

778-2

1. Considered 9-19, 1952
2. Name of Applicant J. Boyd Whitcomb
3. Post Office Address Kennelton
4. Amount of water claimed 49
5. Source of water supply dam dam
6. Water to be used for irrigation
Acres to be irrigated 348 1/2
7. Water to be diverted and used in Washington County
15 1/2 miles of Kennelton
8. Proof of Publication Received /
 Not Received _____
9. Application Approved A
 Subject to _____
 Not Approved _____
 Action deferred _____

10. Remarks: See attached map showing location of dam and water right.

No. 778-2
 Water Division No. 2 WHITE RIVER District
 (Blanks to be Filled by the Engineer for the W. R. C.)
RECEIVED
 AUG - 9 1962
 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.)

TRANSFERRED

1. Name of applicant Floyd Hollenback HUTCHISON BROS. 6-13-68
 Postoffice address Kennelton, County Lyman, State South Dakota

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)
By contract and own labor

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

2. Name of diversion work Floyd Hollenback Irrigation Project Number 2
 Acres in 150 15 ac. ft. annually
 3. Amount of water claimed 127-678 cubic feet per second
 4. Source of water supply Un-named dry draws
 5. Location of point of diversion NE 1/4, 126 rods S 71° 45' E of the NW Corner, Sec. 29 T 103N R 75W
NE 1/4, 112 rods S 67° 0' E of the NW Corner, Sec. 29 T 103N R 75W
Lot 1, 147 rods S 31° 45' E of the NW Corner, Sec. 29 T 103N R 75W
Lot 2, 75 rods S 65° 30' E of the NW Corner, Sec. 29 T 103N R 75W
Lyman
 6. Annual period or periods during which water is to be used Year long
 7. To be used for:

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

- (a) Number of acres to be irrigated 51.8 acres.

- (b) Legal subdivisions to be irrigated A portion of lot 1 (25 acres) and lot 2 (6.3 Acres)

(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.) _____

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 _____

MAP NO 673-2

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal earth, \$..... Rock, \$.....
 (e) Other structures Ditches & Dikes \$ 1200.00 Total, \$.....

9. Description of diversion works:

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

Diversion ditch and spreader dikes

II. Dimensions of works.

Diversion Ditch
 (a) Dam: Height 2.2 feet; length at bottom 1600 feet; length at top XXXXXX feet; thickness at bottom Slopes 6/1 feet; thickness at top 6 ft.
 feet; slope at front water face 6/1; slope at back face 6/1
 material used in construction Compacted earth
 (b) Reservoir: Capacity when filled XXXX acre feet. Surface area at highwater mark XXXX acres.

DEPTH AT OUTLET—FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-FOOT CAPACITY

(c)* Head gate: Width not applicable feet; height XXXX feet;
 Material XXXX

(d) Canal: Total length XXXX miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u>XXXX</u> Mile <u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet
At <u>XXXX</u> Mile <u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet
At <u>XXXX</u> Mile <u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet
At <u>XXXX</u> Mile <u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet
At <u>XXXX</u> Mile <u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet
At <u>XXXX</u> Mile <u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet	<u>XXXX</u> feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 years.

11. Time required for complete application of water to the proposed beneficial use 3 years.

12. Choice of newspaper for publication of notice of intention to appropriate Advocate Leader
Kenneboc, South Dakota

STATE OF SOUTH DAKOTA

County of Lyman ss.

I, Walter H. H. H. H., 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

Subscribed and sworn to before me this 6th

day of August

Walter H. H. H.
 Notary Public (or other qualified officer.)

NW corner, Sec. 29, T 103 N, R 75 W

R. 75 W.

20 21
29 28



S 5° 30' E
73 rods

L = 200 ft.

NW 1/4 NE 1/4 Sec. 29

S 41° 15' E
141 rods

SW 1/4 NE 1/4 Sec. 29

Lot 3, Sec. 29

S 71° 45' E
126 rods

S 57° 0' E
112 rods

Diversion ditch
L = 1400 ft.

NE 1/4 NE 1/4 Sec. 29

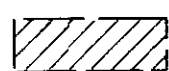
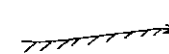
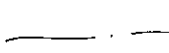
Lot 1
25.0 Ac.

Lot 2
6.8 Ac.

White River

All lands described are owned by Floyd Hollenback

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
LOT 1	29	103N	75W	25.0
LOT 2	29	103N	75W	6.8
TOTAL				31.8

 Land to be irrigated
 Diversion
 Dry draw

SURVEYOR'S CERTIFICATE

I, Gordon W. Stimp DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE FLOYD HOLLENBACK IRRIGATION PROJECT NUMBER 2 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE AMERICAN CREEK SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Gordon W. Stimp

TITLE: Asst. Engr.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF May, 1924, A.D.

Arthur S. Thomas
NOTARY PUBLIC

MY COMMISSION EXPIRES 10-2, 1925

Scale: 1" = 200'

FLOYD HOLLENBACK IRRIGATION PROJECT NUMBER 2

Lyman County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date	Approved by
Designed.....	Title.....
Drawn.....	Title.....
Traced.....	Sheet.....
Checked.....	No. / of 1

MAP NO. 632 (APPL. NO. 778-2)

Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 21, 1962

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 8TH day of AUGUST, 1962

State Water Resources Commission
By: Burton Jones
for Chief Engineer, Executive Officer

Number of permit 778-2

Date of first receipt of application AUGUST 8, 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 AUGUST 8, 1962

Approved SEPTEMBER 19, 1962, Recorded in Book 7 Page 174

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 SEPTEMBER 19, 1963

2nd. The whole of said work is to be completed on or before SEPTEMBER 19, 1964

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 19, 1965

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 .45 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 SEPTEMBER 19, 1965; said water to be used during the following described annual period:

when available

Witness my hand this 21ST day of SEPTEMBER, 1962

State Water Resources Commission

By: Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction issued JANUARY 24, 1973

Water License issued JANUARY 24, 1973

778-2

Permit No. _____

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

Hutchinson Grain and Cattle Company

This is to Certify, That _____

Permit No. 778-2, issued upon Application No. 778-2, bearing date of priority of August 8, 1962 the holder _____ of _____
 _____, authorizing the diversion of .45 cu. ft. per second of the waters of _____
dry draws Lyman County of _____ State of South Dakota at _____
between points South 71° 45' East, 126 rods and South 31° 45' East, 147 rods
from the NW Corner, Section 29, T103N, R75W
 _____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use up to 5 cu. ft. per second of water.
January 24, 1973

Date _____

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 778-2

(1) WHEREAS, On the 8th day of August A.D. 19 62
Floyd Hollenback
 made Water Right Application No. 778-2 for a permit to use .45 cubic feet per second of the waters of dry draws
 County of Lyman, State of South Dakota, for irrigation
 purposes; and
 (2) WHEREAS, On the 21st day of September A.D. 19 62
 Permit No. 778-2, with a date of priority of August 8, 1962
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 19th day of September A.D. 19 64 and for the application to beneficial use of said water on or before the 19th day of September A.D. 19 65

and, Whereas, on the 13th day of June, 1968, the Permit was transferred to
Hutchison Bros. (Hutchison Grain and Cattle Company),

and:

(2) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .45 cubic feet per second of water for beneficial use and:

(1) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:

for irrigating the following land in Section 29, T103N, R75W

Lot 1 25 acres

Lot 2 7 acres

Total 32 Acres

(5) 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 Hutchison Grain and Cattle Company

_____ of Kennebec, S.D.

the holder _____ and owner _____ of said permit No. 778-2 a water right, dating from August 8, 1962

_____ to use of .45 cubic feet per second of the waters of dry draws

in the County of Lyman and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at between points South 71° 45' East, 126 rods and South 31° 45' East, 147 rods from the NW Corner, Section 29, T103N, R75W

and conduct to and upon Lots 1 and 2, Section 29, T103N, R75W, more fully described on the face of this licence

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 778-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of January A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

(First Publication) August 23, 1962

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 20, 1962

Notice is hereby given that Floyd Hollenback whose post office address is Kennebec S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .49 cubic feet of water per second of time from the ~~xxx~~ dry draws through the lenback Irrigation Project #2, the point of diversion of which is to be located on the ~~xxx both~~ between a point in the NE $\frac{1}{4}$ N $\frac{1}{2}$, and a point bank of said stream in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29 Twp. 103W Range 75W. Said water to be used for the purpose of providing irrigation on ~~xxx~~ portions of following described land:

Lots 1 and 2, Section 29, T 103N, R 75W

~~and for~~

~~purposes~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of September, 1962, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

cc: C.L. Flint - Publisher
Advocate - Leader
Kennebec, South Dakota

By:

BURTON F. JONES
Water Right Specialist

BFJ/bw

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Lyon ss.

Cliff Green being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Advocate-Leader a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Town of Kennebec County of Lyon and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 23 + 30; Sept. 6 + 13
1962

in each and every issue of the full number thereof, the first publication being made on the 23rd day of August 1962 and the last publication on the 13th day of Sept. 1962, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Cliff Green the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 17 day of September A. D. 1962

Notary Public Lyon County, S. D.

APPROPRIATION OF WATER

Office of State Resources Commission, Pierre, S. Dak. August 20, 1962.

Notice is hereby given that Floyd Hollenback whose postoffice address is Kennebec, S. Dak. has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 49 cubic feet of water per second of time from dry draws through the Hollenback Irrigation Project No. 2, the point of diversion of which is to be located on both banks of said stream between a point in the NE 1/4 and a point in the NW 1/4 of the NE 1/4 of Section 29 Twp. 103N, Range 75W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Lots 1 and 2, Section 29, T.

103N, R. 75W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of September, 1962, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information received.

State Water Resources Commission

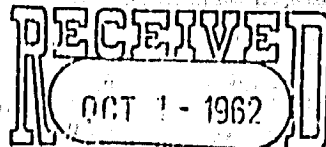
By: Burton F. Jones

Water Rights Specialist.
(Pub. Aug. 23130; Sect. 6-13)

RECEIVED
SEP 19 1962

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 778-2



Water Division No. 2 White River Water District STATE WATER RESOURCES COMM. PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

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

(P. O.) Kennebec, South Dakota

(Date) Sept. 28, 1962

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

DEAR SIR: Notice is hereby given that on the Sept. 28th day of September
1962, at Kennebec, South Dakota county of Lyman State of South Dakota,
 before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
 of .45 cubic feet per second of the waters of un-named Dry Draw
 In accordance with the terms and conditions of Permit No. 778-2
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are
Floyd Hollenback
Kennebec, South Dakota

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

3. The amount applied to beneficial use is .45 CFS

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) A portion of lot 1 (25 acres) and lot 2 (6.8 Acres) in
Section 29, T 103 N, R 75 W.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
~~Un-named Dry Draw~~ Floyd Hollenback Irrigation Project number 2

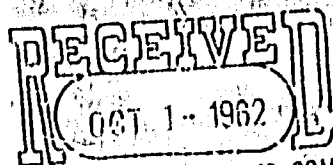
6. The right to take the water from such works is based upon permit No. 778-2

7. The source of supply from which such water is diverted is un-named dry draw

8. The date of priority which said user is prepared to establish is August 8, 1962

(Sign)

Floyd Hollenback

Permit No. 778-2Water Division No. 2 White RiverSTATE WATER RESOURCES COMM.
Water District PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

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

(P. O.) Kennebec, South Dakota(Date) Sept. 28, 1962

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of un-named
.45 cu. ft. per second of the waters of the state from dry Draw
through the Floyd Hollenback Irrigation Project number 2
for Irrigation purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Floyd Hollenback
2. The postoffice address of such person or the place of business of such corporation is Kennebec, S. Dak.
County of Lyman State of South Dakota
3. The number of such permit is 778-2 and the date set for the completion of such work is Nov. 28, 1962
4. Said water to be used for Irrigation (Water Spreading) purposes.
5. Said work of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is .45 cubic feet per second.
6. The amount of land for which said water is available is 31.9 acres,
particularly described as follows: A portion of lot 1 (25 acres) and lot 2 (6.8 Acres)
in Section 29, T 103 N, R 75 W.

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

Floyd Hollenback

(Signature of Owners)

NOTICE OF TRANSFER OF WATER PERMIT

JUNE 13 1968

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that FLOYD HOLTENBACK

who previously owned the land described below has sold his interests to HUTCHISON BEAR

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 778-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA

County of HUGHES

} ss.

I, TERRY G. HUTCHISON 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.

Signed Terry G. Hutchison

Subscribed and sworn to before me this 13TH day of JUNE 1968

James S. ...
Notary Public

Executive Assistant
Hatch Research Center

Permit No. 778-2Water Division 2 White River Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Hutchison Grain and Cattle Company of Kennebec, S.D. holder _____ of Permit No. 778-2, bearing date of priority of August 8, 1962 authorizing the diversion of .45 cu. ft. per second of the waters of dry draws for spreader irrigation purposes, in Lyman County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Diversion ditch and dike constructed as shown on Water Right Map No. 673-2

B. Works used to transport water to place of use,
Natural slope of terrain

C. Works used to apply water to beneficial use.

Natural spread of water on flat adjacent to White River

The system is in the following condition: Good but somewhat primitive system
The point of diversion is located between points S.71° 45' E., 126 rods and S. 31° 45' East, 147 rods from the NW Corner of Section 29, T103N, R75W

The works are capable of diverting and conveying to the place of use up to 5 cu. ft. per second of water which is to be used for spreader irrigation
Water has been put to beneficial use to the maximum extent as follows: all in Section 29, T103N, R75W

Lot 1 25 acresLot 2 7 acrescomprising a total of 32 acres of land.

send notification and issue documents in name of Hutchison Grain and Cattle Co.,
Kennebec, S.D.

Date 1-12-73

(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.



778-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 29, 1993

520-2
778-2
863-2
970-2

Owen Garnos
RR #2 Box 4A
Presho, SD 57568

Dear Mr. Garnos:

I am contacting you in regard to ownership of land under Vested Right Claim No. 520-2, Water Right Nos. 778-2 & 863-2 and Water Permit No. 970-2. Last week, I spoke with your wife about ownership and whether or not the land was irrigated. She indicated the land was not irrigated in 1993, however, she did not know whether or not the land would be irrigated in the future.

Enclosed are copies of the Vested Right Claim, Water Rights and the Water Permit. Please review the legal descriptions for each one to determine if you own all of the land described. Nos. 520-2, 778-2 and 970-2 are listed in the name of Hutchinson Brothers. No. 863-2 is listed under Hutchinson Land and Cattle.

If you own all of the land, and are going to irrigate the land in the future, the vested right claim, water permit and water rights could be transferred to your name. If you do not intend to irrigate, please notify our office.

"Transfer of Ownership" forms are available from our office upon request. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resource Analyst
Water Rights Division
(605) 773-3352

enclosures



778-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

April 13, 1994

Owen Garnos
RR #2 Box 4A
Presho, SD 57568

520-2

778-2

863-2

970-2

Dear Mr. Garnos:

In November, 1993, I sent copies and requested information from you regarding the status and ownership of Vested Right Claim No. 520-2, Water Right Nos. 778-2 and 863-2 and Water Permit No. 970-2. Nos. 520-2, 778-2 and 970-2 are currently listed in the name of Hutchinson Brothers and No. 863-2 is listed in the name of Hutchinson Land & Cattle Company. To date, I have not heard from you on this matter.

Presently, we need to know whether or not you own the land described in the above permits or rights. If so, and if you will be irrigating the land, they should be transferred to your name.

If you need further information regarding the above vested right claim, water rights and water permit, please contact me.

Sincerely,

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



778-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 15, 1994

No. 520-2

778-2

863-2

970-2

Owen Garnos
RR 2, Box 4A
Presho, SD 57568

Dear Mr. Garnos:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Vested Water Right Claim No. 520-2, Water Right Nos. 778-2 and 863-2, and Water Permit No. 970-2. The Vested Water Right Claim and Water Rights/Permit are currently listed in the name of Hutchinson Brothers.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 per transfer, a total of \$10.00.

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.

If you have any questions, please contact me.

Sincerely,

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

enclosures

778-2

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 778-2Date: 4/21/94I/We request that Water Right No. 778-2

formerly owned by: Hutchinson Brothers has been transferred to: (names/addresses) Russell Hutchinson R Box 177
Cooper Carnos RR 2 Box 4-A Presho, SD 57568 Presho, SD 57568
Quinten Carnos RR 2 Box 4-A Presho, SD 57568

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

32 acres in Lots 1 & 2, Section 29, T103N, R75W

I/We understand that the validity of Water Right No. 778-2 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 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 Lyman)

I/We Cooper Carnos 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.

Russell Hutchinson (signed) Quinten Carnos (signed) Cooper Carnos (signed)

Subscribed and sworn to before me this 21 day of April, 19 94.

Stephen H. Hays
(Notary Public)

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

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

RECEIPT

414144

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, April 22, 19 94

RECEIVED OF Quinten Gernos, RR 2 Box 4A, Presho, SD 57568

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 _____ Water Right No. 778-2		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hall
Chief Engineer



778-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 10, 1994

No. 520-2
778-2
863-2
970-2

Cooper and Quinten Garnos
and Russell Hoelscher
RR 2, Box 4A
Presho, SD 57568

Dear Sirs:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Vested Water Right Claim No. 520-2, Water Right Nos. 778-2 and 863-2, and Water Permit No. 970-2.

Our records now show you as the owner of Vested Water Right Claim No. 520-2, Water Right Nos. 778-2 and 863-2, and Water Permit No. 970-2.

Sincerely,

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

enclosure

178-2

Water Rights Division - DENR

Conversation Documentation

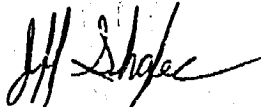
Name of Person: Owen Garnos

Address: Presho, SD County: Lyman

Date: 9/1/98 Telephone: (605) 745-4107

RE: 520-2, 778-2, 863-2, and 970-2

Comments: I visited with Mr. Garnos about Water Right Nos, 520-2, 778-2, 863-2, and 970-2. Water Right Nos. 520-2, and 778-2 divert water via dam, ditches, and dikes and operate without pumping or other physical means, therefore they are fine and do not need to be cancelled. Water Right Nos. 863-2 and 970-2 operate by pumping water from the White River into ditches and canals to irrigate. Mr. Garnos told me that no pumping has been done for many years and therefore they are subject to cancellation. I told Mr. Garnos that we would begin the cancellation process on them.



Jeff Shafer

Natural Resources Engineer