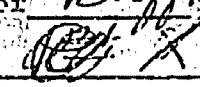
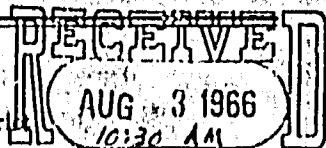


892-7

1. Considered 9-18, 1966
2. Name of Applicant John C. Simpson
3. Post Office Address Deadwood
4. Amount of water claimed 11.0
5. Source of water supply Beaver Creek and Ground Water
6. Water to be used for fish culture
Acres to be irrigated _____
7. Water to diverted and used in Constitution County
about 2N 2W miles _____ of Buffalo Gap
8. Proof of Publication Received 
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 892-2Water Division No. 2 FALL RIVER District
(Plans to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant JOHN C. SIMPSON
 Postoffice address HEMO BT. DEADWOOD, County LAWRENCE, State SO. DAK.

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of _____, or by direct labor)

CONTRACT, EMPLOYMENT OF CRIERS AND DIRECT LABOR(b) Cash on hand, \$ 5,000

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ 110,000

2. Name of diversion work TROUT HAVEN RANCH
 3. Amount of water claimed 11 cubic feet per second NON CONSUMPTIVE
 4. Source of water supply BEAVER CREEK AND PROPOSED WELL
SW 1/4 SEC 14
 5. Location of point of diversion SEC. 14, T6S, R6E, B5M
ON BEAVER CREEK on NORTH bank CUSTER County.
 6. Annual period or periods during which water is to be used YEAR AROUND
 7. To be used for:

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

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

(b) Legal subdivisions to be irrigated _____

(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 FISH CULTURE

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 1200 feet north of diversion

MAP NO 776-2

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$20,000

9. Description of diversion works:

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

DAM AND SMALL RESERVOIR FOR WELL WATER

II. Dimensions of works.

(a) Dam: Height 2 feet; length at bottom 66 feet; length at top 66 feet; thickness at bottom 1 feet; thickness at top 1 feet; slope at front water face none; slope at back face none; material used in construction Concrete
 (b) Reservoir: Capacity when filled 1/4 acre feet. Surface area at highwater mark 1/32 acres.

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

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----

(d) Canal: Total length ----- miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.

11. Time required for complete application of water to the proposed beneficial use 5 years.

12. Choice of newspaper for publication of notice of intention to appropriate HOT PRINTS STAR
 HOT PRINTS STAR

STATE OF SOUTH DAKOTA

County of PENNINGTON

I, Tom C. Simpson, 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

Tom C. Simpson

Subscribed and sworn to before me this 22d day of August, 1966

Notary Public (or other qualified officer.)

TOM SIMPSON WATER RIGHT
 LOCATED IN
SE 1/4 OF SEC. 14, T6S, R6E, B.H.M.
 CUSTER COUNTY, SOUTH DAKOTA

JULY, 1966

DESCRIPTION:

BEGINNING AT CORNER NO. 1, A POINT ON THE SEC. LINE BETWEEN SECS. 14 AND 23, T6S, R6E, B.H.M., FROM WHICH THE SE COR. OF SEC. 14 BEARS S 89° 51' E, 1336.7 FEET DIST., THENCE N 0° 20' E, 1232.6 FEET DIST. TO COR. NO. 2, THENCE N 60° 19' E, 57.7 FEET DIST. TO COR. NO. 3, THENCE S 0° 20' W, 214.0 FEET DIST. TO COR. NO. 4, THENCE S 81° 47' E, 248.8 FEET DIST. TO COR. NO. 5, THENCE S 59° 10' E, 108.7 FEET DIST. TO COR. NO. 6, THENCE S 28° 16' E, 151.9 FEET DIST. TO COR. NO. 7, THENCE S 13° 28' W, 289.0 FEET DIST. TO COR. NO. 8, THENCE S 35° 40' W, 598.0 FEET DIST. TO COR. NO. 9, THENCE S 77° 28' W, 189.65 FEET DIST. TO COR. NO. 10 AND A POINT ON THE SEC. LINE BETWEEN SECS. 14 AND 23, THENCE N 89° 51' W, 100.0 FEET DIST. ALONG SAID SEC. LINE TO COR. NO. 1 THE PLACE OF BEGINNING. CONTAINING 11.799 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

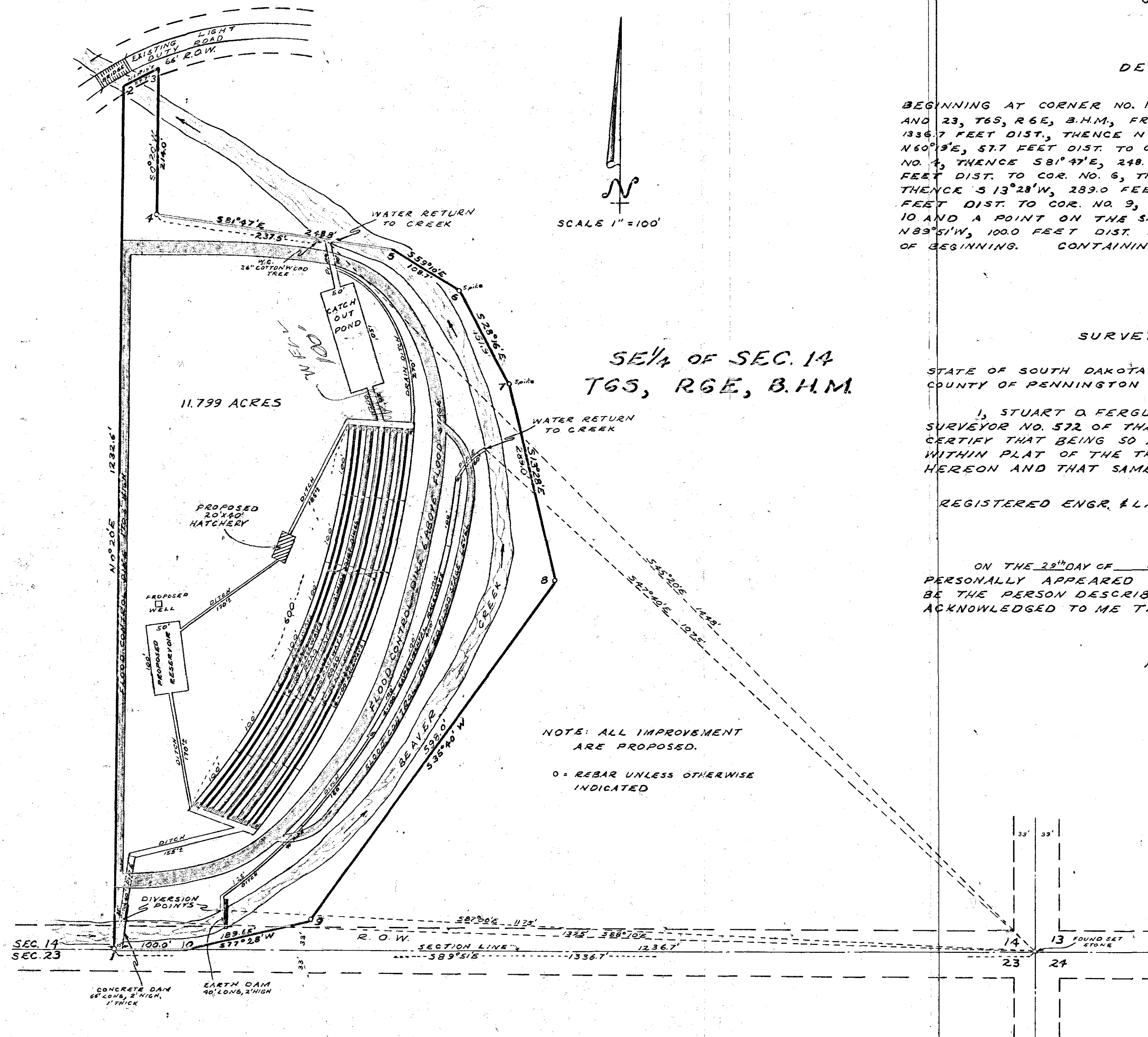
STATE OF SOUTH DAKOTA S.S.
 COUNTY OF PENNINGTON

I, STUART D. FERGUSON, REGISTERED ENGINEER AND LAND SURVEYOR NO. 572 OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT BEING SO AUTHORIZED, I MADE THE SURVEY AND WITHIN PLAT OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON AND THAT SAME IS CORRECTLY SHOWN HEREON.

REGISTERED ENGR. & LAND SURVEYOR: Stuart D. Ferguson
 STUART D. FERGUSON
 17 MAIN
 RAPID CITY, SOUTH DAKOTA

ON THE 29th DAY OF July, 1966, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED STUART D. FERGUSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

NOTARY PUBLIC: James Heald
 JAMES HEALD
 MY COMMISSION EXPIRES: January 29, 1973.



NOTE: ALL IMPROVEMENT ARE PROPOSED.
 O = REBAR UNLESS OTHERWISE INDICATED

Appl. # 892-2

TOM SIMPSON WATER RIGHT

LOCATED IN

SE 1/4 OF SEC. 14, T6S, R6E, B.H.M.

CUSTER COUNTY, SOUTH DAKOTA

JULY, 1966

DESCRIPTION:

BEGINNING AT CORNER NO. 1, A POINT ON THE SEC. LINE BETWEEN SECS. 14 AND 23, T6S, R6E, B.H.M., FROM WHICH THE SE COR. OF SEC. 14 BEARS S89°51'E, 1336.7 FEET DIST., THENCE N0°20'E, 1232.6 FEET DIST. TO COR. NO. 2, THENCE N60°19'E, 57.7 FEET DIST. TO COR. NO. 3, THENCE S0°20'W, 214.0 FEET DIST. TO COR. NO. 4, THENCE S81°47'E, 248.8 FEET DIST. TO COR. NO. 5, THENCE S59°10'E, 108.7 FEET DIST. TO COR. NO. 6, THENCE S28°16'E, 151.9 FEET DIST. TO COR. NO. 7, THENCE S13°28'W, 289.0 FEET DIST. TO COR. NO. 8, THENCE S35°40'W, 598.0 FEET DIST. TO COR. NO. 9, THENCE S77°28'W, 189.65 FEET DIST. TO COR. NO. 10 AND A POINT ON THE SEC. LINE BETWEEN SECS. 14 AND 23, THENCE N89°51'W, 100.0 FEET DIST. ALONG SAID SEC. LINE TO COR. NO. 1 THE PLACE OF BEGINNING. CONTAINING 11.799 ACRES MORE OR LESS.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA S.S.
COUNTY OF PENNINGTON

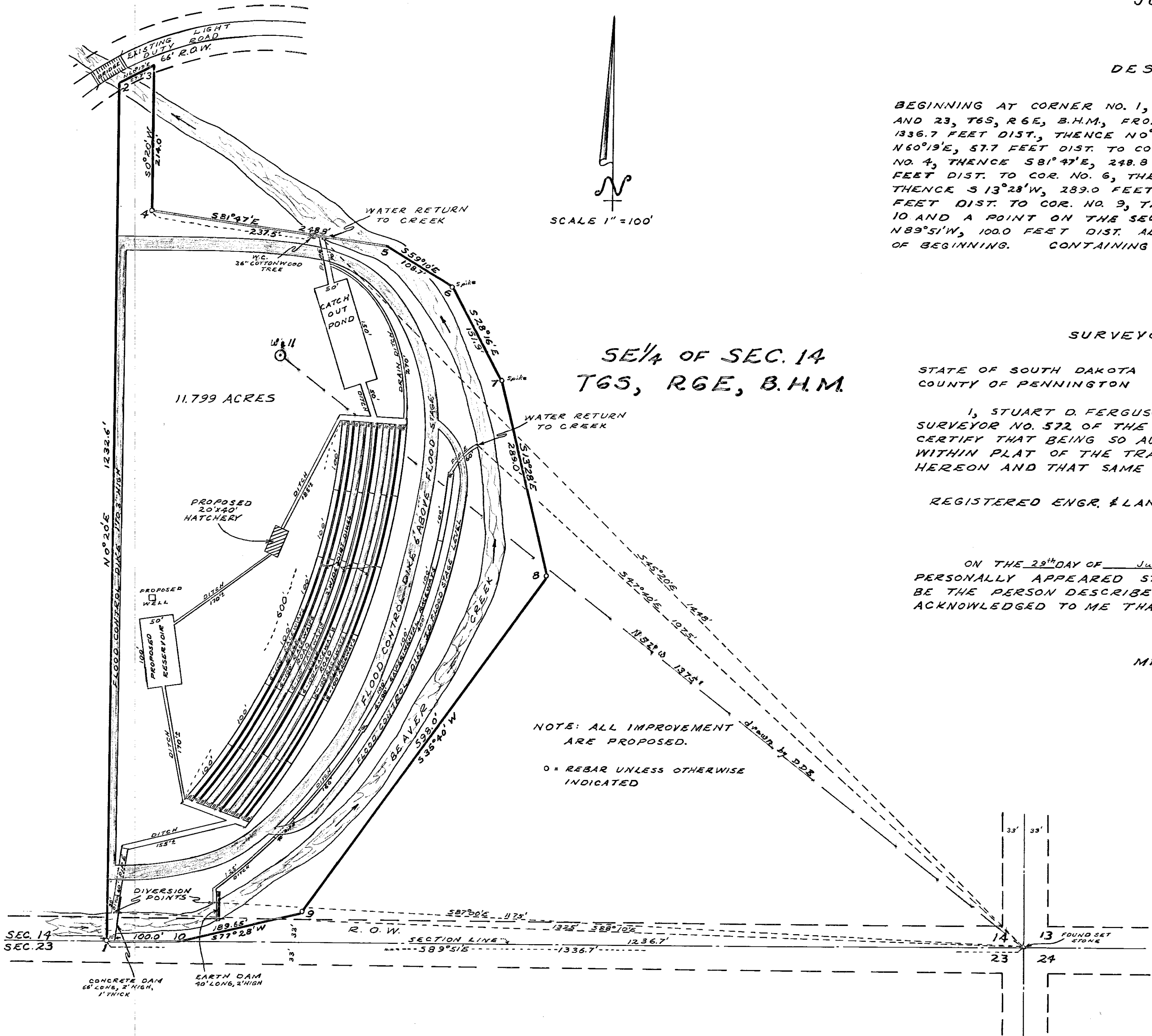
I, STUART D. FERGUSON, REGISTERED ENGINEER AND LAND SURVEYOR NO. 572 OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT BEING SO AUTHORIZED, I MADE THE SURVEY AND WITHIN PLAT OF THE TRACT OF LAND SHOWN AND DESCRIBED HEREON AND THAT SAME IS CORRECTLY SHOWN HEREON.

REGISTERED ENGR. & LAND SURVEYOR: Stuart D. Ferguson
STUART D. FERGUSON
17 MAIN
RAPID CITY, SOUTH DAKOTA

ON THE 28th DAY OF July, 1966, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED STUART D. FERGUSON, KNOWN TO ME TO BE THE PERSON DESCRIBED IN THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME.

NOTARY PUBLIC: James Heald
JAMES HEALD

MY COMMISSION EXPIRES: January 29, 1973.



Remarks by State Water Resources Commission: BASE FLOWS OF BEAVER CREEK ARE APPROPRIATED BY PRIOR APPROPRIATORS. DEPLETIONS UNDER THIS PERMIT SHALL BE NEGLIGIBLE DURING THE IRRIGATION SEASON, AND RATES OF FLOW SHALL NOT BE CHANGED. MEASURING DEVICES SHALL BE INSTALLED TO MEASURE STREAM FLOW ABOVE THE DIVERSION POINT FROM THE STREAM, AND DOWNSTREAM FROM THE WATER RE-ENTRY POINT INTO THE STREAM. WATER SHALL NOT BE PONDED UPON PROPERTY OF OTHERS WITHOUT PERMISSION. THE WELL SHALL BE SO CONSTRUCTED SO THAT WATER IS NOT DRAWN INTO THE WELL FROM THE STREAM DURING THE IRRIGATION SEASON. THE COMMISSION SHOULD BE ADVISED AS TO THE TYPE OF MEASURING DEVICE TO BE INSTALLED AND AT THE TIME THE WELL IS CONSTRUCTED. CERTAIN TESTS MAY BE REQUIRED. DOWNSTREAM WATER RIGHT HOLDERS SHALL HAVE ACCESS TO THE MEASURING DEVICES.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 28, 1966

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock AM upon the 3RD day of AUGUST, 1966

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 892-2

Date of first receipt of application AUGUST 3, 1966

Date of return to applicant for correction, amendment or change required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right AUGUST 3, 1966

Approved SEPTEMBER 15, 1966, Recorded in Book 9 Page 168

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 MARCH 15, 1969

2nd. The whole of said work is to be completed on or before SEPTEMBER 15, 1971

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

SEPTEMBER 15, 1971

4th. The water appropriated shall be used for the purpose of FISH CULTURE

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 110 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-seventh (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

USED FOR FISH CULTURE

and beneficially ~~used for irrigation~~ on or before SEPTEMBER 15, 1971; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 29TH day of SEPTEMBER, 1966

State Water Resources Commission

By:

W. E. Guiney
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 7, 1975

Water License Issued AUGUST 7, 1975

Remarks by the Applicant:

The diversion of Beaver Creek through the hatchery will have no harmful effect on down stream flows. If a substantial well is dug there would be an increase to the down stream flow.

If any loss occurs through seepage, more than is lost in the creek bed itself. I will seal it with plastic or concrete or both.

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 3 inches, Depth estimate 100ft.

Type of casing steel
(wood, concrete, steel, etc.)

Size of casing 6" Thickness of casing 1/2 inch

Length of casing 100 ft. If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water 100ft Character of water bearing materials

Minikata sand

Thickness of water bearing material unknown

(d) Pump and Motor

Type of pump Centrifugal if needed
(centrifugal, propeller, mixed flow, etc.)

Name of pump size

Kind of motor
(gasoline, electric, diesel, etc.)

Horsepower Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost \$1,000

(f) Owner of land upon which well is located Tom G. Simpson
Name

Trout Haven, Hemo Rt. Deadwood, So. Dak.
Address

(g) Distance to nearest existing wells Estimated about 1 1/2 miles

On same owner's property rods. On property owned by others 400 Estimated

(First Publication on or before August 18, 1966)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 11, 1966

Notice is hereby given that Tom C. Simpson whose postoffice address is Deadwood 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 11.0 cubic feet of water per second of time from Beaver Creek and ground water through the Trout Haven Ranch, the point of diversion of which is to be located on the north bank of said stream in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 14 Twp. 6 S Range 6 E. Said water to be used for the purpose of providing ~~irrigation on the farm~~ ~~water for operation of a fish hatchery.~~

~~and for~~~~purposes~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1966, 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: Mr. E. E. Hansen, Manager
Hot Springs Star
Hot Springs, S.D.

By:
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Fall River } ss.

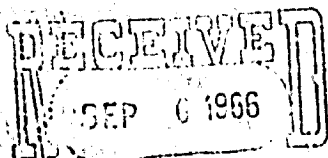
I, E. E. Hansen being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____
Hot Springs Star a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Hot Springs County of Fall River and State of South Dakota; that the said notice was published in said newspaper on the following dates:

August 18, 25, September 1, 8, 1966

In each and every issue of the full number thereof, the first publication being made on the 18 day of August 1966 and the last publication on the 8th day of September 1966, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was manager the printer and publisher of the said newspaper.

E E Hansen

Subscribed and sworn to before me this 8th day of September A. D. 1966



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
Office of State Water
Resources Commission
Pierre, S. D.

August 11, 1966
Notice is hereby given that Tom C. Simpson, whose post-office address is Deadwood, 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 11.0 cubic feet of water (per second) of a time from Beaver Creek and ground water through the Trout Haven Ranch, the point of diversion of which to be located on the north bank of said stream in the SW 1/4 of the SE 1/4 of Section 14 Twp. 6 S. Range 6E. Said water to be used for the purpose of providing water for operation of a fish hatchery.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1966, 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:
BURTON F. JONES
Water Right Specialist
(Aug. 18, 25 Sep. 1, 8)

Notary Public Fall River County, S. D.

Form 12.

Permit No. 892-2

Water Division 2 Fall 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 Tom C. Simpson of Deadwood, South Dakota holder of Permit No. 892-2, bearing date of priority of August 3, 1966 authorizing the diversion of 11 cu. ft. per second of the waters of Beaver Creek & Ground Water for Fish Culture 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:

See attachment Part #1

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

190 Foot "V" Type Ditch With 60 Foot
100 Feet 2 Inch Plastic Mainline

C. Works used to apply water to beneficial use.

9 Ponds 100 Foot In Length And 20 Feet In Width

The system is in the following condition: Good

The point of diversion is located See Attachment Part 2

The works are capable of diverting and conveying to the place of use 11 (Non Consumptive Use)
cu. ft. per second of water which is to be used for Fish Culture

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

comprising a total of _____ acres of land.

Tom C. Simpson
c/o Steve Simpson
Box 63
Buffalo Gap, SD 57722

Date July 14, 1975

Thomas A Gardner
(Signature)

THOMAS A GARDNER
Water Resource Engineer

ATTACHMENT

Part 1

2" foot concrete diversion dam, 66 feet long
and 1 foot thick

100' deep well, 8 inch steel cased

MAIN SYSTEM: $\frac{1}{2}$ H.P. A.O. Smith Electric
Model 115/230 Ser. 1

2" Sears Robucks-Howart
Mod. 390 209 Code B67

BACK UP SYSTEM: $\frac{3}{4}$ H.P. A.O. Smith Co. Electric
Mod. #C4BK2DASA2 Ser. #L69

2" Centri-Thrif Pump
Ser. #953

Part 2

WELL: N.46°E. 1255 feet from the SE $\frac{1}{4}$ Cornor
Sec. 14, T.6S., R.6E., B.H.M.

DAM: N.238°10'E. 1325 feet from the SE $\frac{1}{4}$ Cornor
of Sec. 14., T.6S., R.6E., B.H.M.

Permit No. 892-2Water Diversion No. 2 FALL RIVER Water District

CERTIFICATE OF CONSTRUCTION

Tom C. Simpson

This is to Certify, That _____

_____ the holder _____ of
Permit No. 892-2, issued upon Application No. 892-2, bearing date of priority of August 3,
1966 authorizing the diversion of 11.0 cu. ft. per second of the waters of _____
Beaver Creek & ground water County of Custer, State of South Dakota at _____
Well - North 46° East, 1255', and dam North 288° 10' East, 1325' both from
the SE Corner, Section 14, T6S, R6E
_____, for fish culture

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 11.0 cu. ft. per second of water.

Date August 7, 1975

By:

WATER RIGHTS COMMISSION

VERN W. BUTLER, Acting
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. .892-2

(1) WHEREAS, On the 3rd day of August, A. D. 1966
Tom U. Simpson

made Water Right Application No. 892-2 for a permit to use 12.0 cubic feet per second of the waters of Beaver Creek and ground water

County of Custer, State of South Dakota, for fish culture purposes; and

(2) WHEREAS, On the 29th day of September, A. D. 1966

Permit No. 892-2 with a date of priority of August 3, 1966 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 15th day of September, A. D. 1971 and for the application to beneficial use of said water on or before the 15th day of September, A. D. 1971

and;

(3) 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 11.0 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,

water is used non-consumptively for propogation of trout.

(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 Tom C. Simpson

_____ of Deadwood, S.D.

the holder _____ and owner _____ of said permit No. 892-2 a water right, dating from August 3, 1966

_____ to use of 11.0 cubic feet per second of the waters

of Beaver Creek and ground water

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

Well - North 46° East, 1255', and dam North 288° 10' East, 1325' both from the SE Corner Section 14, T6S, R6E

and ~~XXXXXX~~ conducted through the hatchery

for the purpose of fish culture

Subject to any limitations listed in Water Right Permit No. 892-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 7th day of August A. D.

Nineteen Hundred and Seventy-five

RIGHTS
WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer

VERN W. BUTLER, Acting

Buffalo Gap, South Dakota
September 14th, 1966

State Water Resources Commission
State Office Building
Pierre, South Dakota

Gentlemen:

The recent application to appropriate 11 cubic feet of water per second from Beaver Creek by Tom C. Simpson of Deadwood, South Dakota, is of concern to me.

As your investigation of three years ago shows, there is insufficient water in this stream to satisfy the already existing water rights. Any additional appropriations of water, or loss of water, through any means will cause additional dissatisfaction and hardship among the local users.

Therefore, I, Cecil Harmon, Buffalo Gap, South Dakota, wish to register a protest against this additional appropriation of water

Yours Truly,

Cecil Harmon

A F F I D A V I T

STATE OF SOUTH DAKOTA)
COUNTY OF FALL RIVER) SS.

JAMES BOWKER, being first duly sworn, deposes and says that he is the owner of the A. D. Bond Water Right on Beaver Creek in Section 4, Township 7 South, Range 7 East, B. H. M. in Fall River County, South Dakota, and the owner of a portion of the Boland, Reno and Brandham Water Right on Beaver Creek in Section 32, Township 6 South, Range 7 East, B. H. M. in Custer County, South Dakota; that affiant objects to the granting of any water right to Tom C. Simpson of Deadwood, South Dakota, on Beaver Creek in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 6 South, Range 6 East, B. H. M. for the reason that if said applicant is permitted to appropriate the quantity of water which he has requested such appropriation will materially interfere with the Water Rights of affiant.

James Bowker

Subscribed and sworn to before me this 9th day of September, 1966.

Allen G. Wilson
NOTARY PUBLIC

Buffalo Gap, S. Dak.
September 12, 1966

Water Resources Commission
Pierre, S. Dak.

Dear Sir:

I do not approve of any more water rights on
Beaver Creek.

Yours truly,

Glen V. Fugler
Glen V. Fugler
Buffalo Gap, S. Dak.

Signed before me this 12 day of Sept 1966

Leah H. [Signature]
Notary Public

My Comm. Expires Sept. 13, 1970

NOLAN GRAIN & SEED CO.
JOHN DEERE FARM EQUIPMENT
GRAIN - COAL - FLOUR - FEED - SEED - LUMBER

BUFFALO GAP, SOUTH DAKOTA

Sept. 4th, 1966

State of South Dakota }
County of Custer } S.S.

To the Office of State
Resources Commission
Attention, Mr. Burton F. Jones,
Water Right Specialist.
Pierre, S.D.

RE: Contemplated Fish Hatchery Site
on Beaver Creek, Custer County,
S. D., planned by one
Tom O. Simpson, of Deadwood, S.D.
as per Application of Simpson,
for Appropriation of Water, as
per Notices published on Aug. 18th
25th, Sept. 1st and 8th, in a
Rapid City S.D., newspaper.

Dear Mr. Jones:

Being the owner of a Water Right on said Beaver Creek, I am
strongly against this Appropriation of Water by Mr. Simpson.

Mr. Simpson says in his Notice of Appropriation, that he intends to
appropriate 11.0 cubic feet of water per second of time from Beaver
Creek, through the Trout Haven Ranch, which ranch, I understand
consists of two and one half acres.

This much water however used by Simpson, is sometimes more than the
creek flows, and would greatly reduce our already short supply for
irrigation purposes.

Such being the case it is very necessary, that Mr. Simpson's
application be denied in all its forms.

W. F. Nolan
W. F. Nolan, owner of Water Right
on Beaver Creek.

Subscribed and sworn to before me
a Notary Public in and for Custer
County, S.D.

[Signature]
Notary Public.
13-197

RECEIVED
SEP 12 1966

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Permit No. 892-2Water Division No. 2 Fall River Water District

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

(F. O.) Nema Rt. Deplwood, S.D.(Date) 6-3-71

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 _____

_____ 11 cu. ft. per second of the waters of the state from _____
through the Becker Creek - Trout Haven Ranch
for Fish Culture 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 Tom C. Simpson

2. The postoffice address of such person or the place of business of such corporation is Nema Rt. Deplwood
County of Laurens State of S.D.

3. The number of such permit is 892-2 and the date set for the completion of such work is

September 15, 1971

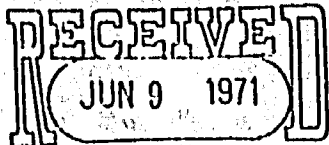
4. Said water to be used for Fish Culture purposes.

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 _____ 11 cubic feet per second.

6. The amount of land for which said water is available is Approx 10 acres.
particularly described as follows: DMF Approx 1/4 Acre of
Raceway Type Ponds Constructed

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

(Signature of Owners)

Tom C. Simpson

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA



Water Lines
or Flow

TROUT HAVEN RANCH

Box 63, Buffalo Gap, S.D. 57722

Phone Area 605 - 3-2393

Pond and Stream Stocking - Dressed Trout

Diversion Dam

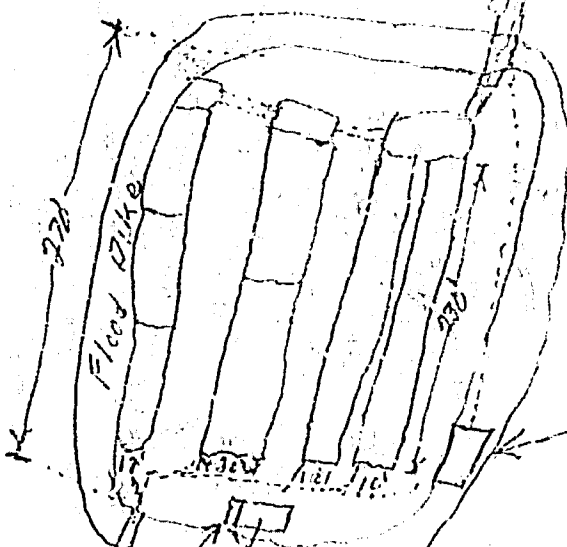


Beaver Creek

Measuring Flume
Intake

Clear Flow Ditch

Intake Ditch



Hatch
Bldg

15' well

Storage
Bldg

Fountain

House

30' x 60'
Catch Out Pond

Parking
Lot

Measuring Flume
Discharge

Clearing Bldg.

Road

Live Delivery Guaranteed - Top Quality - Best Prices

Water Rights Division - DWR
Conversation or File Documentation

File No. 892-2

NAME OF PERSON OR FILE: Tom C. Simpson

ADDRESS: Box 63, Buffalo Gap, SE 57722 COUNTY Custer

DATE: November 13, 1985 TELEPHONE —

RE: Legal description of diversion points

COMMENTS:

A review of Water License No. 892-2 found that the legal descriptions of the diversion points are in error. On October 30, 1985 I completed a field investigation on the location of the diversion points. The locations are as follows:

Well - N 52° W 1375 feet from the SE corner of section 14, T6S, R6E.

Dam - N 88° 10' W 1325 feet from the SE corner of section 14, T6S, R6E.

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.

4/82

NAME:

Delvin D. Cross, P.E.
Hydrologist

State of South Dakota

REISSUANCE OF Water License No. 892-2

(1) Tom C Simpson
of Box 63, Buffalo Gap SD was issued Water License No. 892-2
made Application No. _____, August 7, 1975 for a ^{right} water permit to appropriate
11.0/ cubic feet per second of water from Beaver Creek & groundwater (one well),
Custer County, South Dakota for fish culture purposes.
Water License Permit No. 892-2, with a priority date of August 3, 1966
was approved _____ and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before _____ and for the application to beneficial use of said
water on or before completed _____.

An October 30, 1985 inspection of the water use system and a review of
Water License No. 892-2 dated August 7, 1975 found the legal description
of the points of diversion specified on the license were in error. Water
License No. 892-2 is being reissued to correct these errors.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 11.0 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are Well - N52°W, 1375 feet from the
SE corner of Section 14, T6S, R6E; Dam - N88°10'W, 1325 feet from the
SE corner of Section 14, T6S, R6E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, non-consumptive use for fish propagation

(4) Pursuant to §46-5-30.1, Tha C Simpson
of Box 63, Buffalo Gap SD 57722
Right 892-2
the holder(s) and/or owner(s) of Water Permit No. 892-2 is issued a license to appropriate water, the right to use
11.0 cubic feet per second of water from Beaver Creek & groundwater with a priority date
of August 3, 1966 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of fish culture

This license is subject to any limitations or qualifications listed in Water Permit No. Right 892-2 and subject
to South Dakota State Law.

John Kitch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JAN 24 1966

SOUTH DAKOTA



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

JAN 24 1986

Tom C Simpson
Box 63
Buffalo Gap SD 57722

Dear Mr. Simpson:

Enclosed is your Water Right License No. 892-2. The water license has been reissued to the extent of what is actually being used. The relicense is based on a October 30, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

South Dakota



GREAT FACES. GREAT PLACES.
October 10, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

892-2

Steve Simpson
Trout Haven Ranch
Box 147
Buffalo Gap SD 57722

Dear Mr. Simpson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 892-2. The water right is currently listed in the name of Tom C Simpson.

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

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,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 25, 1992

SECOND NOTICE
PERMIT NO. 892-2

Steve Simpson
Trout Haven Ranch
Box 147
Buffalo Gap, SD 57722

Dear Mr. Simpson:

On October 10, 1991, notice was sent to you concerning the transfer of Water Right No. 892-2 in the name of Tom C. Simpson. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The right can then be transferred to your name. If you are not the present owner of the land covered under this right, please notify this office. It is very important that ownership records be kept current. 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 Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
		3. Article Addressed to: 892-2 Steve Simpson Trout Haven Ranch Box 147 Buffalo Gap, SD 57722	
4a. Article Number P 906 559 902		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee) <i>William Simpson</i>		7. Date of Delivery 10-27-92	
6. Signature (Agent)		8. Addressee's Address (Only if requested and fee is paid)	
PS Form 3811, December 1991 • U.S.G.P.O. : 1992-307-531 DOMESTIC RETURN RECEIPT			

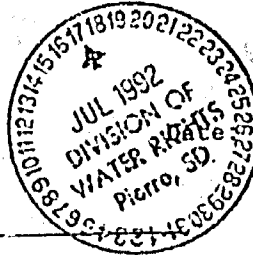
Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3161

No. 892-2



6/29/92

I/We request that Water Right No. 892-2

formerly owned by: Tom C Simpson

be transferred to: (name & address) Steve Simpson Box 147
BUFFALO GAP, SD 57722 (Telephone No.) 605-833-2571

Title to the following described land(s)/property has been transferred as described above:
(commercial use permit for Trout Haven Ranch) diversion points located in S 1/2 Section 14
16S, R6E, Custer County

I/We understand that the validity of Water Right No. 892-2 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 Pennington)

I/We Steve Simpson 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.

Steve Simpson
(Signed)

Subscribed and sworn to before me this 29th day of June, 19 92.

My comm. expires 8/4/95

Joseph C. V. Henderson
(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

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ July 21, 19 92

RECEIVED OF Steve Simpson/Trouz Haven Ranch, PO Box 147, Buffalo Gap, SD 57722

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
Fee for Filing Transfer Form <u>Water Right No. 892-2</u>		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By

Chief Engineer

John H. H. H.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 23, 1992

No. 892-2

Steve Simpson
Box 147
Buffalo Gap, SD 57722

Dear Mr. Simpson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 892-2.

Our records now show you as the owner of Water Right No. 892-2.

Sincerely,

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

enclosure

6-28-86

Laboratory sent to for water quality analysis

DISINFECTION: Was well disinfected upon completion? YES, How? NO, Why Not? Later

Describe packer(s) and location? If so, what material? N/A

WAS A PACKER OR SEAL USED? YES NO

SCREEN: Perforated pipe Manufactured Material

Describe grouting procedure: Bentonite above pea rock

Grout Type No. of Sacks Grout Weight lb/gal

PIPEWEIGHT DIAMETER FROM TO

HOLE DIAMETER

CASTING DATA: Steel Plastic Other

Auger Bucket

METHOD OF DRILLING: Irrigation Domestic/Stock Municipal Business Institutional Test Holes Monitoring well

PROPOSED USE: feed lot etc? 100 ft. from Creek (identify source)

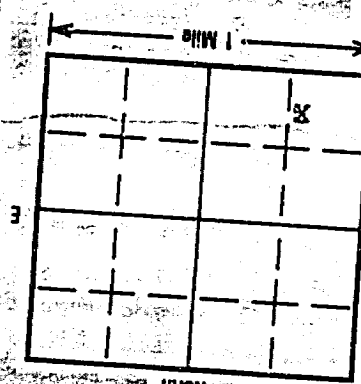
LOCATION: Distance from nearest potential pollution source (septic tank, abandoned well)

Well Completion Date 06-27-96

Please mark well location with an "X"

County Cluster

Location: SW 14 Twp 6S Rg 6E



SOUTH DAKOTA WATER WELL COMPLETION REPORT

892-2

07-92

Well Owner: Steve Simpson Business Name: Trout Haven Ranch Address: Buffalo Gap, SD 57722

WELL LOG: FORMATION DEPTH

Sandy Clay 0 8 30 36

Gravel 8 30 36

Rock 30 36

STATIC WATER LEVEL: 9

WELL TEST DATA: Pumped Bailed Other

Describe: Pumping Level Below Land Surface

REMARKS: If pump installed, pump rate

Driller: Ted Schamber

Signature of License Representative

Signature of Well Owner or Equitable Property Holder

Date: 08-06-96

This well was drilled under license # 195

And this report is true and accurate.

Drilling firm: S. Bice Drilling Co., Inc.

Signature of Well Owner or Equitable Property Holder

Date: 08-06-96





892 J

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 30, 1996

Steve Simpson
Box 147
Buffalo Gap SD 57722

Dear Mr. Simpson:

I am writing in response to our receipt of a well completion report for a well constructed in June of 1996 for Trout Haven Ranch.

On September 19, 1996, I stopped by the ranch to inquire about the new well and spoke to your employee, John Pringle. Mr. Pringle indicated that the well was completed for purposes of replacing the existing well used to supply the fish rearing ponds. If the new well is serving any other use aside from being a replacement well, then please advise me. According to Mr. Pringle, water from the old well had a high sulfur content and was not suitable for raising trout.

Trout Haven Ranch currently holds Water Right No. 892-2 for 11.0 cubic feet of water per second from a well and diversion dam on Beaver Creek. Based on state law, it is permissible to construct a replacement well without applying for another water right permit provided the water source remains the same and the diversion rate does not increase over the permitted diversion rate. Mr. Pringle indicated that the new well is approximately 30 yards from the old well. If the old well has been abandoned, then it needs to be plugged according to the well construction standards (copy enclosed.) A licensed well driller can complete the well plugging.

Please contact me at (605) 773-3352 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Duvall'. The signature is fluid and cursive, with a large initial 'R'.

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

892-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 13, 2005

Steve Simpson
Trout Haven Ranch
Box 147
Buffalo Gap SD 57722

Dear Mr. Simpson:

I am writing in follow-up to your phone conversation with Don Stroup and the message I left on your answering machine. Enclosed are forms to apply for a water permit for the additional raceway/ponds for Trout Haven's operation.

Currently, Trout Haven holds a Water Right No. 892-2 appropriating 11.0 cubic feet of water per second from Beaver Creek and ground water for propagation of trout. The Beaver Creek component is to be used non-consumptively. It is our understanding that additional raceway/ponds are proposed. I am uncertain at this point whether the proposed construction includes an additional diversion point or increase in the authorized diversion rate. All of this will need to be provided in the application.

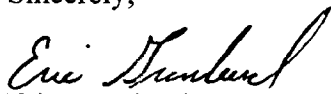
A water right permit will need to be obtained for the contemplated construction as I understand the proposal. Please complete and submit the application. Once a complete application is received, it will be reviewed by staff and public noticed for a hearing before the Water Management Board.

I caution you not to begin construction until a water right permit is in place. South Dakota Codified Law 46-5-9&10 prohibit the construction of works until a water permit is obtained.

I understand that you are also working with Mike Pogany of the Surface Water Quality Program regarding discharge permitting for the outfall back to Beaver Creek.

If you have any questions regarding water right permitting requirements, please feel free to contact me.

Sincerely,


Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosure



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 6, 2009

Steve Simpson
Trout Haven Ranch
PO Box 147
Buffalo Gap SD 57722

Dear Mr. Simpson:

Trout Haven Ranch holds Water Right No. 892-2 appropriating 11.0 cubic feet of water per second from Beaver Creek and a well for fish culture purposes. The use of Beaver Creek is to be non-consumptive. The water right includes a condition requiring measuring devices above the diversion point from the stream and downstream from the re-entry point to Beaver Creek. The condition is to ensure that the use of water from Beaver Creek remains non-consumptive by measuring stream flow above and below the hatchery facility. A copy of the water permit as originally issued (including a retyped version of the condition for ease in reading) and the Water Rights Commission's minutes from the September 15, 1966 are attached.

DENR requests that by January 23, 2009, Trout Haven Ranch provide details on the type and location of the measuring devices in place. This request is based on the testimony and Water Management Board discussion at the December 10th hearing on Southern Black Hills Water System's water permit application. DENR also requests submittal of any flow records kept over the years from both of the measuring devices.

Weather permitting, Aaron Tieman from DENR's Rapid City regional office may be in contact with you to personally view the measuring devices. If you have any questions regarding this matter, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program, DENR

Enclosures

C: Michael Hickey, Bangs McCullen Law Firm, PO Box 2670, Rapid City SD 57709-2670
Diane Best, Assistant Attorney General, 300 N. Dakota Avenue, Suite 403, Sioux Falls
SD 57104-6032

Typed version of condition to Water Right No. 892-2

Base flows of Beaver Creek are appropriated by prior appropriators. Depletions under this permit shall be negligible during the irrigation season, and rates of flow shall not be changed. Measuring devices shall be installed to measure stream flow above the diversion point from the stream, and downstream from the waters re-entry point into the stream. Water shall not be ponded upon property of others without permission. The well shall be so constructed so that water is not drawn into the well from the stream during the irrigation season. The Commission should be advised as to the type of measuring device to be installed and at the time the well is constructed. Certain tests may be required. Downstream water right holders shall have access to the measuring devices.

TROUT HAVEN RANCH

PO Box 147
Buffalo Gap, SD 57722

January 22, 2009

RECEIVED
JAN 23 2009
WATER RIGHTS
PROGRAM

Garland Eberle, Chief Engineer
Dept. of Environment and Natural Resources
PMB2020, Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Mr. Erbele:

RE: Letter Dated January 6, 2009

I called your office and talked to Eric to find out exactly what you're looking for. We have a Parshall Measuring Flume above and below the trout hatchery. My Dad installed those when I was a kid, but I remember him putting them in because I had to do the shovel work. My Dad told me that the reason they were installed was not because of any concerns of DENR but because of the concerns of irrigators below us. For a year or two, occasionally one of those guys would show up to look at the flumes. They found that all the water coming in was going out.

