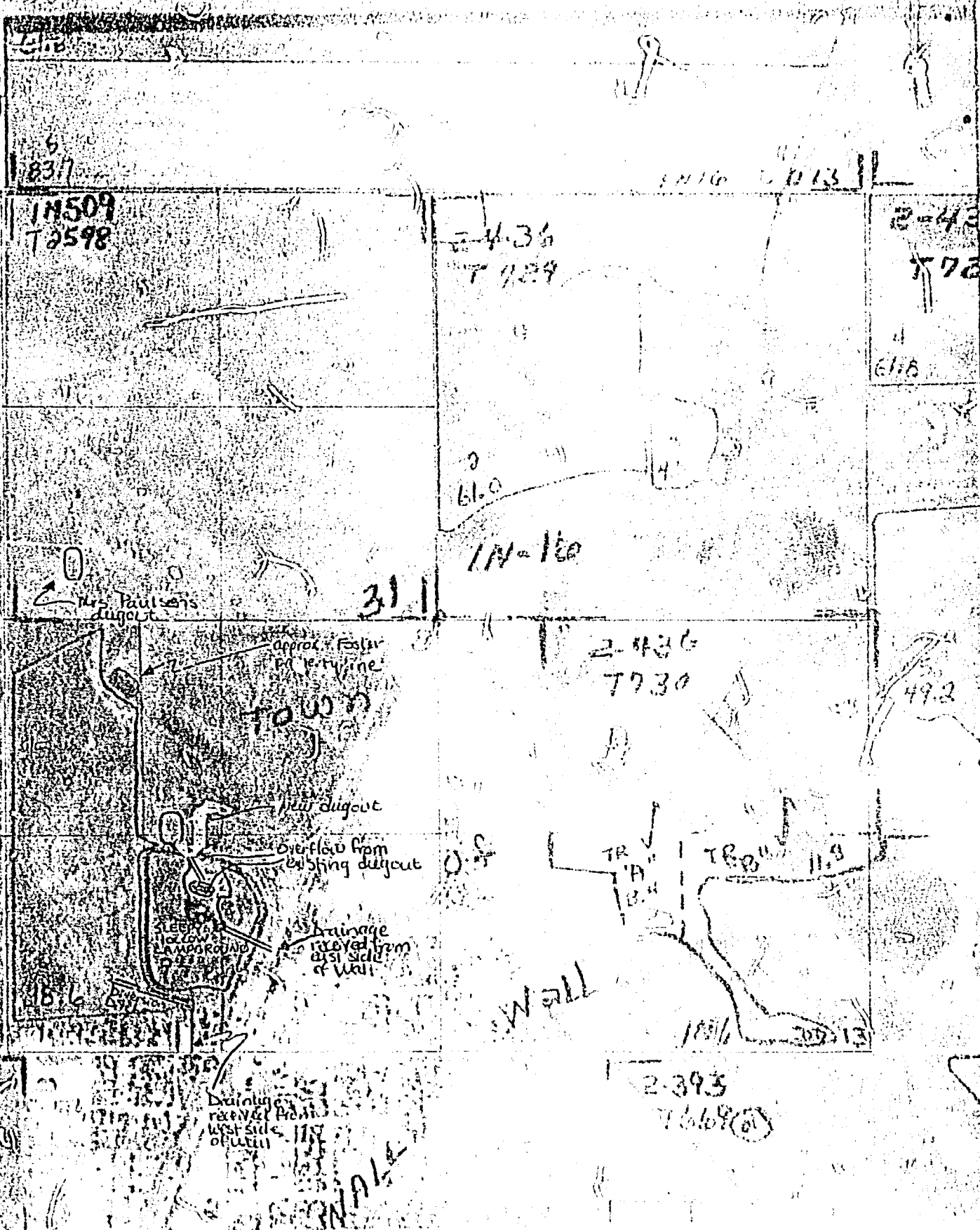
- (1) Attribute the problem to the second dry year in a row and do nothing.
- (2) Encourage Mrs. Paulsen to make arrangements to haul water to her site. This may be necessary for the rest of this season regardless of the chosen option for handling the situation. Because of her close proximity to the boundaries of the City of Wall, perhaps an agreement with the city could be arrived at.
- (3) Require Mr. Foster to fill in a portion of his dugout. There is stockpiled dirt on his site that could potentially be used.
- (4) Require Mr. Foster to create a by-pass for water entering the dugout, to be used until Mrs. Paulsen has adequate water in her dugout.
- (5) Drill a well on Mrs. Paulsen's property.
- (6) Since Mr. Foster's new dugout is really a "borrow" area, require Mr. Foster to fill in the dugout ~~is~~ completely. If he feels he does need water, the dugout could be relocated in an area that does not affect the drainage pattern to Mrs. Paulsen's dugout.

