

No. 583-2Water Division No. 2 White River District  
(Blanks to be filled by the Engineer for the W. R. Co.)  
vested RightMAILED  
8:30 AM

## APPLICATION FOR PERMIT

## To appropriate Water within the State of South Dakota

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

1. Name of applicant Allen Smith — JOHN DUNN  
Postoffice address Kadoka, County Jackson, State S.D.

## 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 & Direct Labor

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

2. Name of diversion work Irrigation Dam & Water Spreading Project No 1
3. Amount of water claimed 1.2 cubic feet per second 192 ac ft annually
4. Source of water supply Dry Draw
5. Location of point of diversion From Pt. Diversion 1110 ft Sec 23 T2S 22E N48° E, 1897.0'  
to NE Cor Sec 23 T3S R22E on Jackson bank Jackson County.
6. Annual period or periods during which water is to be used Spring Summer Fall
7. To be used for:

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

- (a) Number of acres to be irrigated
- 86.0
- acres.

- (b) Legal subdivisions to be irrigated
- See Attached Sketch

(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
- Name any of the above uses claimed

- (b) Amount of power to be generated
- horse power.

Amount claimed for engine cooling

- (c) Location of plant

- (d) Method of developing power

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

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....  
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....  
 (e) Other structures Dike & Dam 1000.00 Total, \$1000.00

9. Description of diversion works:

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

Irrigation - Water Spreading

II. Dimensions of works:

(a) Dam: Height 20' feet; length at bottom 125' feet; length at top 300' feet; thickness at bottom 112' feet; thickness at top 12' feet; slope at front water face 3:1; slope at back face 2:1 material used in construction Clay-Less

(b) Reservoir: Capacity when filled 13.6 acre feet. Surface area at highwater mark 2.0 acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|-----------------------|
| 17                      | 2.0 X 17.0 X 0.4                              | 13.6                  |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |
|                         |                                               |                       |

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

Dikes(d) ~~flume~~ Total length 1.1 miles

| LOCATION & FLOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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 Completed years. 1936

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

12. Choice of newspaper for publication of notice of intention to appropriate .....

STATE OF SOUTH DAKOTA

County of Jackson ss.

I, Allen L. Smith, 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 Allen L. Smith

Subscribed and sworn to before me this 29 day of February 1936.

Wm. J. Crutcher  
 Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested Right Claimed"

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 } 53.

Pierre, South Dakota, March 28, 1960

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock  
A.m. upon the 27<sup>th</sup> day of March, 1960.

State Water Resources Commission

By:

J. W. H. H. H.

(Chief Engineer, Executive Officer)

Number of permit 583-2

Date of first receipt of application March 2, 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 1936, 19—

Approved March 28, 1960, Recorded in Book 5 Page 326

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 —, 19—

2nd. The whole of said work is ~~to be~~ completed on or before —, 19—

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

completed, 19—

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 June 30, 1955; said water to be used during the following described annual period:

Witness my hand this 28<sup>th</sup> day of March, 1960

State Water Resources Commission

By:

J. W. H. H. H.

(Chief Engineer, Executive Officer)

Certificate of Construction Issued March 28, 1960

Water License Issued March 28, 1960

Remarks by the Applicant:

This Dam was constructed in 1936 to divert water on River Bottom to increase Hay production, the water was spread by means of Dikes. The Drainage Area is not large enough to Irrigate the 86.0 Ac. of Alfalfa now in production, but is still a beneficial supply of water in wet years. However, the Irrigation of this field has been improved by a Pumping System operating from a approved Water Right out of the White River.

|         |                       |      |     |      |       |
|---------|-----------------------|------|-----|------|-------|
| PROJ #1 | LOT 4 SE SW SEC 13    | 3 AS | 22E | 4.8  |       |
|         | LOT 1 NE NW SEC 14    | 3 AS | 22E | 47.6 |       |
|         | LOT 2 S 1/2 NW SEC 14 | 3 AS | 22E | 16.0 |       |
|         | LOT 3 SE NE SEC 23    | 3 AS | 22E | 12.0 |       |
|         | 5 SE NE SEC 23        | 3 AS | 22E | 7.6  | 86.0% |
|         |                       |      |     |      |       |
|         |                       |      |     |      |       |

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 583-2 . . . . .

WHEREAS, On the 2nd day of March A. D. 1960

Allen Smith

of Kadoka County of Jackson and State of

South Dakota duly made application (No. 583-2) to us for vested right permit to use 1.2

cubic feet per second of the waters of dry draws

County of Jackson, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 28th day of March A. D. 1960

vested right permit No. 583-2 was issued to said applicant, for the diversion of said water, and recognising the completion of the works of diversion therein described ~~xxxxxx~~ ~~xxxxxx~~

~~xxxxxx~~ and for the application to beneficial use of said water ~~xxxxxx~~ ~~xxxxxx~~ and,

WHEREAS, On the 2nd day of March A. D. 1960

the holder of said vested right 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. 583-2

dated March 28, 1960 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 1936 ~~xxxx~~ and,

WHEREAS, On the 2nd day of March A. D. 1960 proof was duly made of the application to beneficial use of 1.2 cubic feet per second of said water; for irrigation on portions of Sec 13, 23 and 24 T 35 R 22E

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 Allen Smith  
of Kadoka the holder and owner of said vested right 583-2  
a water right, dating from 1936 to the use of 1.2  
cubic feet per second of the waters of dry draws  
in the County of Jackson and State of South Dakota, or so much thereof as may be  
necessray for the purposes hereinafter mentioned, to be diverted at a point N 48° E 1897' to the NE-  
corner Sec 23 T. 3S R. 22E  
and conducted to and upon portions of Sec 13, 23 and 24, more specifically described  
in the Certificate of Completion of Works.

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 28th day of March A. D. Nineteen  
Hundred and sixty

State Water Resources Commission

By:

J.W. ORMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. \_\_\_\_\_

To \_\_\_\_\_

Source of Supply \_\_\_\_\_

County \_\_\_\_\_

Am't \_\_\_\_\_ c. f. s.

Point of Diversion \_\_\_\_\_

Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 583-2Water Division No. 2 White River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Allen Smith

of Kadoka, County of Jackson, and State of South Dakota, the holder of vested right Permit No. 583-2, issued upon Application No. 583-2, bearing date of priority of 1936, authorizing the diversion of 1.2 cu. ft. per second of the waters of dry draws County of Jackson, State of South Dakota, at a point N 48° E 1897' to NE corner Sec 23 T 39 R 22E

for irrigation purposes, has 8 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 vested right permit; that said works are recognized as ~~found to be~~ satisfactory ~~therefor~~ 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: all in T 39 R 22E

|               |                      |                   |
|---------------|----------------------|-------------------|
| <u>Sec 13</u> | <u>Lot 4</u>         | <u>2.0 acres</u>  |
| <u>Sec 24</u> | <u>Lot 1</u>         | <u>47.6 acres</u> |
| <u>Sec 24</u> | <u>Lot 2</u>         | <u>16.0 acres</u> |
| <u>Sec 23</u> | <u>Lot 3</u>         | <u>12.0 acres</u> |
| <u>Sec 23</u> | <u>NE 1/4 NE 1/4</u> | <u>7.6 acres</u>  |

Witness my hand this 28th day of March A. D. 1960

State Water Resources Commission

By:

Chief Engineer, Executive Officer

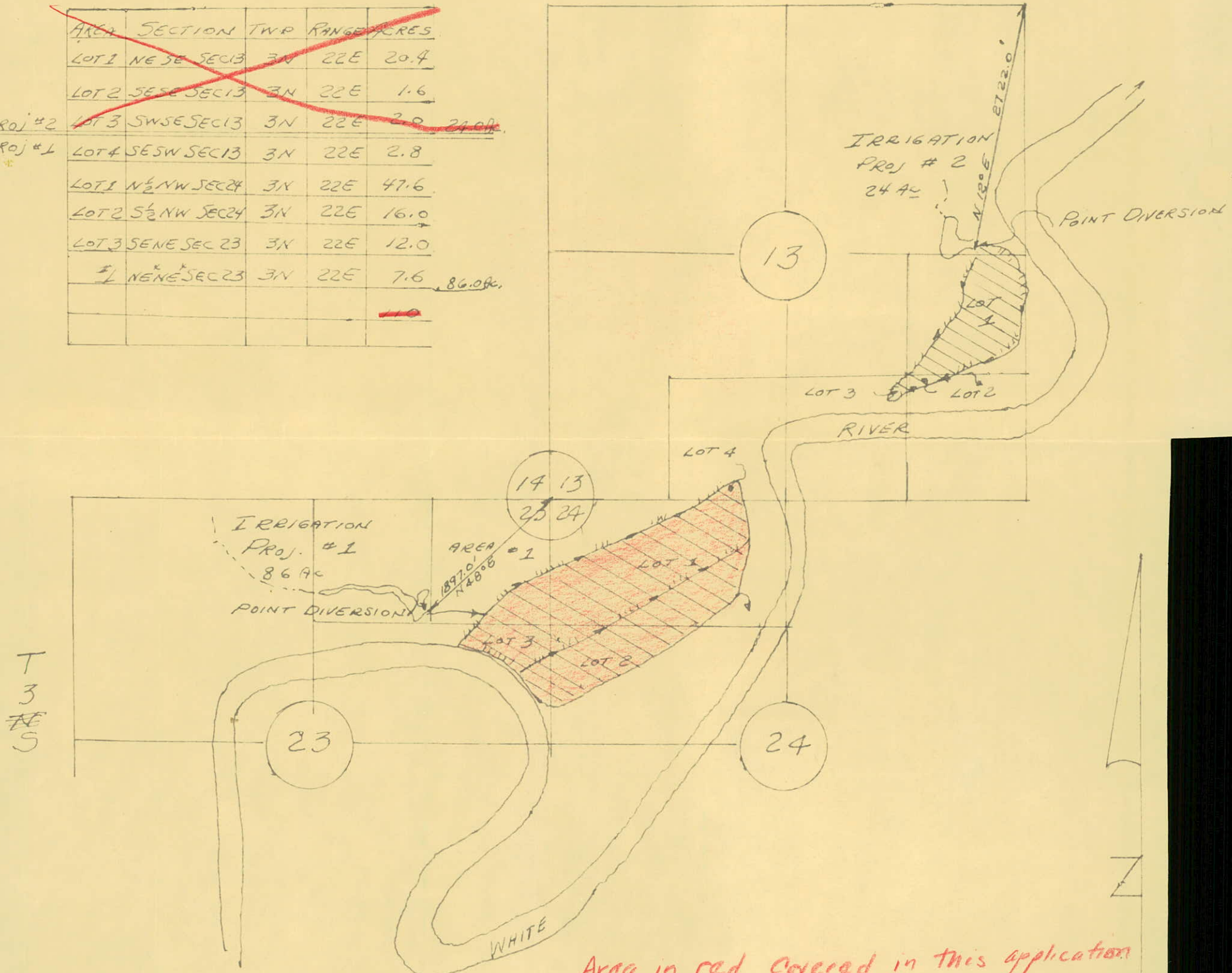
ALLEN SMITH

IRRIGATION PROJECTS Nos. 1 & 2

JACKSON COUNTY

R22E

| AREA             | SECTION                 | TWP           | RANGE          | ACRES           |
|------------------|-------------------------|---------------|----------------|-----------------|
| <del>LOT 1</del> | <del>NE SE SEC 13</del> | <del>3N</del> | <del>22E</del> | <del>20.4</del> |
| <del>LOT 2</del> | <del>SE SE SEC 13</del> | <del>3N</del> | <del>22E</del> | <del>1.6</del>  |
| PROJ #2 LOT 3    | SW SE SEC 13            | 3N            | 22E            | 2.8             |
| PROJ #1 LOT 4    | SE SW SEC 13            | 3N            | 22E            | 2.8             |
| LOT 1            | N 1/2 NW SEC 24         | 3N            | 22E            | 47.6            |
| LOT 2            | S 1/2 NW SEC 24         | 3N            | 22E            | 16.0            |
| LOT 3            | SE NE SEC 23            | 3N            | 22E            | 12.0            |
| 4                | NE NE SEC 23            | 3N            | 22E            | 7.6             |
|                  |                         |               |                | 86.0 ac.        |



Area in red covered in this application

SCALE 1" = 1 MILE

DITCH  
 DIKE  
 IRRIGATED LAND

V/R No Map #

(#583-2)

Location No.-----

Water Division No.-----Water District

MAR 2 1960

**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. Allen Smith, Kadoka, S.D. RANCHER Kadoka S.D.

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

Ans. -----

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

Ans. 1946

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

Ans. DRY DRAW FROM Pt. Diversion NW 1/4 NE 1/4 Sec 23, T3S R22E N48 E-1897.0' to  
NE Cor Sec. 23 T3S R22E

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. Dam 300' long 20' deep holding 13.6 Ac. Ft. water to be divertedby Dikes to Irrigate 86.0 Ac. Alfalfa Irrigation Project No. 1Completed in 1936.

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. Irrigation See attached Sketch.

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

Ans. -----

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

Ans. 13.6 Ac. Ft.

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

Ans. -----

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

Ans. \_\_\_\_\_

(Sign) *William F. Linnick*

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 *Brookings*, County, of *Jackson* State of South Dakota, on this *27* day of *February* A. D. 19*22*

Witnesses. *Wm. F. Linnick*  
*George H. Linnick*

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.

*George H. Linnick*  
*Wm. F. Linnick*

Location No. \_\_\_\_\_

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

**PETITION OF HOLDER**

Amount of Water *192* c. f. s.

Source *Dry Draw*

County *Jackson*

Purpose *Irrigation*

Place of Use *NE 1/4 Sec. 23, N 1/2 Sec. 24,*

*SW 1/4 Sec. 13, T. 39, R. 42E*

Date of recording \_\_\_\_\_

Received and filed \_\_\_\_\_

## NOTICE OF TRANSFER OF WATER PERMIT

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

Date March 2, 1971

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

Portions of Sections 13, 23 and 24, T3E, R22E, described in Water Permit No.

583-2

formerly owned by Allen Smith, Kadoka, S.D.

has been transferred to John Dunn, Kadoka, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 583-2 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 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 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

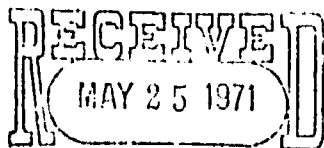
STATE OF SOUTH DAKOTA     )  
County of Jackson     ) ss.

I, John W. Dunn 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.

John W. Dunn  
(Signed)

Suscribed and sworn to before me this 6 day of April, 19 71

William F. Carlisle  
William F. Carlisle (Notary Public) South Dakota  
Commission expires April 17, 1971



STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

 **Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3161

September 21, 1988

NOTICE

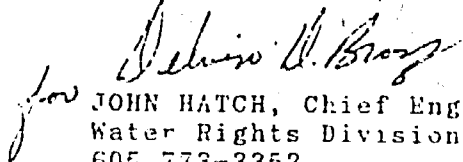
John Dunn  
Box 1357  
Woodward OK 73801

Dear Mr. Dunn:

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). 570-2, 583-2, 584-2 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,

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



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

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

February 22, 1989

303-2

570-2

583-2

584-2

Richard Williams  
HCR 4 Box 24  
Philip, SD 57567

Dear Mr. Williams:

Enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Right No. 303-2. Farm Credit Services notified our office that you now own the land described in the water right (copy enclosed).

Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water right will then be transferred to your name.

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.

The land you purchased under Water Right No. 303-2 was originally owned by John Dunn, Woodward, Oklahoma. I have enclosed a copy of Vested Water Right Claim Nos. 570-2, 583-2 and 584-2 also listed under John Dunn. If you own the land described under the claims, they should also be transferred to your name. Transfer forms are available upon request.

If you have any questions, please contact me.

Sincerely,

*Genny McMATH*

GENNY McMATH  
Natural Resources Analyst  
605 773-3352

enclosures

NO. 583-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: \_\_\_\_\_



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

Lot 4 Section 13, Lots 1, 2, Section 24, Lot 3 and NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 23, T3S, R22E

formerly owned by John Dunn

has been transferred to Dick Williams, HCR 4, Box 24, Philip, SD 57567

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

Water Right Permit No. 583-2 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.

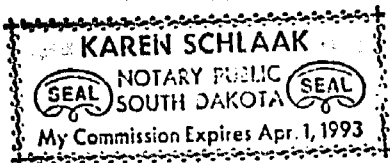
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA )  
County of Hughes ) ss.

I, Dick Williams 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.

Dick Williams  
(Signed)

Subscribed and sworn to before me this 3<sup>rd</sup> Day of April, 1989.



Karen Schlaak  
(Notary Public)

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 3, 1989

RECEIVED OF Dick Williams, ICR 4, Box 24, Philip, SD 57567

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

|                                                                                                                            |       |     |
|----------------------------------------------------------------------------------------------------------------------------|-------|-----|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |       |     |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |       |     |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                     |       |     |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                        |       |     |
| Fee for Filing Transfer Form <u>Water Right Permit No. 583-2</u>                                                           |       | 250 |
| 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 | 250 |

By John Hatch  
Chief Engineer

583-2

**Dakota Department of  
Water & Natural Resources**

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

May 2, 1989

Dick Williams  
HCR 4, Box 24  
Philip, SD 57567

Dear Mr. Williams:

Enclosed are Receipt Nos. 411718, 411719, 411720, 411721 and 411722 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 570-2, 583-2, 584-2, 303-2, and 945-2.

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





583-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

February 1, 2006

Kay Williams  
HCR 4 Box 24  
Philip SD 57567

RE: Water Right/Vested Water Right Nos. 303-2, 570-2, 583-2, 584-2, 945-2

Dear Mrs. Williams:

I am contacting you in regard to the 2005 irrigation questionnaire for Water Right No. 303-2. I received a call this morning from your son indicating no irrigation took place in 2005. A form was completed for you based on this information. You may **disregard** the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 303-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

It is my understanding that any water rights held by Dick Williams should be transferred to your name. I found 5 water rights and vested water rights listed in his name (copies enclosed). The reason you only get one irrigation questionnaire each year is because our records show the other four water rights are for diversion of water from dry draws through water spreading systems.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for filing ownership changes. Please review the forms and complete as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$12.50). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

# NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

FEB 22 2006

WATER RIGHTS  
PROGRAM

No. 583-2

Date: \_\_\_\_\_

I/We request that Vested Water Right No. 583-2

formerly owned by: Dick Williams

be transferred to: (name & address) Kay Williams, PO Box 422, Philip SD 57567

Telephone No. \_\_\_\_\_

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

Lot 4 Section 13, Lots 1 & 2 Section 24, Lot 3 and NE ¼ NE ¼ Section 23; all in T3S, R22E

I/We understand that the validity of Vested Water Right No. 583-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Kay Williams  
(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 February 22, 20 06

RECEIVED OF Kay Williams, PO Box 422, Philip SD 57567

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 | 2 50  |      |
| 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>583-2</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 | 2.50 |

No.

02300

By

J. David Erbe  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 1, 2006

Kay Williams  
PO Box 422  
Philip SD 57567

RE: Water Right/Vested Water Right Nos. 303-2, 570-2, 583-2, 584-2, 945-2

Dear Mrs. Williams:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for transferring water rights and vested water rights held by Dick Williams. The ownership changes have been completed. Water Right Nos. 303-2, 945-2 and Vested Water Right Nos. 570-2, 583-2 and 584-2 are now listed in your name.

Enclosed are your Receipt Nos. 02298, 02299, 02300, 02301 and 02302 in the amounts of \$2.50 each which you paid for filing the ownership changes. You may keep these for your records.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Genny McMath', is written over the typed name.

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

enclosures