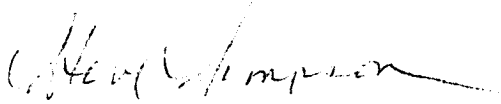
It's difficult to measure the water coming in because of several floods we had this summer. In September, when we were out of fish, we had a backhoe re-dig our intake ditch to get out the silt and crud that had washed in our diversion ditch because of these floods. We managed to dig a trench down to the original grade up to the weir. You can see the weir but it has a lot of mud on it. Our plans are to use the new weir that's going to be built 100 yards upstream on Schroth's land to meet any irrigators' concerns about any consumption that we have. It will be much more accurate and much easier to read. Our discharge weir requires us to put up a temporary blockade in a diversion ditch to read the weir. It's a pain.

Our son, who is a graduate of the School of Mines, showed us how to use a measuring system called the Manning Formula where we can measure the flow of the hatchery by using the culvert under the road in front of our place. It's real simple, and that's what we use.

The only requirement we have in measuring our flow is dealing with our discharge monitoring permit which is only an estimate. We have routinely added water to the stream by way of our well we use in our hatchery building and average about 6.5 million gallons per day through our hatchery. I wish this type of measurement (Manning formula) would work for requirements that will be placed upon Southern Hills Water, but it's not accurate enough. USGS indicated that a V-notch weir, which we will install above us on Schroth's land, will be a lot more accurate.

You or any of your representatives are welcome at Trout Haven Ranch any time. We'll be glad to give you the nickel tour. Garland, if there's anything else I can do to help you, don't hesitate to ask.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Simpson", with a long, sweeping horizontal line extending to the right.

STEVE SIMPSON, Owner
Trout Haven Ranch

cc: Michael Hickey, Attorney
Diane Best, Asst. Attorney General
Everett Hoyt, Water Board

INTEROFFICE MEMORANDUM

FROM: AARON TIEMAN
SUBJECT: WATER RIGHT NO. 892-2, RECORDED MEASURING DEVICES
DATE: 3/19/2009

On March 2, 2009 I conducted an onsite inspection of Water Right 892-2 for Trout Haven Ranch which authorizes the appropriation of 11.0 cubic feet of water per second from Beaver Creek and a well for fish culture purposes. The use of Beaver Creek is to be non-consumptive. The water right includes a condition requiring measuring devices upstream of the diversion from the stream and downstream from the re-entry point into Beaver Creek.

Both of the measuring devices showed signs of damage from local flooding that occurred in the Spring/Summer of 2008. The upstream measuring device is present but unreadable due to the large amount of silt surrounding the device. The downstream measuring device suffered severe damage from flooding with only the partial flume remaining in place. Mr. Simpson stated that he uses a yard stick to measure the flow at the flume when he is discharging. The condition on the water right does not require keeping flow records. Mr. Simpson informed me that he did not record the flow except for when he is discharging from the fish nursery (which is a condition set by the Surface Water Quality Discharge Permit).

The accompanying map shows the location of the devices and photos (below) illustrate what was seen on the day of the visit.



Figure 1 Upstream Device Photo #1



Figure 2 Upstream Device Photo #2



Figure 3 Downstream Device Photo #1



Figure 4 Downstream Device Photo #2



Figure 5 Downstream Device Photo #3

Water Right 892-2
Steve Simpson
Trout Haven Ranch
March 2, 2009



Aaron R. Tieman

Aaron Tieman
Natural Resources Project Engineer
DENR Water Rights Program



South Dakota

PAID

APR 28 2026

Ck# 1993

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 892-2

Date: 4-24-26

I/We request that Water Right/Permit No. 892-2 formerly owned by:

Steve Simpson Steve Simpson

be transferred to:

New Owner Name: Buettner Construction

Address: 5596 445 lane mobile: 308-430-1205

City, State, Zip NEBRASKA email: dirtrocks@gmail.com
Hay Springs, NE 69347

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

TR A OF SE4 SEC 14 T-6 R-6 11.799 AC (BLDGS) MH AS RE - 1974 BONNAVILLA 24X60 T# Y32563
1760601400000500 TROUT HAVEN

RECEIVED

APR 28 2026

OFFICE OF
WATER

☒ I understand that the validity of Water Right/Permit No. 892-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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

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

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

current owner
Steve Simpson

Edw Buettner
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

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

Prepared By:
Aaron W. Davis, Esq.
Valhalla Legal, PLLC
PO Box 735
Custer, SD 57730
763-957-2397
C26-0364

RECEIVED
APR 28 2026
**OFFICE OF
WATER**

WARRANTY DEED

STEVE SIMPSON and MARILYN SIMPSON, husband and wife, of PO Box 147, Buffalo Gap, SD 57722, GRANTOR, for and in consideration of One Dollar and other valuable consideration GRANTS, CONVEYS, and WARRANTS to BUETTNER CONSTRUCTION COMPANY, of 5596 445 Land, Hay Springs, NE 69347, GRANTEE, the following described real estate in the County of Custer and the State of South Dakota:

Tract A of the SE1/4 of Section 14, T6S, R6E, BHM, Custer County, South Dakota, as shown on the Plat recorded in Book 4 of Plats, Page 42.

Subject to easements, rights-of-way, restrictions, reservations, declarations, and covenants of record.

Transfer Fee
\$ 600.00

Dated this 24 day of April, 2026.

GRANTOR:

Steve Simpson
STEVE SIMPSON

Marilyn Simpson
MARILYN SIMPSON

RECEIVED

APR 28 2026

OFFICE OF
WATER

STATE OF South Dakota
IN THE COUNTY OF Custer) SS

On this the 24 day of April, 2026, before me, the undersigned officer,
personally appeared STEVE SIMPSON and MARILYN SIMPSON, known to me or satisfactorily
proven to be the person whose name is subscribed to the within instrument and acknowledged that
they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Jessica G Stender
Notary Public,

My commission expires:

9/22/26
(SEAL)



RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 28, 2026

RECEIVED OF Buettner Construction 5596 445 Lane Hastings, NE 69347

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 #892-2 _____	\$50.00
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$50.00

By Adam Muthiswamy
Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 29, 2026

892-2

Buettner Construction
5596 445 Lane
Hay Springs, NE 69347

Dear Mr. Buettner:

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the fee you submitted for Water Right No. 892-2, enclosed is a \$50.00 receipt of payment for your records.

Water Right No. 892-2, previously held by Steve Simpson, is now listed under Buettner Construction. I have also updated your contact information in our system.

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

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Right No. 892-2 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosures