

No. 773.2
 Water Division No. 2 SOUTH CHEYENNE RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant -Lonis Duerson, Sylvia
 RR #3, Custer
 Postoffice address PRATT, County Fall River, 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)

Already Completed

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

2. Name of diversion work Duerson Diversion #1
 3. Amount of water claimed 3.2 cubic feet per second 072 Ac. ft.
 4. Source of water supply Surface Runoff from local watersheds.
 5. Location of point of diversion From SW Corner Sec. 8, T.10^S, R. 4^E North
74° East 250 Rods on West bank Fall River County.
 6. Annual period or periods during which water is to be used Whenever flow occurs during
annual period.
 7. To be used for:

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

(a) Number of acres to be irrigated 224 acres.

(b) Legal subdivisions to be irrigated See attached 1/10 Sec. Map.

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

(c) Statement as to domestic use (giving location, etc.) _____

11. 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 _____

V/R

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 Louis Duaron
 of Provo Vested Right the holder and owner of said permit No. 773-2
 a water right, dating from 1936 to the use of 3.2
 cubic feet per second of the waters of Junk Draw and Hat Creek
 in the County of Fall River and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a point N 74° E 250 rods from the
NW corner Section 2, T 10S, R 4E.
 and conducted to and upon portions of Sections 1, 2 and 11, T 10S, R 4E, 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 5th day of July A. D. Nineteen
 Hundred and Sixty-two.

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. GRIMES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

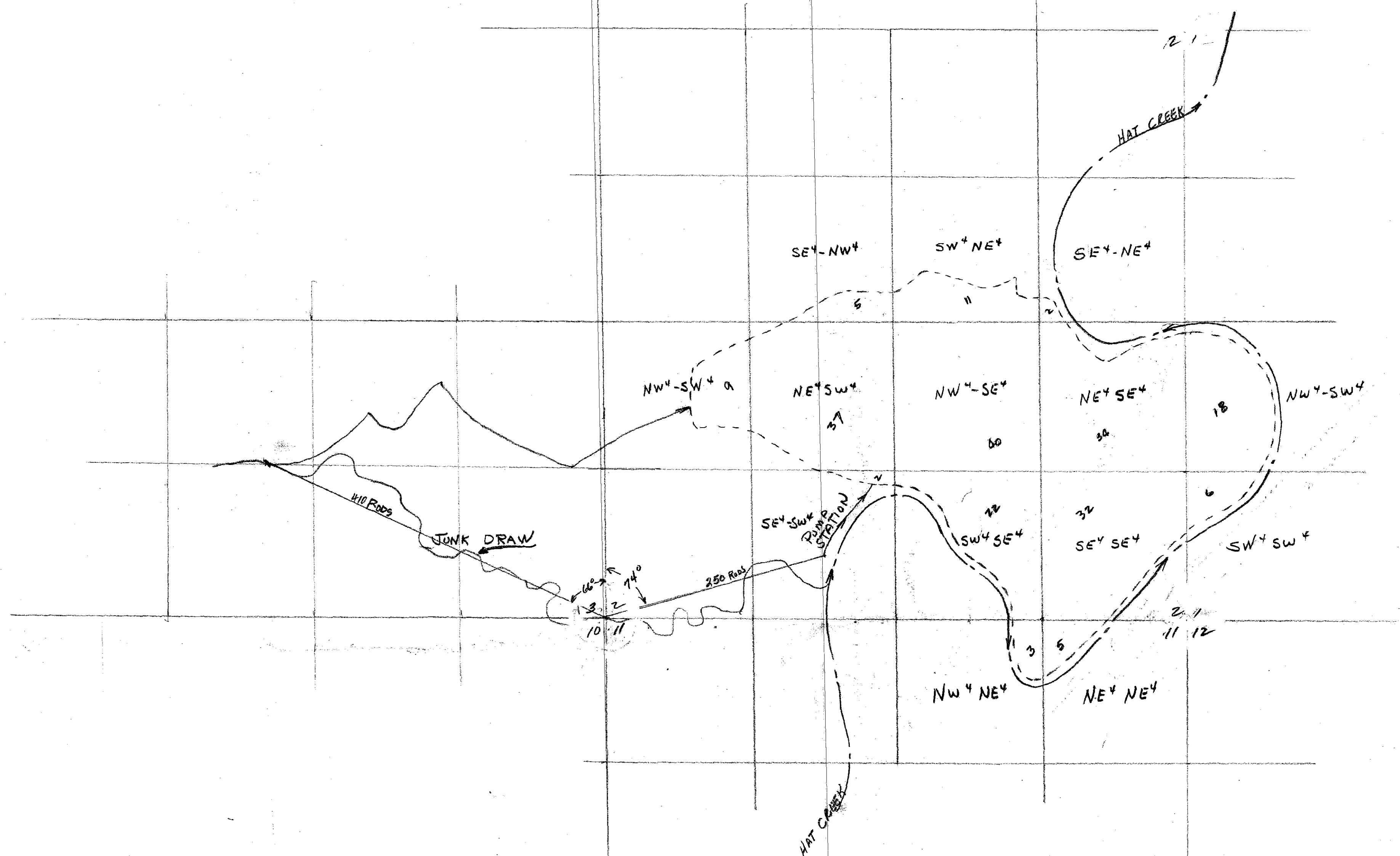
Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____



Sylvia Duerson

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn		Title
Traced		Title
Checked	Sheet No. of	Drawing No.

V/R # 773-2

NOTICE OF TRANSFER OF OWNERSHIP

No. 773-2

To: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: _____



I/We request that ~~Water Permit/Right~~ No. Vested Water Right Claim No. 773-2
formerly owned by: Sylvia Duerson, RR 3 Box 267, Custer, SD 57730

be transferred to: (name & address) LeROY DUERSON and BERTHA I. DUERSON,
husband and wife, as joint tenants with right of survivorship and not as
tenants in common, HC 48, Box 243, Provo, SD 5777 (telephone No.) 745 5728

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

SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 2, T10S, R4E, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 1, T10S, R4E

N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 11, T10S, R4E

Fall River

Vested Water Right Claim No. 773-2

I/We understand that the validity of ~~Water Permit/Right~~ _____ has not been deter-
mined 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 Fall River)

LeRoy Duerson and

I/We Bertha I. Duerson 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.

Bertha I. Duerson

(Signed)

Subscribed and sworn to before me this 12th day of March, 1990.

My commission expires
3-25-98

Clara M. Clay

(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 water 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.

8. Estimated cost of work:

(a) Head Gates, \$

(c) Fluming, \$

(e) Other structures

(b) Pumping plant, \$

(d) Canal-earth, \$

Rock, \$

Total, \$

9. Description of diversion works:

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

Pump Diversion -- Earth Diversion -- See Remarks.

II. Dimensions of works:

(a) Dam: Height 12 feet; length at bottom 160 feet; length at top 235 feet; thickness at bottom 70 feet; thickness at top 11 feet; slope at front water face 3/1; slope at back face 3/1; material used in construction Earth

(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 2.0 Diameter Culvert under road feet; height _____ feet; Material _____

(d) Canal: Total length 4200 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
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Already done years.

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

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

STATE OF SOUTH DAKOTA

County of Custer

ss.

I, Louis Durrson

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

Louis F. Durrson

Subscribed and sworn to before me this 25th day of May 19 02

Notary Public (or other qualified officer.)

BETTY J. TOPPEN

Notary Public, CUSTER CO., S. DAK.

Remarks by the Applicant:

This system, Duerson Diversion #1, is used primarily for hay production. During years of normal rainfall, the water is taken from Junk Draw, through a system of earth diversion and canal and spread on the irri-gable area by a system of dikes and ditches.

In times of drouth or inadequate rainfall on the Junk Draw drainage, water is pumped into the system through a 10" pump from Hat Creek, and spread in the same manner as runoff.

Pump Location: From SW corner Sec. 2, T. 10 S., R. 4 E., North 74° East and 250 rods along this bearing, as stated on the face of this Application.

Diversion Location: From SW corner Sec. 2, T. 10 S., R. 4 E., North 86° West and 410 rods along this bearing.

Remarks by State Water Resources Commission:

"VESTED RIGHT CLAIMED"

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JULY 5, 1962

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock
a.m. upon the 12TH day of JUNE, 1962.

State Water Resources Commission
By [Signature]
Chief Engineer, Executive Officer

Number of permit 773-2

Date of first receipt of application JUNE 12, 1962

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 JULY 5, 1962, Recorded in Book 7 Page 136

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~~

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

COMPLETED
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 3.2
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 was

and beneficially applied for irrigation on or before JULY 1, 1955; said water to be used during the following described annual period:

whenever available during annual growing season
Witness my hand this 5TH day of JULY, 1962

State Water Resources Commission
By [Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued JULY 5, 1962

Water License issued JULY 5, 1962

Description of Irrigated Lands (Daerson Diversion #1)

Sec. 2

SE 1/4 NE 1/4	1.0 ac.
SW 1/4 NE 1/4	10.6
SE 1/4 NW 1/4	4.6
NW 1/4 SW 1/4	8.4
NE 1/4 SW 1/4	36.5
NW 1/4 SE 1/4	10.0
NE 1/4 SE 1/4	35.0
SE 1/4 SE 1/4	33.5
SW 1/4 SE 1/4	21.0
SE 1/4 SW 1/4	1.3
	191.9 ac.

Sec. 1

NW 1/4 SW 1/4	20.3
SW 1/4 SW 1/4	5.0
	25.3 ac.

Sec. 11

NE 1/4 NE 1/4	3.8
NW 1/4 NE 1/4	3.0
	6.8 ac.

TOTAL 224.0 ac.

Permit No. 773-2
SOUTH CHEYENNEWater Division No. 2 RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Louis Duerson

of Provo, County of Fall River, and State of South Dakota, the holder of Vested Right of Permit No. 773-2, issued upon Application No. 773-2, bearing date of priority of 1936, authorizing the diversion of 3.2 cu. ft. per second of the waters of Junk Draw and Hat Creek County of Fall River, State of South Dakota, at a point N 74° E, 250 rods from the SW Corner Section 2, T 10S, R 4E.

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 recognised as satisfactory ~~condition~~ for diverting and conveying to the place of intended use 3.2 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: Section 2, T 10S, R 4E

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 5 acresSW $\frac{1}{4}$ NE $\frac{1}{4}$ 11 acresSE $\frac{1}{4}$ NE $\frac{1}{4}$ 2 acresNE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 acresSE $\frac{1}{4}$ SE $\frac{1}{4}$ 32 acresNW $\frac{1}{4}$ SE $\frac{1}{4}$ 40 acresSW $\frac{1}{4}$ SE $\frac{1}{4}$ 22 acresNE $\frac{1}{4}$ SW $\frac{1}{4}$ 37 acresSE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acresNW $\frac{1}{4}$ SW $\frac{1}{4}$ 9 acresSection 1, T 10S, R 4ENW $\frac{1}{4}$ SW $\frac{1}{4}$ 18 acresSW $\frac{1}{4}$ SW $\frac{1}{4}$ 6 acresSection 11, T 10S, R 4E.NW $\frac{1}{4}$ NE $\frac{1}{4}$ 3 acresNE $\frac{1}{4}$ NE $\frac{1}{4}$ 5 acresTotal 224 AcresWitness my hand this 5th day of July A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J.W. OPINES

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 773-2 . . .

WHEREAS, On the 12th day of June A. D. 1962

Louie Duerson

of Provo County of Fall River and State of South Dakota duly made application (No. 773-2) to us for a Vested Right permit to use 3.2 cubic feet per second of the waters of Junk Draw and Hat Creek County of Fall River, State of South Dakota, for Irrigation purposes; and

WHEREAS, On the 5th day of July A. D. 1962, Vested Right Permit No. 773-2 was issued to said applicant for the diversion of said water, recognizing the completion of the works of diversion therein described, and recognizing the completion

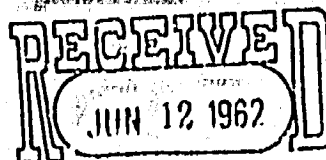
and recognizing application to beneficial use of said water and recognizing and recognizing

WHEREAS, On the 12th day of June A. D. 1962 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by our Certificate No. 773-2 dated July 5, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of 1956 and

WHEREAS, On the 12th day of June A. D. 1962 proof was duly made of the application to beneficial use of 3.2 cubic feet per second of said water; for irrigating 224 acres in portions of Sections 1, 2, and 11, T.10 R.4E.

Location No.-----

Water Division No.-----Water District-----

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Louis Duerson, Rancher, Provo, Fall River County, South 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. -----

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

Ans. Vested right is being submitted along with Application for Permit to appropriate water.

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

Ans. From surface runoff of local watersheds -- See Remarks on Form 2.