Several of these options may result in considerable expense. The possibility exists that an arrangement could be made between Mrs. Paulsen and Mr. Foster for sharing any costs that may be incurred. Mrs. Paulsen's choice of options, including any options that are not listed here, should also be considered.



Natural Resources Engineer

NOT TO SCALE





Hall, S.D.
June 2, 1989

Dear Sir..

My husband, Raymond Paulsen, who is now deceased, received a water permit # 581-2, in 1966 for some land on the edge of Hall. I still have the land, and the permit

Last summer a camp-ground was started on the land adjoining mine and a large scarp-out was made. This spring

When I normally get the
hun off on my lance
- it all went into the
scrap out at Foster's
Campground. & I didn't
get any water. I'm
wondering how he knew
the right to put in
that scrap out & cut me
off. & what can be
done about it.

I would appreciate
hearing from you. or
any help you can
offer me.

I rent the pasture

out in the summer -
and with out water
the cattle won't be able
to be there very long.
There is only a little
left in my scarpout.
Thanks -

Sincerely,
Mrs. Raymond (Edith) Parker
Box 202
Hall, A.D. 57770



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

September 12, 1991

581-2

William Beilmaier
Box 394
Wall, SD 57790

Dear Mr. Beilmaier:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 581-2. The water right is currently listed in the name of Edith Paulsen.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 25, 1991

581-2

Kevin W Beilmaier
Box 394
Wall, SD 57790

Dear Mr. Beilmaier:

The "Notice of Transfer of Ownership" you submitted for Right No. 581-2 has been received. In order to process the transfer, a \$2.50 filing fee is required.

Please remit a \$2.50 filing fee as soon as possible. The water right will be transferred upon receipt of the fee. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412862

Pierre, October 4, 1991

RECEIVED OF Lazy B. Ranch, William or Jean Bielmeier, Box 394, Wall, SD 57790

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 No. 581-2

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

2 50

By

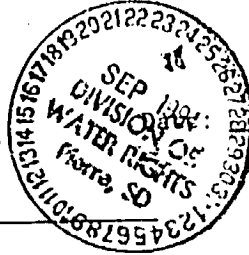
John Hatch

Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 581-2



9/23/91

I\We request that Water Right No. 581-2

formerly owned by: Edith Paulsen

be transferred to: (name & address) Kevin W Beilmaier, Box 394, Wall, SD 57790

(Telephone No.) 279-2841

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

NW 1/4 Section 31, T1N, R16E

I\We understand that the validity of Water ~~Permit~~ ⁵⁸¹⁻² Right No. / has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/ right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Remington)

I\We Kevin W. Beilmaier being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Kevin Beilmaier
(Signed)

Subscribed and sworn to before me this 23 day of September, 1991.

Quin Clark
(Notary Public)

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



October 17, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 581-2

Kevin W. Beilmaier
Box 394
Wall, SD 57790

Dear Mr. Beilmaier:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 581-2.

Our records now show you as the owner of Water Right No. 581-2.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure