

No. 662-2
 Water Division No. 2 BAD RIVER
(Blanks to be filled by the Engineer for the W. D.)

District

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant John Dean
 Postoffice address Phillip, County Hickman, 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)
Self and contract
 - (b) Cash on hand, \$
 - (c) Treasury stock, \$
 - (d) Bonds to be issued, \$
 - (e) Other resources, \$

2. Name of diversion work John Dean Waterspreading Project NO. 2
 3. Amount of water claimed 0.48 cubic feet per second or 100.2 Ac. Ft.
 4. Source of water supply Lirty Woman's Creek
 5. Location of point of diversion 116.4 rods N 16°20' W of SE corner Sec. 4 T-2-N R-18-E
on both bank Hickman County.
 6. Annual period or periods during which water is to be used April thru Oct. (incl)
 7. To be used for:

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

- (a) Number of acres to be irrigated 33.4 ac.
NE 1/4 SE 1/4 - 14.2 ac.
SE 1/4 SE 1/4 - 19.2 ac. } All in Sec. 4, T2N R18E

(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.) Stockwater (at diversion)

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

- (a) Nature of use Stockwatering
Name any of the above uses claimed
- (b) Amount of power to be generated horse power.
 Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

MAP No 591-2

8. Estimated cost of work:

(a) Head Gates, \$ 50.00 (b) Pumping plant, \$ _____
 (c) Flaring, \$ 150.00 (d) Canal earth, \$ _____ Rock, \$ _____
 (e) Other structures Spreader like \$ 360.00 Total, \$ _____
Earth dam 300.00

9. Description of diversion works:

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

Earth dam

II. Dimensions of works.

(a) Dam: Height 15.0 feet; length at bottom 400 feet; length at top 300 feet; thickness at bottom 87.0 feet; thickness at top 12.0 feet; slope at front water face 3:1; slope at back face 2:1
 material used in construction Earth (compact)
 (b) Reservoir: Capacity when filled 4.0 acre feet. Surface area at highwater mark 1.0 acres.

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

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

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ 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 Complete years.
 11. Time required for complete application of water to the proposed beneficial use 2 years.
 12. Choice of newspaper for publication of notice of intention to appropriate _____

STATE OF SOUTH DAKOTA

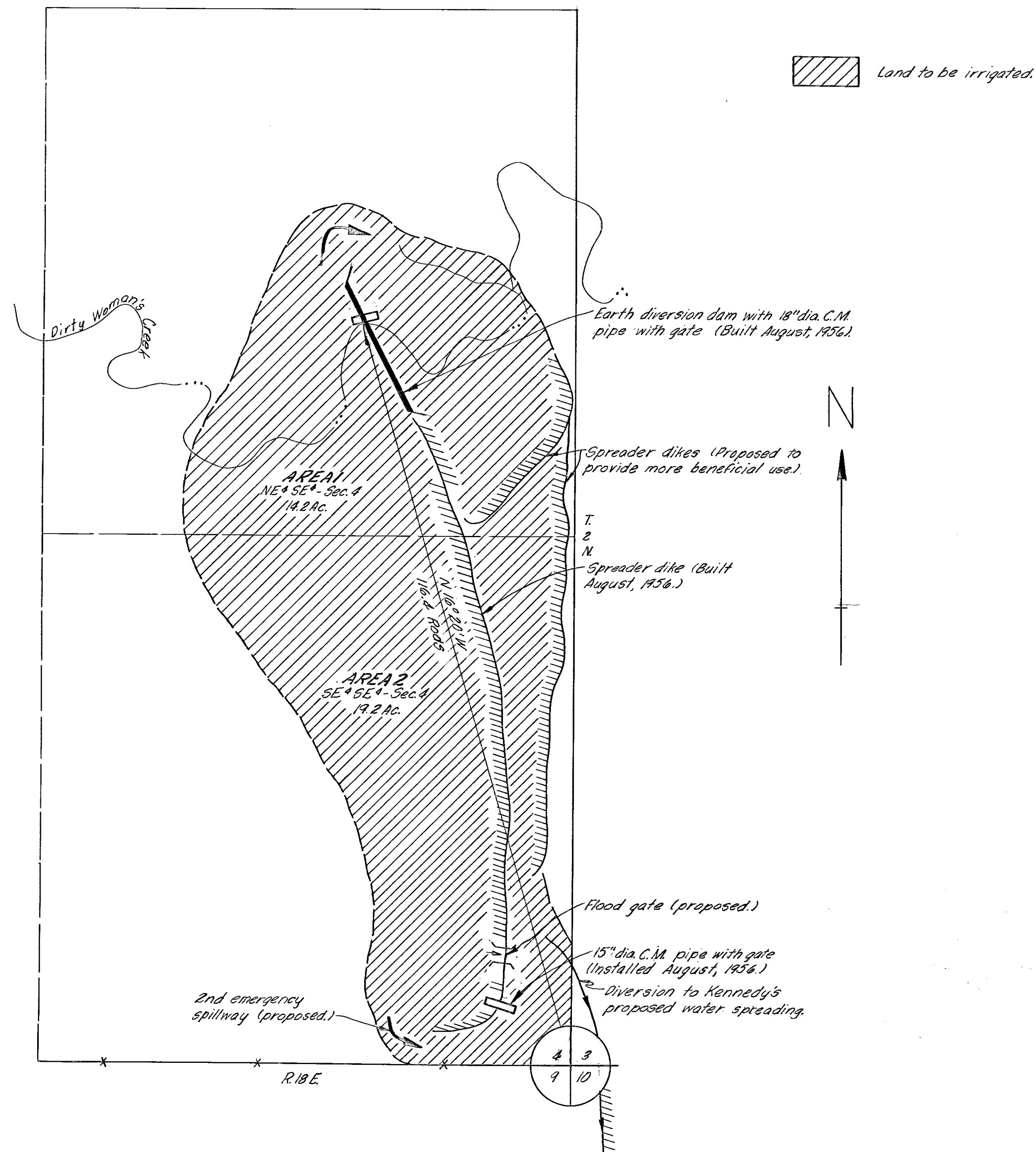
County of Harrison } ss.

I, John N. Davis, 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 John N. Davis

Subscribed and sworn to before me this 2nd day of March 1961

Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

I, DWAYNE R. KENNEDY DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE JOHN DEAN WATER SPREADING PROJECT NO. 2 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE HAakon SOIL CONSERVATION DISTRICT.

SIGNATURE: Dwayne R. Kennedy

TITLE: AGRIC. ENGINEER
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

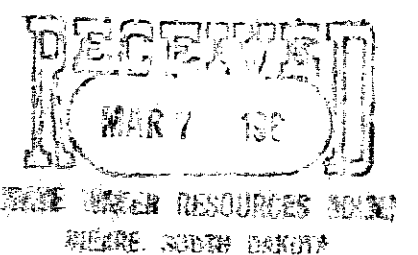
SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF March, 1956, A.D.

Hugh E. Miller
NOTARY PUBLIC
My Commission Expires August 30, 1959

MY COMMISSION EXPIRES 1956

All lands described are owned by John Deon.

LOCATION OF LANDS UNDER IRRIGATION					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE 1/4	4	2N	18E	14.2
2	SE 1/4	4	2N	18E	19.2
TOTAL					33.4



Scale: 1" = 200'

**JOHN DEAN
WATER SPREADING PROJECT
NUMBER 2**
Haakon County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	Sheet No. <u>1</u> of <u>1</u>	Drawing No. _____

MAP No 591-2 (APPD No 662-2)

Remarks by State Water Resources Commission:

Dry Draw "Noled right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

May 22, 1961

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock

A.m. upon the 3rd day of March, 1961.

State Water Resources Commission

By

Chief Engineer, Executive Officer

Number of permit

662-2

Date of first receipt of application

March 3

1961

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

1956

19

Approved

May 22

1961

Recorded in Book

6

Page 261

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 48 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, 1957; said water to be used during the following described annual period:

April to October, inclusive

Witness my hand this

22nd

day of

May

1961

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 22, 1961

Water License Issued

MAY 22, 1961

STATE OF SOUTH DAKOTA

WATER LICENSE No. 662-2

WHEREAS, On the 3rd day of March A. D. 19-61,

John Dean

of Phillip County of Haakon and State of

South Dakota duly made application (No. 662-2) to us for a Vested Right permit to use .46

cubic feet per second of the waters of Dirty Womens Creek (a dry draw)

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

WHEREAS, On the 23rd day of May A. D. 19-61
Vested Right
 / Permit No. 662-2 was issued to said applicant... for the diversion of said water, recognizing
~~and providing for~~
 completion of the works of diversion therein described on or before the 1st day of June
~~and~~
~~and~~ the application to beneficial use of said
 water on or before the 1st day of June
 and,

WHEREAS, On the 3rd day of March A. D. 19-61
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of .48
 cubic feet per second of said waters, as evidenced by our Certificate No. 662-2
 dated May 22, 1961 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use .48 cubic feet per second of water, with date of
 priority of 1956 and,

WHEREAS, On the 3rd day of May A. D. 19-61
 proof was duly made of the application to beneficial use of .46 cubic feet per second of said water;
to irrigate 33.4 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, T-2N, R-18E

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 John Dean
of Philip the holder and owner of Vested Right of said permit No. KA 662-2
a water right, dating from 1956 to the use of 48
cubic feet per second of the waters of Dirty Woman's Creek (a dry draw)
In the County of Haakon and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point 4 16° 20' W, 116.4
reds from SE corner, Section 4, T 2N, R 18E.
and conducted to and upon 33.4 acres in the SE 1/4 SE 1/4 and NE 1/4 SE 1/4, Section 4, T 2N, R 18E.

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 22nd day of May A. D. Nineteen
Hundred and Sixty-one

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

to _____

Source of Supply _____

County _____

in _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

Book _____ of _____ Page _____

Permit No. 662-2Water Division No. 2 DAD RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That John Deanof Phillip, County of Haukon, and State ofSouth Dakota, the holder of Vested Right of Permit No. 662-2, issued upon ApplicationNo. 662-2, bearing date of priority of 1956, authorizing the diversion of.48 cu. ft. per second of the waters of Dirty Womans Creek, (A dry draw)County of Haukon, State of South Dakota, at a point N 16° 20' W.116.4 rods from the SE corner of Section 4, T 2N, R 18E.for irrigationpurposes, 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 ~~recognized as~~ recognized as~~satisfactory~~ for diverting and conveying to the place of intended use .48 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:

14.2 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, T 2N, R 18E19.2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, T 2N, R 18EWitness my hand this 22nd day of May A. D. 1961

State Water Resources Commission

By:

J.W. CRIMES, Chief Engineer, Executive Officer

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. JOHN DEAN; RANCHER; PHILLIP, S.D. DAKOTA

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. AUGUST, 1956

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

Ans. DRY CRAW (DITCH NEARBY CREEK)

116.9 Rods North 16°20' West of Southwest Corner Sec. 2, T.24, R.18E

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 - 10 Feet high, 300 feet long. DAM WILL DIVERT TOTAL

AMOUNT OF FLOW UNTIL SCRAAPER DIKE IS AT CAPACITY WATER WILL THEN FLOW THROUGH EMERGENCY SILL WAY

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 WATERCARRIAGE

NE 1/4 - 19.2 AC. } ALL IN SEC 4, T.24, R.18E.
SE 1/4 - 19.2 AC. }

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. AMOUNT TO GROW NATIVE GRASS

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. DIVERTED WATER HAS BEEN USED DURING PERIOD OF
RYNORE SINCE APR. 1956

(Sign) John N. Deam

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 Philip, County of Haskell, State of South Dakota, on this 27th day of February, A. D. 1961

Witnesses.

Ruth C. Mason
Notary Public - Haskell Co.

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.

Artie Elrod
J. W. Glavin

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 _____	



**Department of
Water & Natural Resources**

Joe Fass Building
523 Eas. Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 662-3

March 21, 1988

Jerry Jasmer
Soil Conservation Service
P.O. Box 130
Philip, South Dakota 57567

Dear Mr. Jasmer:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

DWNR-820A-8/83

NO. 662-2

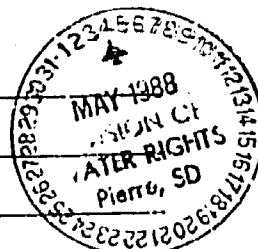
NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 4, 1988

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

E1 SE1/4 Section 4, T2N, R18E



formerly owned by John Dean

has been transferred to Theodore Kjerstad, RP. Box 6, Quinn, SD 57775

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

Water Right Permit No. 662-2 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)

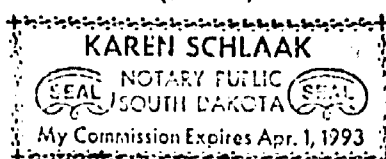
County of Hughes) ss.

I, Theodore Kjerstad 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.

Theodore Kjerstad
(Signed)

Subscribed and sworn to before me this 4th Day of May, 1988.

Karen Schlaak
(Notary Public)



WNR-820-9/83

Notice of Transfer of Water Permit.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411241

Pierre, May 4, 1933

RECEIVED OF Theodore Kierstad, HCR 3, Box 5, Quinn, SD 57775
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		2 50
Fee for Filing Transfer Form <u>662-2</u>		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chief Engineer

JOHN HATCH (ms)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

September 21, 1988

NOTICE

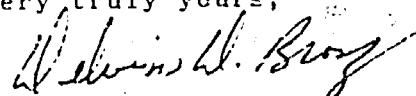
Theodore Kjerstad
RR 3, Box 6
Quinn SD 57775

Dear Mr. Kjerstad:

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). 662-2 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



File No. 662-2

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Theodore Kjerstad

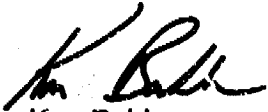
ADDRESS: RR #3 Box 6, Quinn, SD 57775 COUNTY: Haakon

DATE: October 28, 1993 TELEPHONE:

RE: Inspection of Vested Right Claim 662-2

COMMENTS:

On June 10, 1992, I met with Mr. Theodore Kjerstad. Together, we inspected the irrigation system developed under Vested Right Claim No. 662-2. It appears the Application for Permit, the Certificate of Completion of Works, and Water License No. 662-2 accurately describe this system.



Ken Buhler
Natural Resources Engineer

SOUTH DAKOTA

VESTED WATER RIGHT NO. 662-2 FOR IRRIGATION

Date of Receipt of Claim March 3, 1961.

Date of Validation April 6, 1994.

The Water Management Board validated Vested Water Right Claim No. 662-2 for irrigation purposes for Theodore Klerstad, RR 3, Box 6, Quinn SD 57775 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 662-2 appropriates 0.48 cubic feet of water per second from a dry draw located in the NE 1/4 SE 1/4 Section 4 to irrigate 33.4 acres located in the E 1/2 SE 1/4 Section 4; all in T2N-R18E.
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: April 1 - October 31.
3. The priority date of the Vested Water Right is January 1, 1956.
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 Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date



662-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

Theodore Kjerstad
RR 3, Box 6
Quinn SD 57775

Dear Mr. Kjerstad:

The Water Management Board has validated the enclosed Vested Water Right No. 662-2. 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

L



662-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 22, 2003

662-2
2280-2
2233-2

Joseph Graziano
1719 W Main St
Rapid City SD 57702

Dear Mr. Graziano:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted for changing ownership on Water Permit Nos. 2280-2 and 2233-2. The transfers have been completed. The water permits, formerly held by Theodore Kjerstad, are now listed in your name.

Enclosed are your Receipt Nos. 000913 and 000914 in the amount of \$2.50 each which you paid for filing the ownership changes. You may keep them for your records.

While transferring the water permits, I found a vested water right for Mr. Kjerstad in the same area as those just transferred to your name. I am enclosing a copy of Vested Water Right No. 662-2 and a transfer form in the event you also own this land. If you do not own the land, disregard the form. The process for transferring the vested right is the same as for the other permits. Please complete and sign the form prior to returning it to us with a \$2.50 filing fee.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 8, 20 04

RECEIVED OF Reclining G Game Farm, 1719 W Main St., Rapid City SD 57702-2564

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>662-2</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.

001053

By

Harlan Erbe
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 662-2

Date: _____

I/We request that Vested Water Right No. 662-2

formerly owned by: Theodore Kjerstad

be transferred to: (name & address) Joseph Graziano, 1719 W Main St, Rapid City SD 57702

Telephone No.

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

33.4 acres in the E 1/2 SE 1/4 Section 4, T2N, R18E

I/We understand that the validity of Vested Water Right No. 662-2 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 Joseph GRAZIANO ^{by Sam Zunge POA.} SAM ZUNGE, the new owner, certify that the above information is true and correct.

Joseph GRAZIANO by Sam Zunge POA
(Signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 2004

662-2

Joseph Graziano
1719 W Main St
Rapid City SD 57702

Dear Mr. Graziano:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for changing ownership on Vested Water Right No. 662-2. The transfer has been completed. The vested water right, formerly held by Theodore Kjerstad, is now listed in your name.

Enclosed is Receipt No. 001053 in the amount of \$2.50 which you paid for filing the ownership change.

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