No. 868-2Water Division No. 2 RAPID CREEK District

(Blank to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Zolton Szakacs  
 Postoffice address Caputa, 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)  
now completed

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

2. Name of diversion work Szakacs Diversion No. 1  
 3. Amount of water claimed 28 cubic feet per second  
 4. Source of water supply Rapid Creek  
 5. Location of point of diversion From Rapid Creek at any place on its course  
through the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 16 on left bank Pennington County.  
 6. Annual period or periods during which water is to be used April through October  
 7. To be used for:

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

- (a) Number of acres to be irrigated 2 Acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$

- (b) Legal subdivisions to be irrigated 18 Acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Sec. 16, T.1 S., R. 10 E.

(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 \_\_\_\_\_

V.R.

8. Estimated cost of work:

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

9. Description of diversion works:

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

Pump, pipeline, ditches

II. Dimensions of works.

(a) Dam: Height none feet; length at bottom ..... feet; length at top ..... feet; thickness at bottom ..... feet; thickness at top ..... feet; slope at front water face .....; slope at back face ..... material used in construction .....  
 (b) Reservoir: Capacity when filled none acre feet. Surface area at highwater mark ..... acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET—ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|------|-----------------------|
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |

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

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER LINE | GRADE<br>PER MILE |
|----------------------------|------------|-----------------|------------------------|-------------------|
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |
| At ..... Mile              | ..... feet | ..... feet      | ..... feet             | ..... feet        |

(Give dimensions where reductions in size are made.)

10. Time required for completion of work completed years.  
 11. Time required for complete application of water to the proposed beneficial use completed years.  
 12. Choice of newspaper for publication of notice of intention to appropriate .....

STATE OF SOUTH DAKOTA

County of Minnehaha } ss.

I, Robert S. Zakian, 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 Robert S. Zakian

Subscribed and sworn to before me this 10th day of July 1955

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA  
County of HUGHES ss.

Pierre, South Dakota, SEPTEMBER 8, 1965

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock  
8:30 A.m. upon the 14<sup>TH</sup> day of JUNE, 1965

State Water Resources Commission

By:

*Arthur E. Jones*  
for Chief Engineer, Executive Officer

Number of permit 868-2

Date of first receipt of application JUNE 14, 1965

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 1932, 19

Approved SEPTEMBER 8, 1965 Recorded in Book 9 Page 43

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~~ —

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 .28 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 JUNE 31, 1955; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 8<sup>TH</sup> day of SEPTEMBER, 1965

State Water Resources Commission

By:

*John C. Jones*  
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 8, 1965

Water License Issued SEPTEMBER 8, 1965

STATE OF SOUTH DAKOTA

WATER LICENSE No. 868-2

WHEREAS, On the 14th day of June A. D. 1965  
Zolton Szatacs

of Caputa County of Pennington and State of  
South Dakota duly made application (No. 868-2 Vested Right .28  
cubic feet per second of the waters of Rapid Creek  
County of Pennington, State of South Dakota, for irrigation  
purposes; and

WHEREAS, On the 8th day of September A. D. 1965  
vested Right 868-2 recognizing  
/ Permit No. 868-2 was issued to said applicant for the diversion of said water, the  
completion of the works of diversion therein described  
and the application to beneficial use of said  
water  
and,

WHEREAS, On the 14th day of June A. D. 1965  
the holder of said permit duly made proof of the completion of adequate works for the diversion of .28  
cubic feet per second of said waters, as evidenced by our Certificate No. 868-2  
dated September 8, 1965 confirming the completion of works of sufficient capacity for  
diverting and conveying to the place of intended use .28 cubic feet per second of water, with date of  
priority of 1932 and,

WHEREAS, On the 14th day of June A. D. 1965  
proof was duly made of the application to beneficial use of .28 cubic feet per second of said water;  
for irrigating 20 acres in the E 1/2 NW 1/4, Section 16, T1S, R10E

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 Zolton Szakacs  
of Caputa Vested Right the holder and owner of said/permit No. 868-2  
a water right, dating from 1932 to the use of .28  
cubic feet per second of the waters of Rapid Creek  
in the County of Pennington and State of South Dakota, or so much thereof as may be  
necessray for the purposes hereinabelow mentioned, to be diverted at points in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 16,  
T1S, R10E  
and conducted to and upon the E $\frac{1}{2}$  NW $\frac{1}{4}$  Section 16, T1S, R10E  
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 8th day of September A. D. Nineteen  
Sixty-Five  
Hundred and \_\_\_\_\_