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. Ditch capacity is adequate to carry maximum of 672 ac. ft. water during annual period of use through Duerson Diversion #1--completed about summer of 1953.

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 on land shown on attached 1/16 section map.

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. 672 ac. ft. @ 3.2 cubic feet per second

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. Whenever flow occurs during annual period by gravitational means, through a series of ditches and dikes, in the amount available, but not to exceed the maximum allowable of 372 ac. ft. COMPLETED 1936

(Sign) Louis H. Duran

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 Custer, County of Custer

State of South Dakota, on this 25th day of May A. D. 1962

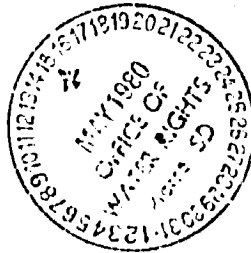
Witnesses. Betty J. Toppen
BETTY J. TOPPEN
Notary Public - CUSTER CO., S. DAK.
My Commission Expires DEC. 13, 1968

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.

* Lloyd A. Trumbull

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 -----	

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER



IN CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT

IN THE MATTER OF THE ESTATE OF)
L. F. DUERSON, Deceased)

FINAL DECREE OF DISTRIBUTION AND DECREE TERMINATING
LIFE ESTATE

This matter having come on regularly before the Court upon the petition of Frances Stahl as the Executrix of the estate of the above named decedent, and it appearing to the satisfaction of the Court that due notice of the time and place of this hearing has been given as required by law and Order of this Court; said Frances Stahl appearing by her attorney, Hobart H. Gates; and it being established on proofs adduced that the necessary expenses of funeral and of last sickness of said deceased, and of the administration of said estate, have been fully paid; that due proceedings have been had upon the matter of the inheritance and estate taxes and that there are no such taxes now chargeable or unpaid; that all claims of the State for sales tax, and all personal property and real property taxes have been paid; and that due notice has been given to creditors as required by law and the Order of this Court, and that the time has expired within which claims may be presented against said estate, and that all debts existing against said decedent, or allowed by Court pursuant to law, have been fully paid and satisfied; and that the final account of the said Frances Stahl, Executrix, has been herein filed and, upon due notice, that the same has been settled; and it appearing that said estate has been fully administered and is now ready for distribution;

IT IS NOW ORDERED, ADJUDGED AND DECREED upon proofs adduced, that said deceased died testate and that the following is the sole and only heir at law, or devisee or legatee, as the case may be, who is lawfully entitled to the distribution of said estate and whose relationship to the deceased, if any, and whose respective

NAME	REALTIONSHIP	POST OFFICE ADDRESS
Sylvia Duerson	wife	Custer, SD 57730

Now therefore, upon said Petition for Distribution and Termination of Life Estate,

IT IS ORDERED, ADJUDGED AND DECREED that all and singular of the residue of the Estate of the said L. F. Duerson, deceased, being hereinafter fully described and set forth, shall be, and the same is, hereby assigned and vested in the said person so lawfully entitled to the same as follows, that is to say:

REAL PROPERTY

E $\frac{1}{2}$ of Section 20, all of Section 21, and E $\frac{1}{2}$ of Section 29, all in Township 11 South, Range 5 East, BHM, Fall River County, South Dakota;

Undivided one-half interest in the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 10 South, Range 4 East, BHM, Fall River County, South Dakota;

PERSONAL PROPERTY

Kitchen Range
Refrigerator
Dining Set
Sofa & Chair
Bedroom Set
Bed
Color TV - $\frac{1}{2}$ interest
Deepfreeze
Kitchen Equipment
Buick - $\frac{1}{2}$ interest
Pickup

Undivided one-half interest in oil & mineral rights.

To have and to hold the same, and including any other property not now known or discovered which may belong to said estate, or in which the said estate may have an interest, whether presently known or unknown, with all of the hereditaments and appurtenances thereunto belonging and in anywise pertaining to the said Sylvia Duerson, her heirs and assigns forever.

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that it appearing to the satisfaction of the Court that at the time of the death of the deceased on August 31, 1975, that real and personal property described as follows, to-wit:

W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 1; S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 2; E $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10; NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11; and NW $\frac{1}{4}$ of Section 12, all in Township 10 South, Range 4 East, BHM, Fall River County, South Dakota with Sylvia Duerson.

W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26; E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 27; E $\frac{1}{2}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34; and NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, all in Township 10 South, Range 4 East, E $\frac{1}{2}$ M, in Fall River County, South Dakota, with Sylvia Duerson;

Checking account in Custer County Bank, Custer, South Dakota, with Sylvia Duerson,

was owned by L. F. Duerson and Sylvia Duerson, as joint tenants, not as tenants in common, with right of survivorship,

And it satisfactorily appearing to the Court that the said L. F. Duerson, said joint tenant, died at Custer City, Custer County, South Dakota, on the 31st day of August 1975, his last known Post Office address, at the time of his death, being Custer City, South Dakota, and that his life estate, right, title and interest in and to the hereinbefore described real and personal property, held in joint tenancy, by reason of his death, absolutely terminated, and that as such no person or persons claiming under the estate of the said L. F. Duerson, by descent, succession or otherwise, has any right, title, interest or estate in said real and personal property by virtue of the death of the said L. F. Duerson, other than Sylvia Duerson as surviving joint tenant and sole legatee and devisee, and

IT IS NOW ORDERED, ADJUDGED AND DECREED that the life estate of the said L. F. Duerson, in and to the real and personal property hereinbefore described is hereby terminated, and the sole interest of the said L. F. Duerson, in and to the hereinbefore described jointly held real and personal property, is now vested in fee simple in Sylvia Duerson surviving joint tenant, as sole tenant, by virtue of her survivorship of the said L. F. Duerson, and as such, that the said Sylvia Duerson, the remainderman, take the said real and personal property free from any and all right, title, interest or claim by or on account of any other person claiming under the estate of the said L. F. Duerson, as an heir, devisee or legatee, of the said estate, the said Sylvia Duerson, as surviving joint tenant and as remainderman, to have and to hold the same with all of the hereditaments and appurtenances thereunto belonging, and in anywise pertaining, her heirs and assigns forever.

Dated at Custer City, Custer County, South Dakota, this
10th day of November, 1976.

BY THE COURT:

S. Frank Henderson
Judge of the Circuit Court

ATTEST:

Elnor M. Larson
By: Mary Ann Jounley
Deputy Clerk of Courts

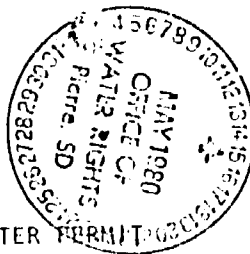
(SEAL)

STATE OF SOUTH DAKOTA }
County of Custer

I hereby certify that the foregoing is a true, full and
complete copy of the original instrument, consisting of
..... Pages, as filed in my office and that the
above is a true copy of:

Filed thereon

April 30, 1950
Date
Mary Ann Jounley
By: Nancy Roberts
Clerk of Court



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 14, 1980

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

SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2, T10S, R4E; W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 1, T10S, R4E;
N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 11, T10S, R4E for a total of 224 acres

formerly owned by Louis F. Duerson, Provo, SD

has been transferred to Sylvia Duerson, Route 3, Custer, SD 57730

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

Water Right Permit No. 773-2 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 Office of the Board of Water Management 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)
) ss.
County of Fall River)

I, Sylvia Duerson 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.

Sylvia Duerson
(Signed)

Subscribed and sworn to before me this 14th Day of May, 1980.

Allen G. Wilson
(Notary Public)

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7505

PIERRE, May 15, 1990

RECEIVED OF Allen G. Wilson for SYLVIA DUERSON, Rt. 3, Custer, SD 57730
(Attorney)
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
Fee for Issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		2 50
Fee for transfer of 773-2 (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION
By (John Hatch) *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / (bt)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 26, 1990

773-2
2058-2

Leroy Duerson
HC 48 Box 248
Provo, SD 57774

Dear Mr. Duerson:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2. Please check over the forms and sign them in the presence of a notary public. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

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.

I have also enclosed copies of Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2. You may keep them for your records. If you have any questions, please contact me.

Sincerely,

Genny McMATH
GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosures

SOUTH Dakota Department of
Water & Natural Resources

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

March 14, 1990

773-2
2058-2

LeRoy & Bertha Duerson
HC 48 Box 248
Provo, SD 57774

Dear Mr. & Mrs. Duerson:

The "Notice of Transfer" forms for Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2 have been received. The forms were completed properly; however, they can not be processed without the \$5.00 filing fee (\$2.50 each).

