

1. Considered 7-17, 1963 798-2
2. Name of Applicant J E HORGAN
3. Post Office Address RAPID CITY
4. Amount of water claimed 200
5. Source of water supply DRY CREEK
6. Water to be used for IRRIGATION
- Acres to be irrigate 640
7. Water to be diverted and used in Custer County
about 1 1/2 miles of LAUREL
8. Proof of Publication Received ✓
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

1 This is an application for a storage water
right out the proposed. Storage rule
of 2. 6. 5 has not apply

2 Application in 798-2 is approved

3 Contingent upon the storage dam
containing a low level outlet structure
to provide for releases of water and
in times to low nothing as much for low water
domestic use

(authorize construction of a dam at a
capacity not to exceed 139 acre-feet)

No. 798-7Water Division No. 2

(Blanks to be filled by the Engineer for the W. R. C.)

BATTLE CREEKSTATE WATER RESOURCES COMMISSION
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 ~~V. R. Horgan~~ TRIPLE SEVEN RANCH
 Postoffice address ~~Rapid City~~ FAIRBURN PO BOX 1303 Rapid City
Rapid City, County Pennington, 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)

Contract and Direct Labor

- (b) Cash on hand, \$ 20,000 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ 500,000

2. Name of diversion work Horgan Earth Dam (to be constructed) Reservoir
 3. Amount of water claimed two (2) cubic feet per second
 4. Source of water supply Flood waters
 5. Location of point of diversion 3000', S33°30'W of the northeast corner of Section 13,
Township 4 South, Range 8 East, B.H.N. on _____ bank Custer County.
 6. Annual period or periods during which water is to be used March 15 to September 15
 7. To be used for:

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

- (a) Number of acres to be irrigated
- 640
- acres
- 320 Acres - East 1/2 of Section 19; 220 Acres -

- (b) Legal subdivisions to be irrigated
- South 1/2 of Section 18, 100 Acres - SW 1/4 of Sec.
-
- (NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage there of, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

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

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

- (a) Nature of use flood control and stockwatering
 Name any of the above uses claimed
 (b) Amount of power to be generated none horse power.

Amount claimed for engine cooling _____

- (c) Location of plant
- none

- (d) Method of developing power
- none

- (e) Point where water will be returned to stream
- none

MAP No 687-2

8. Estimated cost of work:

(a) Head Gates, \$ 1,000(b) Pumping plant, \$ none(c) Fluming, \$ none(d) Canal-earth, \$ 5,000Rock, \$ 4,000(e) Other structures earth dam \$ 15,000Total, \$ 25,000

9. Description of diversion works:

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

Reservoir with earth dam

II. Dimensions of works.

(a) Dam: Height 32.0 feet; length at bottom 1100.0 feet; length at top 1200.0 feet; thickness at bottom 175.0 feet; thickness at top 20.0 feet; slope at front water face 3 to 1; slope at back face 2 to 1; material used in construction earth

(b) Reservoir: Capacity when filled 1319 acre feet. Surface area at highwater mark 91.4 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
26	91.4 acres	1319
23	65.0 acres	1045
13	29.4 acres	395
3	10.1 acres	101

(c)* Head gate: Width 2 feet; height 2 feet;

Material 24" gate valve on the outlet pipe(d) Canal: Total length 2.2 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 2 years.11. Time required for complete application of water to the proposed beneficial use 4 years.

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

Rapid City Daily Journal, Rapid City, South Dakota

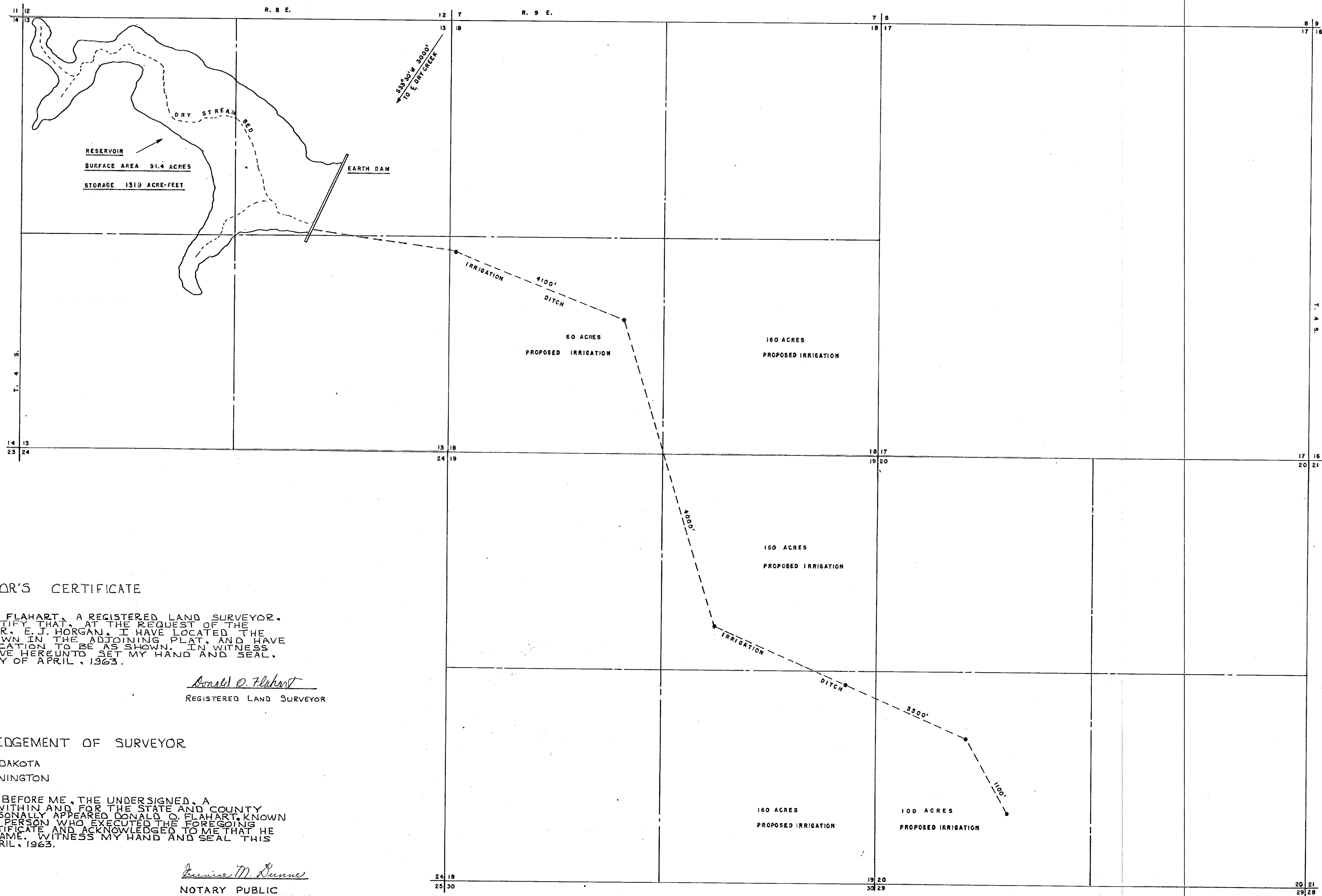
STATE OF SOUTH DAKOTA

County of Pennington

ss.

I, J. E. Horgan, being first duly sworn on my oath depose and say: That in 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 J. E. HorganSubscribed and sworn to before me this 30th day of April, 1943Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

I, DONALD O. FLAHART, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE PROPERTY OWNER, E. J. HORGAN, I HAVE LOCATED THE RESERVOIR SHOWN IN THE ADJOINING PLAT, AND HAVE FOUND THE LOCATION TO BE AS SHOWN. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL, THIS 27th DAY OF APRIL, 1963.

Donald O. Flahart
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED DONALD O. FLAHART, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME. WITNESS MY HAND AND SEAL THIS 27th DAY OF APRIL, 1963.

Ernest M. Dunne
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 21, 1967

PROPERTY OWNER - E. J. HORGAN

SCALE: 1" = 600'

E. J. HORGAN	
EARTH DAM-RESERVOIR & IRRIGATION PROJECT	
FLAHART	DITTMAN & HENGEL ENGINEERS & ARCHITECTS, INC.
Rapid City, South Dakota	
APPROVED BY DOR	DRAWN BY JSP

MAP N° 687-2 (APPL N° 798-2)

Remarks by State Water Resources Commission:

THIS IS AN APPLICATION FOR A STORAGE WATER RIGHT AND THE
REQUESTED DIVERSION RATE OF 2.0 CFS. DOES NOT APPLY.
PERMIT NO 798-2 IS APPROVED AUTHORIZING CONSTRUCTION
OF A DAM OF A CAPACITY NOT TO EXCEED 1319 ACRE FEET,
AND CONTINGENT UPON THE DAM CONTAINING A LOW LEVEL
OUTLET FOR RELEASES OF WATER EQUAL IN AMOUNTS TO LOW
INFLOWS AS NEEDED FOR DOWNSTREAM
DOMESTIC USE.

STATE OF SOUTH DAKOTA
County of HUGHES

Pierre, South Dakota,

JULY 17, 1963

This is to certify that the foregoing application was received by the Commission at 2:25 o'clock
A.M. upon the 15th day of MAY, 1963

State Water Resources Commission

By:

Quinton Jones
Chief Engineer, Executive Officer

Number of permit 798-2

Date of first receipt of application MAY 1, 1963

Date of return to applicant for correction, amendments or changes required as follows: MAY 10, 1963

Date of receipt of corrected application MAY 21, 1963

Date from which applicant may claim right MAY 1, 1963

Approved JULY 17, 1963, Recorded in Book 8 Page 107

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 JULY 17, 1964

2nd. The whole of said work is to be completed on or before JULY 17, 1965

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JULY 17, 1967

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 1319 ACRE FEET STORAGE 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 JULY 17, 1967; said water to be used during the following described annual period:

MARCH 15 TO SEPTEMBER 15

Witness my hand this 30th day of JULY, 1963

State Water Resources Commission

By:

Quinton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

FEBRUARY 5, 1976

Water License Issued

FEBRUARY 5, 1976

Remarks by the Applicant:

The proposed earth dam will be constructed on a dry stream bed. There is no flowing water. The only source of water replenishment for the proposed reservoir will be flood waters from drainage-areas on my property.

I own the land to a point 4.5 miles upstream from the proposed earth dam, and to a point 3.0 miles downstream to French Creek. In addition, I have the surrounding land under lease. The attached township plat locates the proposed earth dam with reference to my property.

WATER LICENSE NO. 793-2

(1) WHEREAS, On the 1st day of May A. D. 1963
J. E. Morgan

made Water Right Application No. 798-2 for a permit to ~~xxx store 1319 acre~~ feet ~~xxxxxx~~ of the waters
of Dry Creek
Custer County of State of South Dakota, for irrigation

(2) WHEREAS, On the 30th day of July A. D. 1963
Permit No. 798-2, with a date of priority of May 1, 1963

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 17th day of July A. D. 1965 and for the
application to beneficial use of said water on or before the 17th day of July A. D. 1967

and, whereas, on the 15th day of December, 1975, the Permit was
transferred to Triple Seven Ranch

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
store up to 1319 acre feet of water annually, &
relating to completion of the construction of the water supply system and is entitled to divert 4.0 cubic feet
per second of water for beneficial use and

(4) 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 T4S, R9E:

Section 18	S½	220 acres
Section 19	E½	320 acres
Section 20	SW¼	100 acres
Total		640 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 Triple Seven Ranch

of A Fairburn
the holder and owner of said permit No. 798-2 a water right, dating from May 1, 1963
1319 acre feet annually, at a diversion rate of 4.6 cubic feet per second of the waters
xxxxxx

of Dry Creek
in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at

a point 3000 feet, South 33° 30' West of the NE Corner, Sec. 13, T4S, R8E

and conduct to and upon
portions of Sections 18, 19 and 20, T4S, R9E more fully described on the
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 798-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of February A. D.
Nineteen Hundred and Seventy-six
WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 798-2

Water Diversion No. 2 BATTLE CREEK Water District

CERTIFICATE OF CONSTRUCTION

Triple Seven Ranch

This is to Certify, That _____

_____ the holder _____ of
Permit No. 798-2, issued upon Application No. 798-2, bearing date of priority of May 1,
1963 authorizing the ~~XXXXXX~~ storage of 1319 acre feet annually
Dry Creek ~~XXXXXX~~ of the waters of
County of Custer, State of South Dakota at
a point 3000 feet, South 33° 30' West of the NE Corner, Sec. 13,
T4S, R8E

_____ for irrigation

purposes, has 8 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
storing 1319 acresfeet annually, and
condition for diverting and conveying to the place of intended use 4.0 cu. ft. per second of water.

Date February 5, 1976

By: **WATER RIGHTS COMMISSION**

JOHN HATCH, Chief Engineer

on or before
(First Publication June 22, 1963)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 4, 1963

Notice is hereby given that J. E. Morgan, whose postoffice address is Rapid City, 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 2.0 cubic feet of water per second of time from the Fry Creek through the Morgan reservoir, the point of diversion of which is to be located on both banks of said stream in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 13, Twp. 4 S, Range 2 E. Said water to be used for the purpose of providing irrigation on the following described land:
E $\frac{1}{2}$ Section 12; S $\frac{1}{2}$ Section 18, and SW $\frac{1}{4}$ Section 20, all in T4S, R9E

~~XXXXXX~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

BUTTON F. JONES
Water Right Specialist

CC: Mr. E. H. Lighter, Manager
Rapid City Daily Journal
Rapid City, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Pennington } ss.

E. H. Lighter being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____
Rapid City Daily Journal _____ a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____
City of Rapid City _____ County of Pennington _____ and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 10, 1963

June 17, 1963

June 24, 1963

July 1, 1963

In each and every issue of the full number thereof, the first publication being made on the _____ 10th _____ day of June 19 63 and the last publication on the _____ 1st _____ day of July 19 63, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ business manager _____ the printer _____ and publisher _____ of the said newspaper.

E. H. Lighter

Subscribed and sworn to before me this _____ 1st _____ day of _____ July _____ A. D. 19 63

Notary Public *Pennington* County, S. D.

June 10, 17, 24, July 1, 1963
APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, S. Dak. June 6, 1963
Notice is hereby given that E. H. Lighter, whose post office address is Rapid City, 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 2.0 cubic feet of water per second of time from Dry Creek through the Forgan reservoir, the point of diversion of which is to be located on both banks of said stream in the SW 1/4 of the NE 1/4 of Section 13, Twp. 48, Range 25. Said water to be used for the purpose of providing irrigation on portions of the following described land: Sec. 13, Twp. 48, Range 25, S. Dak. Section 12, 13, 14, 15, 16, 17, 18, and 19, Section 20, all in T48, R25, S. Dak.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of July, 1963, at 5 P.M. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By BURTON F. JONES
Water Right Specialist

RECEIVED
JUL - 2 1963

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 728-2

MAR 2 1955

Water Division No. 2 Battle Groundwater District

STATE WATER RESOURCES COM.

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.) Rapid City, S. Dak.

(Date) March 23, 1955

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

DEAR SIR: Notice is hereby given that on the _____ day of _____
 19____, at _____ County of _____ State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of _____ cubic feet per second of the waters of _____
 _____ in accordance with the terms and conditions of Permit No. _____
 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 _____

J. E. Morgan

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

Irrigation

3. The amount applied to beneficial use is _____

1319 acre-feet

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands ir-
 rigated) East Half of Section 19, South Half of Section 18, and the Southwest Quarter
 of Section 20, Township 4 South of Range 16 East, Custer, County, South Dakota

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____

Morgan Reservoir

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

708-2

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

Dry Creek

8. The date of priority which said user is prepared to establish is _____

May 1, 1953

(Sign)

J. E. Morgan

Permit No. 798-2

MAY 2 1965

Water Division No. 2

Battle Creek

Water Division No. 1319**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.) Rapid City, South Dakota(Date) March 21, 1965

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

DEAR SIR: Notice is hereby given of the completion of the works for the ^{storage} ~~diversion~~ of 1319
acre feet Horgan Dam ~~xxxx~~ cfs. per second of the waters of the state from
through the Dry Creek
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 J. E. Horgan

2. The postoffice address of such person or the place of business of such corporation is Rapid City
County of Penningson State of South Dakota

3. The number of such permit is 798-2 and the date set for the completion of such work is
May 1, 1965

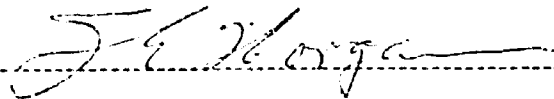
4. Said water to be used for irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.0 cubic feet cubic feet per second.
through Horgan Reservoir

6. The amount of land for which said water is available is 1319 acres,
particularly described as follows: East Half of Section 19, South Half of Section 18, and the
Southwest Quarter Section 20, Township 4 South of Range 19 East Custer County, S. Dak.

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

(Signature of Owners)



NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RIGHTS COMMISSION~~
 State Office Building No. 2
 Pierre, South Dakota 57501

Date ✓ 12/12/75

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

E½ Sec. 19, T4S., R9E

S½ Sec. 18, T4S., R9E

SW¼ Sec. 20, T4S., R9E

formerly owned by J. E. Horgan

has been transferred to Triple Seven Ranch

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 798-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
 County of _____) ss.

I, Ann Peddicord 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.

Ann Peddicord
 (Signed)

Suscribed and sworn to before me this 12th day of December, 1975.

R. R. Mesher
 (Notary Public)

Permit No. 798-2Water Division 2 Battle Creek Water District

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

WATER RIGHTS COMMISSION
TO: Water ~~Resource~~ 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 J. E.
Horgan of Rapid City, South Dakota holder
of Permit No. 798-2, bearing date of priority of May 1, 1963
authorizing the diversion of 2 cu. ft. per second of the waters of Dry Creek
for Irrigation purposes, in Custer 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:

Earth Dam- 32 feet in height; 1100 feet in length at bottom
1200 feet in length at top; 175 feet thick at bottom
20 feet thick at top; 1319 acre-feet at max. capacity

B. Works used to transport water to place of use,

11,616 feet of canal
14 Head gates

C. Works used to apply water to beneficial use.

30-40 outlet gates in dikes
flood irrigates

The system is in the following condition: Excellent

The point of diversion is located 3000', S 33° 30' W. of the northeast corner
~~of the dam~~, Sec. 13, T4S, R8E, B.H.M.

The works are capable of diverting and conveying to the place of use 4
cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows:

<u>E½</u>	<u>Sec. 19, T4S, R9E</u>	<u>320 acres</u>
<u>S½</u>	<u>Sec. 18, T4S, R9E</u>	<u>220 acres</u>
<u>SW¼</u>	<u>Sec. 20, T4S, R9E</u>	<u>100 acres</u>

comprising a total of 640 acres of land.

Sayler-Thorstenson
810 Quincy
Rapid City, SD 57701

Date October 29, 1975

Thomas Gardner
(Signature)

THOMAS A GARDNER

Engineer

RAY J. HILLENBRAND

FIRST FEDERAL PLAZA

POST OFFICE BOX 8303

RAPID CITY, SOUTH DAKOTA 57701

TELEPHONE 605-341-3620



July 13, 1981

Department of Natural Resources
Development
Water Rights Commission
Joe Foss Building
Pierre, SD 57501

Dear Sir:

I am the owner of the Triple Seven Ranch located in Custer County between Hermosa and Fairburn, South Dakota. I have been reading a great deal concerning the need for every ranch owner to reapply for his water rights, because of some laws recently passed by the South Dakota legislature. At the current time, to the best of my knowledge, for the Triple Seven Ranch we have a water permit which carries your number 798-2 and a water license, which carries your number 798-2. I assume that these two items are still in effect. If I am wrong, please let me know.

Also, I would like to know from you what I must do to reestablish this water permit and this water right with the State of South Dakota. Could you please send that information to me also.

Please send the information to the following address:

Triple Seven Ranch
c/o Ray J. Hillenbrand
P. O. Box 8303
Rapid City, SD 57701

Thank you for your attention to this very important matter.

Sincerely,

Ray J. Hillenbrand

RJH:mp

798-2

Water Rights Division (605) 773-3552

July 14, 1981

Ray J Hillenbrand
P.O. Box 8303
Rapid City, SD 57701

Dear Mr. Hillenbrand:

In answer to your lett. of July 13, 1981, your Water Right No. 798-2 is still in effect. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to the use of the water.

It will not be necessary to re-establish the water right unless you plan on increasing your present system. The only way your permit would be subject to cancellation, is if you did not irrigate for a period of three years or longer, then you would have to re-apply.

Please feel free to contact this office if you have any further questions.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/gy

encl: copy of Water Laws

1748-2

RAY J. HILLENBRAND

FIRST FEDERAL PLAZA
POST OFFICE BOX 8303
RAPID CITY, SOUTH DAKOTA 57701
TELEPHONE 605-341-3620

February 4, 1982

Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water
& Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Attached you will find a copy of a letter recently received for the Triple Seven Ranch concerning irrigation use during 1981. This is to inform you that the correct address for the Triple Seven Ranch is as follows:

Triple Seven Ranch
P.O. Box 8303
Rapid City, SD 57701

I would appreciate it if you would correct your records and files accordingly so that all future correspondence from your office goes to the above listed address.

Thank you very much for your attention to this.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ray J. Hillenbrand".

Ray J. Hillenbrand
Triple Seven Ranch Managing Partner

RJH:mp
Enclosure



RAY J. HILLENBRAND

FIRST FEDERAL PLAZA

POST OFFICE BOX 8303

RAPID CITY, SOUTH DAKOTA 57709

TELEPHONE 605-341-3620

June 19, 1985

South Dakota Department of Water
& Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Sir:

Currently our ranch has your water right number 798-2 in effect. The name and address of the Triple Seven Ranch is as follows:

Triple Seven Ranch
P.O. Box 8303
Rapid City, SD 57709-8303

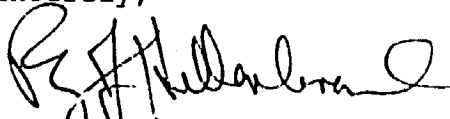
On July 1, 1985 the Triple Seven Ranch will be owned by the DAKOTA PARTNERSHIP, A SOUTH DAKOTA LIMITED PARTNERSHIP. The owners of the Dakota Partnership are the exact same owners as the current owners of the Triple Seven Ranch. They are my wife, my children and myself. The Dakota Partnership, however, will have other assets in it besides the Triple Seven Ranch.

I was wondering if there is anything we need to do in relationship to our water right 798-2 to reflect the fact that the Dakota Partnership will own the Triple Seven Ranch on July 1, 1985. I would appreciate it if you could send me any instructions, etc. that might be required to reflect this change of ownership correctly in your records. The name and address of the Dakota Partnership is as follows:

Dakota Partnership
A South Dakota Limited Partnership
P.O. Box 8303
Rapid City, SD 57709-8303

Thank you for your help on this.

Sincerely,



Ray J. Hillenbrand

RJH:mp

P.S. The Dakota Partnership has a Federal Identification number 46-0385499.





Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 798-2

Ray J. Hillenbrand
Dakota Partnership
PO Box 8303
Rapid City, SD 57709-8303

Dear Sir:

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

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNI 120A-8/83

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: JULY 1, 1985

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

640 Acres - S $\frac{1}{2}$ Section 18; E $\frac{1}{2}$ Section 19; SW $\frac{1}{4}$ Section 20; T4S, R9E

formerly owned by Triple Seven Ranch

Dakota Partnership, A South Dakota Limited Partnership, DBA
has been transferred to P.O. Box 8303, Rapid City, SD 57709-8303

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

Water Right Permit No. 798-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of PENNINGTON) ss.

I, LARITA D. HILLENBRAND 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.

Larita D. Hillenbrand
(Signed)

Subscribed and sworn to before me this 1st Day of July, 1985.

Mary Pond
(Notary Public)

SEAL
MARY POND
NOTARY PUBLIC
STATE OF SOUTH DAKOTA
My Commission Expires
March 20, 1987
SEAL



RECEIPT

Division of Water Rights

Nº 4-10102-

South Dakota Department of Water and Natural Resources

Pierre,

July 5

19 85

Dakota Partnership, A South Dakota Limited Partnership

DBA, Triple Seven Ranch, PO Box 8303, Rapid City, SD 57709-8303

RECEIVED OF

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 798-2 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

John Hatch

Chief Engineer JOHN HATCH/ms

No. 798-2

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

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

July 5, 1985

Dakota Partnership, A South Dakota Partnership
CBA, Triple Seven Ranch
P.O. Box 8303
Rapid City, South Dakota 57709-8303

Dear Sir:

Enclosed is receipt No. 4 10702 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 798-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.



798-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1996

798A-2

Ray J. Hillenbrand, Manager
Dakota Partnership dba
Triple Seven Ranch
P.O. Box 8303
Rapid City, SD 57709

Dear Mr. Hillenbrand:

Enclosed is Water License No. 798A-2 and Receipt No. 414724 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 798A-2 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,


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

ks
enclosures

NOTE: The applicable portions of Water Right No. 798-2 have been incorporated into No. 798A-2.