State Water Resources Commission

By:

J. W. GRIMES  
Chief Engineer, Executive Officer

Permit No. 868-2Water Division No. 2 Rapid Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Zolton Szakacs

of Caputa, County of Pennington, and State of South Dakota, the holder of Vested Right of Permit No. 868-2, issued upon Application No. 868-2, bearing date of priority of 1932, authorizing the diversion of .28 cu. ft. per second of the waters of Rapid Creek County of Pennington, State of South Dakota, at points in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 16, T1S, R10E

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 ~~found in~~ <sup>recognized as</sup> satisfactory ~~XXXXXXXX~~ for diverting and conveying to the place of intended use .28 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

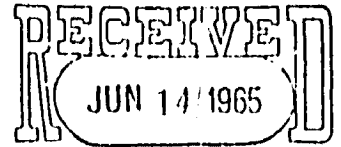
to-wit: all in Section 16, T1S, R10ENE $\frac{1}{4}$  NW $\frac{1}{4}$  2 acresSE $\frac{1}{4}$  NW $\frac{1}{4}$  18 "Total - 20 "

Witness my Hand this 8th day of September A. D. 1965

State Water Resources Commission

By: J. W. GRIMES  
Chief Engineer, Executive Officer

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. Zoltan Szakacs

Caputa, 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. Irrigation commenced in 1932 without posting or recording

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

Ans. Rapid Creek at any place along its course through the

SE 1/4 NW 1/4, Section 16, T 1 S, R 10 E.

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. Approximately 1 cubic foot per second of water can be conveyed

from Rapid Creek by means of pump, pipe and ditches. There is

no dam used in this irrigation system. Completed in 1932

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 of 2 acres in the NE 1/4 NW 1/4 and 18 acres in the SE 1/4 NW 1/4

all in Section 16, T 1 S, R 10 E.

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

Ans. ....

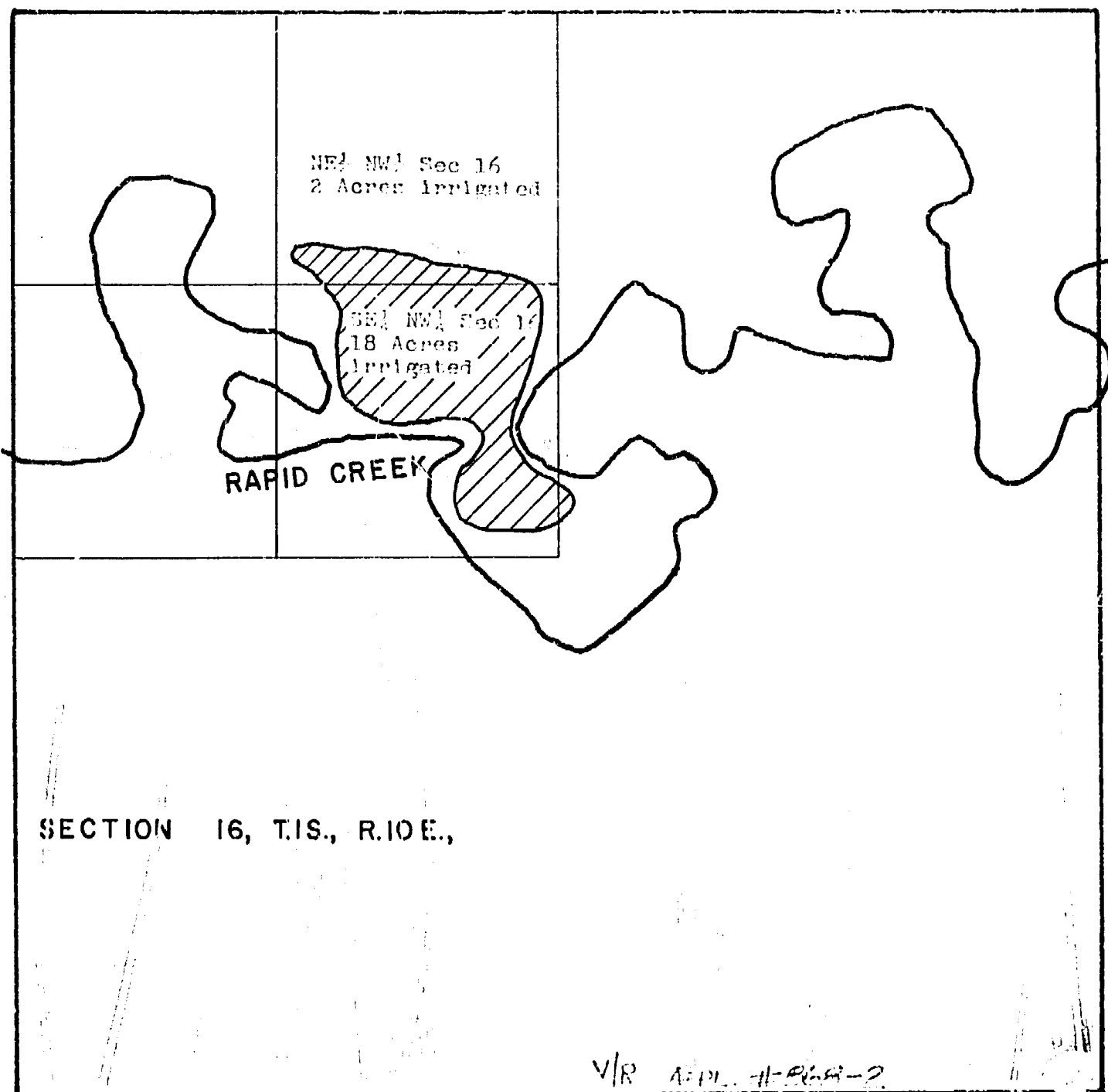
Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. .28 c.f.s.

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. ....

# SZAKACS IRRIGATION SYSTEM



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

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

September 21, 1988

NOTICE

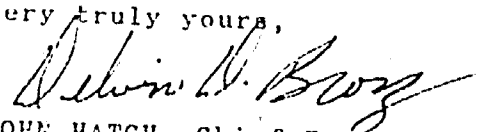
Zoltan Szakacs  
Box 119  
Caputa SD 57725

Dear Mr. Szakacs:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 868-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



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

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

December 1, 1988

Vested Water Right  
Claim No. 868-2

Zolton Szakacs  
Box 119  
Caputa SD 57725

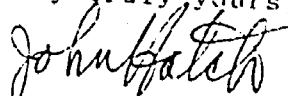
Dear Mr. Szakacs:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



Water Rights Division - DWR  
Conversation or File Documentation

File No. 868-2

NAME OF PERSON OR FILE: Zoltan J Szakacs

ADDRESS: Capota, SD

COUNTY Pennington

DATE: 10-4-90

TELEPHONE 393-2013

RE: Vested water claim inspection

COMMENTS:

On August 15, 1990, accompanied by Mr. Szakacs

I inspected the land claimed under VR # 868-2. The acreage

seemed to be the same as on license # 868-2 and

Certificate of Completion of Works.

\* Recommend validation

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: A. J. [unclear]

## SOUTH DAKOTA

VESTED WATER RIGHT NO. 868-2 FOR IRRIGATION

Date of Receipt of Claim June 14, 1965.

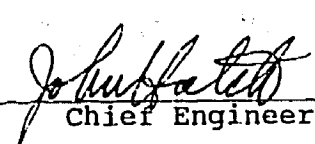
Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 868-2 for irrigation purposes for Zolton Szakacs, Box 119, Caputa, South Dakota, 57725 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 868-2 appropriates 0.28 cubic feet per second of water from Rapid Creek to irrigate 20 acres. The point of diversion is located in the SE1/4 NW1/4 Section 16, T1S, R10E. The irrigated lands are located in the E1/2 NW1/4 Section 16, T1S, R10E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period. April 1 to October 31.
3. The priority date of the Vested Water Right is: January 1, 1932
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

MAR 12 1993

\_\_\_\_\_  
date

Division of Water Rights  
Dept. of Environment and Natural Resources

868-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

MAR 12 1993

Zolton Szakacs  
Box 119  
Caputa SD 57725

Dear Mr. Szakacs:

The Water Management Board has validated the enclosed Vested Water Right No. 868-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure

868-2



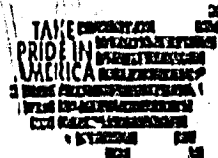
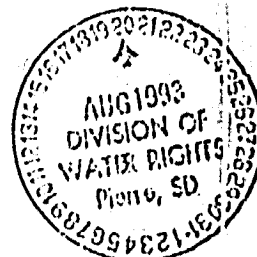
# United States Department of the Interior

## BUREAU OF RECLAMATION

Great Plains Region  
Belle Fourche Projects Office  
PO Box 226  
Newell, South Dakota 57760-0226

WTR 4.10  
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer  
Water Rights Division  
South Dakota Department of Water and Natural Resources  
523 E. Capitol  
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter  
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 436-2695.

Sincerely,

*Bruce M. Laymon*  
Bruce M. Laymon  
Project Manager

cc: Mr. Joe Kramer, Manager  
Angostura Irrigation District  
PO Box 346  
Oral SD 57766

Mr. James E. Winterton, Project Manager  
Belle Fourche Irrigation District  
PO Box 225  
Newell SD 57760



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

November 3, 1997

868-2

Zolton J Szakacs  
Box 119  
Caputa, SD 57725

Dear Mr. Szakacs:

Thank you for the prompt return of your 1997 irrigation questionnaire. Upon reviewing the form, I noticed that you reported irrigating 20 acres.

In order for the questionnaire to be complete, the back side of the form needs to be filled out with information pertaining to the 20 acres you irrigated. Please indicate which specific months water was applied to the crop(s), the crop type, pump rate, days per month and the average hours per day the system was operating.

Please complete the enclosed form and return it to our office by December 1, 1997. If you need assistance in completing the form, please get in touch with me.

Sincerely,

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

encl



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 8, 1999

868-2

Sylvia Szakacs  
PO Box 119  
Caputa, SD 57725-0119

Dear Mrs. Szakacs:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Vested Water Right No. 868-2.

Please review the form to check for accuracy. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. As soon as we receive the completed form and filing fee in our office, Vested Water Right No. 868-2 will be transferred to your name.

Thank you for taking the time to visit with me about the transfer of ownership. If I can answer any questions for you, please let me know.

Sincerely,

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

encl

# NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer  
Water Rights Program, DENR  
523 E. Capitol  
Pierre, SD 57501-3131

No. 868-2



Date: 2/1/99

I/We request that Vested Water Right No. 868-2

formerly owned by: Zolton J Szakacs

be transferred to: (name & address) Sylvia J Szakacs, PO Box 119, Caputa, SD 57725-0119

Telephone No. 605 393-2013

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

20 acres in the E 1/4 NW 1/4 Section 16, T1S, R10E

I/We understand that the validity of Vested Water Right No. 868-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA )

County of Pennington )

I/We Sylvia J Szakacs 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.

Sylvia J Szakacs  
(Signed)

Subscribed and sworn to before me this 1 day of February, 19 99.

Arvid Proch  
(Notary Public)

My Commission Expires May 23, 2005

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

## Water Rights Program

South Dakota Department of Environment and Natural Resources

NO. 416033

Pierre,

February 3, 1999

RECEIVED OF Sylvia J. Spakce, P.O. Box 119, Caputa, SD 57725-0119  
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>Vested Water Right No. 868-2</u>                                                     | 2 50 |
| Fee for Filing Extension Request _____                                                                               |      |
| Fee for _____                                                                                                        |      |
| _____                                                                                                                |      |
| _____                                                                                                                |      |
| (Any Other Work Provided by Law)                                                                                     |      |
| Total                                                                                                                | 2 50 |

By

Chief Engineer

*John H. Hatcher*



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 3, 1999

868-2

Sylvia Szakacs  
PO Box 119  
Caputa, SD 57725-0119

Dear Mrs. Szakacs:

Thank you for sending in the ownership change for Vested Water Right No. 868-2. The transfer has been completed and the vested right is now listed in your name.

Enclosed is your Receipt No. 416033 in the amount of \$2.50. You may keep this for your records.

Sincerely,

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

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

encl

# 2001 Water Management Board Irrigation Questionnaire

Please fill out and return before December 1, 2001

No. 868-2

SYLVIA J SZAKACS  
PO BOX 119  
CAPUTA SD 57725 0119

Any address corrections? *Need ownership*

changed to:

*Sylvia M. Ladenburger*

*P.O. Box 119*

*Caputa, SD 57725*

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

Return the completed form to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (805) 773-3352

1. Is the system constructed? \*yes \_\_\_\_\_ no X

\*Type of system used (check all that apply):

center pivots \_\_\_\_\_ towlines \_\_\_\_\_ big gun \_\_\_\_\_

flood \_\_\_\_\_ sprinklers \_\_\_\_\_ other \_\_\_\_\_

2. Did you irrigate in 2001? \*yes \_\_\_\_\_ \*\*no X

\*If yes, number of acres irrigated \_\_\_\_\_

\*\*If no, list reason(s) in comment section:

Comment Section

*Land was leased out and was not irrigated.*

3. Is land enrolled in CRP? \*yes \_\_\_\_\_ no X

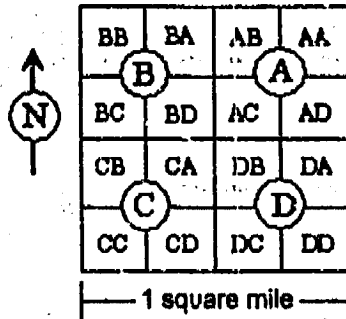
\*If yes, through what year? \_\_\_\_\_

4. Did you apply chemicals or fertilizer through the system in 2001? yes \_\_\_\_\_ no X

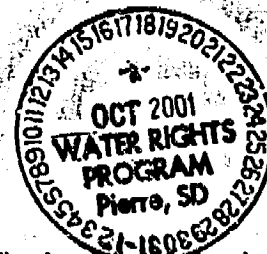
5. If permitted for more than one water source, circle each source used. 1: RAPID CREEK

2:

3:



Office use only



Acreage permitted for Irrigation under No. 868-2

(see above section map for help reading legal descriptions)

sec 16-T001S-R10E, BA -- 2.00 acres

sec 16-T001S-R10E, BD -- 18.00 acres



BankWest

*My mom has passed away and I will be moving down there. I am the executor of the estate.*

*Thank you,  
Sylvia M.  
Ladenburger*

Please provide your 2001 water use to irrigate:

For a sample completed questionnaire, please refer to the reverse side of your cover letter.

Gregory, Kadoka, Kennebec, Onida, Pierre,  
Selby, Vivian, Winner

of this form.



November 6, 2001

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

868-2

Sylvia M Ladenburger  
PO Box 119  
Caputa, SD 57725-0119

Dear Ms. Ladenburger:

Thank you for the prompt return of the 2001 irrigation questionnaire for Water Right No. 868-2.

I am enclosing a partially completed "Notice of Transfer of Ownership" form for use in filing the ownership change you mentioned. Please review the form and complete as needed. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

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

Sincerely,

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

enclosure

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

417031

Pierre, December 28, 20 01

RECEIVED OF Sylvia Ledenburger, 502 Cleveland St., Rapid City, SD 57701-5459  
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 868--2

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Darland E. Elch

Chief Engineer

gm

# NOTICE OF TRANSFER OF OWNERSHIP



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

No. 868-2

Date: Dec. 27, 2001

I/We request that Vested Water Right No. 868-2

formerly owned by: Sylvia J Szakacs

be transferred to: (name & address) Sylvia M. Ladenburger

502 Cleveland St, Rapid City, SD 57701-5459

Telephone No. 605-721-3385

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

E 1/4 NW 1/4 Section 16, T1S, R10E

I/We understand that the validity of Vested Water Right No. 868-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA )

County of Pennington )

I/We Sylvia M. Ladenburger 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.

Sylvia M. Ladenburger  
(Signature of new owner)

Subscribed and sworn to before me this 27<sup>th</sup> day of December, 2001.

Dennis Thore  
(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.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 7, 2002

868-2

Sylvia M Ladenburger  
502 Cleveland St  
Rapid City, SD 57701-5459

Dear Ms. Ladenburger:

Thank you for following up on the ownership change for Vested Water Right No. 868-2. The transfer has been completed. Vested Water Right No. 868-2 is now listed in your name.

Enclosed is your Receipt No. 417031 in the amount of \$2.50. You may keep this for your records.

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

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 28, 2003

868-2

Chad Myers  
PO Box 1555  
Rapid City SD 57709

Dear Mr. Myers:

I am writing in follow-up to your phone conversation with Mark Rath concerning Vested Water Right No. 868-2, currently listed in the name of Sylvia M Ladenburger. I have included a copy of the vested right for your records.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 14, 20 03

RECEIVED OF Chad M Myers, PO Box 1555, Rapid City SD 57709

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>868-2</u>                                                                      |       | 2 50 |
| Fee for _____                                                                                                  |       |      |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |      |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |      |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         |       |      |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |      |
| (Any Other Work Provided by Law)                                                                               | TOTAL | 2.50 |

No.

000754

By

J Darland Eshel  
Chief Engineer *gm*

## NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED  
APR 14 2003  
WATER RIGHTS  
PROGRAM

No. 868-2  
Date: 4-11-03

I/We request that Vested Water Right No. 868-2

formerly owned by: Sylvia M Ladenburger

be transferred to: (name & address)

Chad M Myers

PO Box 1555, Rapid City SD 57709

Telephone No. 381-4522

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

20 acres – E ½ NW ¼ Section 16, T1S, R10E

I/We understand that the validity of Vested Water Right No. 868-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We

Chad M Myers

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

Chad M Myers  
(Signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

April 14, 2003

868-2

Chad Myers  
PO Box 1555  
Rapid City SD 57709

Dear Mr. Myers:

I am writing to acknowledge receipt of the transfer of ownership and filing fee you submitted for Vested Water Right No. 868-2. The vested water right, formerly held by Sylvia M Ladenburger is now listed in your name.

Enclosed is your Receipt No. 000754 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

I have included a sample copy of the annual irrigation questionnaire. This will give you an idea of what type of information to keep track of during the irrigation season. The actual form that needs to be completed and returned to us will be mailed to you in October, 2003.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosures



868-2  
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 14, 2004

NOTICE

TO: CHAD MYERS, PO BOX 1555, RAPID CITY, SD 57709

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 868-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 868-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. 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 questionnaire(s) is(are) received in this office on/or before **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (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.

868-2



## Track & Confirm

### Current Status

You entered 2301 3460 0000 8515 8718

Your item was delivered at 9:01 am on January 29, 2004 in RAPID CITY, SD 57701. The item was signed for by C MYERS.

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Enter label number:

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SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8515 8718

CHAD MYERS  
PO BOX 1555  
RAPID CITY SD 57709

Waiver of Signature ☐ YES ☐ NO

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868-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 30, 2004

868-2

Chad Myers  
PO Box 1555  
Rapid City SD 57709

Dear Mr. Myers:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. I completed a questionnaire for you based on our January 30<sup>th</sup> telephone conversation.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Vested Water Right No. 868-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

I am enclosing a copy of the vested right and have included notes on a couple pages concerning the pump rate and the amount authorized per year. As long as you stay within a reasonable pump rate and within the amount authorized by your vested right, you are not in violation of the water right.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



868-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 20, 2005

NOTICE

TO: CHAD MYERS, PO BOX 1555, RAPID CITY, SD 57709

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 868-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No. 868-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. 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 questionnaire is received in this office on/or before **February 25, 2005**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (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.



868-2

## Track & Confirm

### Current Status

You entered 2301 3460 0000 8516 1688

Your item was delivered at 11:37 am on February 22, 2005 in RAPID CITY, SD 57701. The item was signed for by C MYERS.

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## U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8516 1688

CHAD MYERS  
PO BOX 1555  
RAPID CITY SD 57709

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

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PS Form 153, July 2001



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 24, 2005

868-2

Chad Myers  
PO Box 1555  
Rapid City SD 57709

Dear Mr. Myers:

I am writing to acknowledge receipt of the information for your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 868-2.

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

If you have any questions, please contact me.

Sincerely,

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



868-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: CHAD MYERS, PO BOX 1555, RAPID CITY, SD 57709

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 868-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 4, 2015**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 868-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) 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](mailto: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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182

January 26, 2015

868-2

Chad Myers  
PO Box 1555  
Rapid City SD 57009

Dear Mr. Myers:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 868-2. The information was received in our office prior to the Water Management Board meeting and your name has 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](mailto:genny.mcmath@state.sd.us)