Please remit the filing fee as soon as possible. Upon receipt of the fee, Vested Water Right Claim No. 773-2 and Water Permit No. 2058-2 will be transferred to your names.

If you have any questions, please contact me.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

REPRODUCTION: REDACTION: 25/1
ROLL NO. 4-20
DATE RECORDED
CIVIL OPERATOR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412145

Pierre, March 19, 1990

RECEIVED OF Leroy Diersen Box 18, Provo, SD 57774

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 Vested Water Right Claim No. 773-2	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 [Signature]
Chief Engineer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-2181

March 28, 1990

773-2
2058-2

Lercy Duerson
HC 48 Box 248
Provo, SD 57774

Dear Mr. Duerson:

Enclosed are Receipt Nos. 412144 and 412145 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 773-2 and 2058-2.

Our records now list LEROY DUERSON and BERTHA I DUERSON as the owners of these Water Rights.

Sincerely,

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

enclosure

South Dakota Department of
Water & Natural Resources

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

March 23, 1990

773-2

NOTICE

TO: LeRoy Duerson
Box 18
Provo, SD 57774
FROM: *John Hatch* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. 773-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

L

SOUTH DAKOTA

VESTED WATER RIGHT NO. 773-2 FOR IRRIGATION

Date of Receipt of Claim June 12, 1962.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 773-2 for irrigation purposes for LeRoy and Bertha Duerson, HC 48, Box 248, Provo SD 57774 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 773-2 appropriates 3.2 cubic feet of water per second from Junk Draw and Hat Creek located in the SW 1/4 SE 1/4 Section 2 to irrigate 224 acres located in the SE 1/4 NW 1/4, E 1/2 SW 1/4, NW 1/4 SW 1/4, S 1/2 NE 1/4, SE 1/4 Section 2; W 1/2 SW 1/4 Section 1; N 1/2 NE 1/4 Section 11; all in T10S-R4E.
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: January 1 - December 31.
3. The priority date of the Vested Water Right is January 1, 1936.
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: _____

Chief Engineer

JUL 1 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



773-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 1 1992

LeRoy and Bertha Duerson
HC 48, Box 248
Provo SD 57774

Dear Mr. & Mrs. Duerson:

The Water Management Board has validated the enclosed Vested Water Right No. 773-2. 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,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosure



773-

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

November 21, 1995

Doug & Lori Bachand
HC 48 Box 248
Provo, SD 57774

773-2
2058-2

Dear Mr. & Mrs. Bachand:

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on Vested Water Right No. 773-2 and Water Permit No. 2058-2. They are currently listed in the names of Bertha and LeRoy Duerson. It is my understanding that you now own the land.

Please review the transfer forms and make any necessary changes. Upon completion, please sign the forms in the presence of a notary public and return them to our office. A \$2.50 filing fee is required for each transfer (total of \$5.00).

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures



773-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 21, 1995

773-2

2058-2

Doug & Lori Bachand
HC 48 Box 248
Provo, SD 57774

Dear Mr. & Mrs. Bachand:

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change on Vested Water Right No. 773-2 and Water Permit No. 2058-2. They are currently listed in the names of Bertha and LeRoy Duerson. It is my understanding that you now own the land.

Please review the transfer forms and make any necessary changes. Upon completion, please sign the forms in the presence of a notary public and return them to our office. A \$2.50 filing fee is required for each transfer (total of \$5.00).

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4147J7

Pierre, _____ December 11, 19 95

RECEIVED OF Doug & Lori Bachand, HC 48, Box 248, Provo, SD 57774-9604
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 _____		
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 (Vested) Right No. 773-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer



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

January 2, 1996

No. 773-2
2058-2

Doug and Lori Bachand
HC 43, Box 248
Provo, SD 57774-9604

Dear Mr. and Ms. Bachand:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 773-2 and Water Permit No. 2058-2.

Our records now show you as the owner of Water Right No. 773-2 and Water Permit No. 2058-2

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



February 4, 1997

NOTICE

773-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: DOUG & LORI BACHAND, HC 48 BOX 248, PROVO, SD 57774 9604

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

SUBJECT: Violation of Water Permit No(s) 2058-2, 773-2 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2058-2, 773-2. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1997

773-2
2058-2

Doug and Lori Bachand
HC 48 Box 248
Provo, SD 57774-9604

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires.

I completed questionnaires for you based on our February 27th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

The 1997 questionnaires will be mailed out in October. If you do not receive the forms by the first part of November, please give me a call.

Thank you for taking the time to visit with me about your irrigation questionnaires. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



773-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: DOUG & LORI BACHAND, HC 48 BOX 248, PROVO, SD 57774 9604
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



773-2

Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4722

Your item was delivered at 12:17 pm on January 22, 2005 in
EDGEMONT, SD 57735. The item was signed for by D BUCHAND.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email [What is this?](#) [Go >](#)

▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4722

DOUG & LORI BACHAND
HC 48 BOX 248
PROVO SD 57774 9604

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

(See Reverse)

PS Form 153, February 2001



773-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2005

773-2
2058-2

Doug & Lori Bachand
HC 48 Box 248
Provo SD 57774-9604

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 773-2 and 2058-2.

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

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: DOUG & LORI BACHAND, 28992 CASCADE RD, EDGEMONT, SD 57735
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

773-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2019

773-2
2058-2

Doug & Lori Bachand
28992 Cascade Rd
Edgemont SD 57735

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

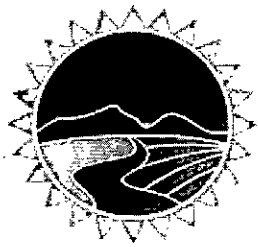
You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right Nos. 773-2 and 2058-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

773-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 2, 2020

773-2
2058-2

Doug & Lori Bachand
22534 Randall Ln
New Underwood SD 57761-6143

Dear Mr. & Mrs. Bachand:

Enclosed is a "Notice" dated October 23, 2020 concerning your 2020 irrigation questionnaires.

The notice was originally mailed to Edgemont SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 22, 2021

NOTICE

TO: DOUG & LORI BACHAND, 22534 RANDALL LN, NEW UNDERWOOD, SD 57761 6143

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaires

Our records indicate your 2020 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 3, 2021** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: DKSTWE**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 8, 2021

773-2
2058-2

Doug & Lori Bachand
22534 Randall Ln
New Underwood SD 57761-6143

Dear Mr. & Mrs. Bachand:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 773-2 and 2058-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: DOUG & LORI BACHAND, 22534 RANDALL LN, NEW UNDERWOOD, SD 57761 6143

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 773-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2058-2 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2058-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 773-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: VLTLZD**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

773-2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 12 2025

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 773-2

OFFICE OF
WATER

Date: 2-12-25

I/We request that Water Right/Permit No. 773-2 formerly owned by:
Doug & Lori Bachand - New Underwood SD be transferred to:

New Owner Name: Dustin Luper
Address: 28997 Cascade Rd mobile: 605-431-5355
City, State, Zip Provo, SD 57735 email: dluper@csc.edu

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

Hat Creek & Junk Draw

Section 2	Section 1	Section 11	
SE 1/4 NW 1/4 - 5 ac	W 1/2 SW 1/4 - 24 ac	N 1/2 NE 1/4 - 8 ac	
S 1/2 NE 1/4 - 13 ac			all in T10S-R4E
SE 1/4 - 128 ac			TOTAL: 226 ac
E 1/2 SW 1/4 - 39 ac			
NW 1/4 SW 1/4 - 9 ac			

☒ I understand that the validity of Water Right/Permit No. 773-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Dustin Luper, the new owner, certify that the above information is true and correct.


(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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 Agriculture and Natural Resources

Date February 18th 2025

RECEIVED OF Dustin Luper 28997 Cascade Rd Provo SD 57735

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	\$ _____
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 #773-2 & #2058-2	\$ <u>100.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>100.00</u>

By

Eric S. Gundersen

Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 19, 2025

773-2
2058-2

Dustin Luper
28997 Cascade Rd
Provo SD 57735

Dear Mr. Luper:

I have received your "Notice of Transfer of Ownership" forms and the required fees for Water Right Nos 773-2 & 2058-2. Enclosed is a receipt of payment for your records.

Water Right Nos. 773-2 & 2058-2, previously held by Doug & Lori Bachand, are now listed under yourself. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the licenses (copies enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water rights will be subject to cancellation.

I have also received your 2024 Irrigation Questionnaire reports for the above-mentioned water rights. The information was received prior to the March 5, 2025, Water Management Board meeting and your permits have been removed from the Board's agenda.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: The validity of Water Right Nos. 773-2 & 2058-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures