

705-2-

1. Considered May 17, 19 67
2. Name of Applicant A. J. Jensen
3. Post Office Address Hermosa
4. Amount of water claimed 2.57
5. Source of water supply Indian Trail Drain & Dry Drain
6. Water to be used for Irrigation
Acres to be irrigated 180
7. Water to diverted and used in Custer County
about 13 E miles of Hermosa
8. Proof of Publication Received April 28
Not Received _____
9. Application Approved _____
Subject to X
Not Approved _____
Action deferred _____

10. Remarks:

No. 905-2Water Division No. 2 Rapid Creek District Si
(Blanks to be filled by the Engineer for the W. R. C.)

MAR 27 1967

STATE WATER RESOURCES COMMISSION
SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

TRANS: 9-1-76 4/12/19 (NOTE—Draw a line through items not applicable.) John I. Colgan
 1. Name of applicant ~~Fortune Ranch, Inc.~~ FORTUNE RANCH, INC. (ROBERT FORTUNE)
 Postoffice address Hermosa QUINN, County Custer, State S. Dak.

I. If a corporation

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

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

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

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

Employment of others

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

2. Name of diversion work A. J. JENSEN SPREADER SYSTEM3. Amount of water claimed 2.57 cubic feet per second4. Source of water supply Indian Trail Draw and un-named dry draw5. Location of point of diversion NE 1/4 SEC. 33 and NE 1/4 NW 1/4 SEC. 34 both in T29 - R10E

on _____ bank _____ County.

6. Annual period or periods during which water is to be used April through September

7. To be used for:

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

(a) Number of acres to be irrigated 180 acres.(b) Legal subdivisions to be irrigated See under "Remarks by the Applicant"

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction, with acreage thereof, should be written on 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 _____

2-662-7-1411

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal earth, \$ 750

Earth dam ~~xxx~~, \$ 300(e) Other structures dikes, ditches, pipe drains \$ 3650

Total, \$ 4700

9. Description of diversion works:

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

Sec. 33, earth dam; Sec. 34, diversion channel at base grade of water course

II. Dimensions of works.

(a) Dam: Height 6 feet; length at bottom 30 feet; length at top 150 feet; thickness at bottom 40 feet; thickness at top 10 feet; slope at front water face 3/1; slope at back face 2/1; material used in construction Earth fill

(b) Reservoir: Capacity when filled No storage ~~pl~~ land acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
<u>Un-gated 12 inch diameter metal pipe to be installed in base of diversion dam, below diversion channel grade.</u>		

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

(d) Canal: Total length 0.85 miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.11. Time required for complete application of water to the proposed beneficial use 9 years.12. Choice of newspaper for publication of notice of Intention to appropriate -----CUSTER COUNTY CHRONICLE

STATE OF SOUTH DAKOTA

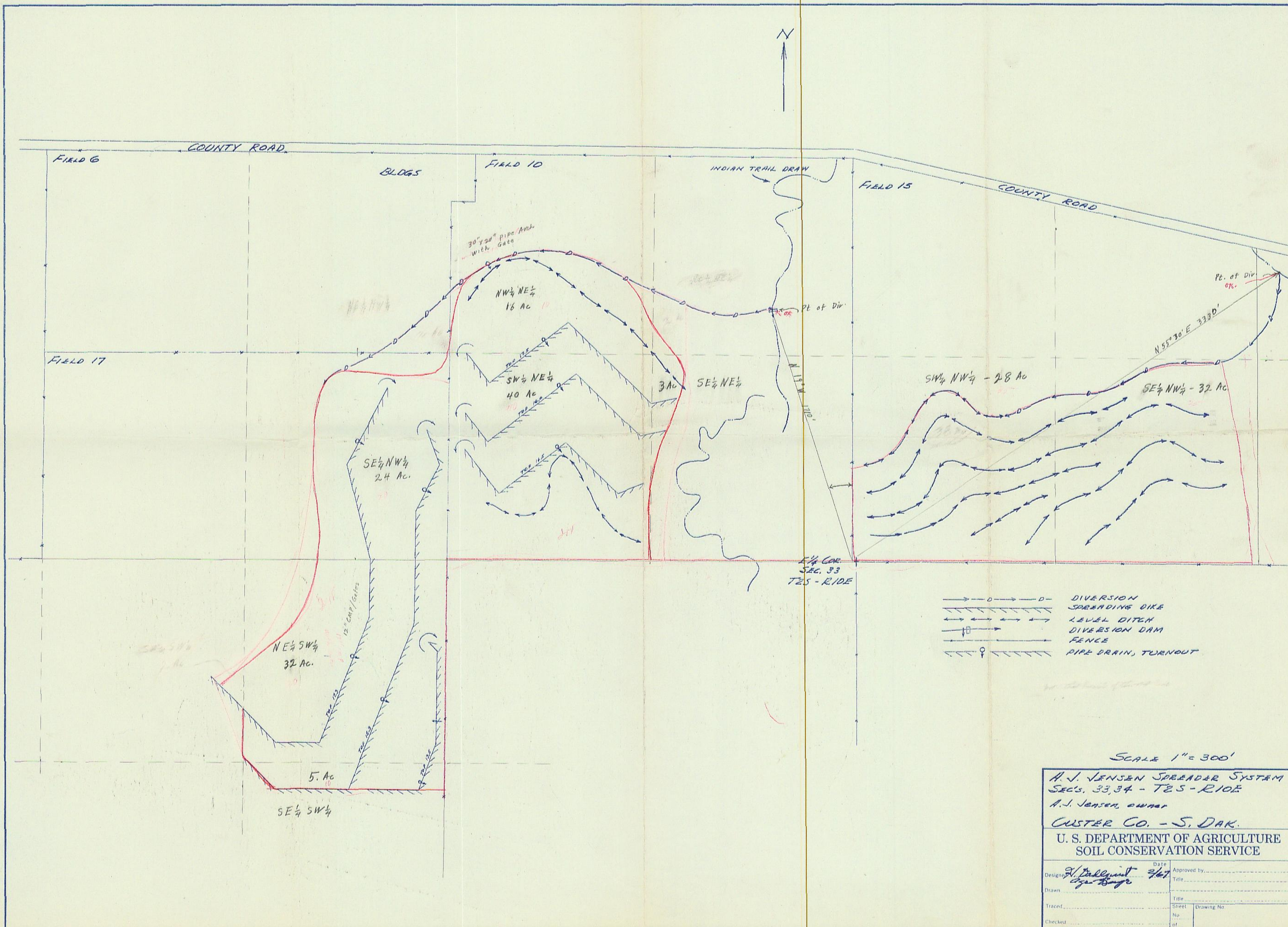
County of PENNINGTON

RS.

I, A. J. JENSEN

, being first duly sworn on my oath depose and say, That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed -----Subscribed and sworn to before me this 24th day of MARCH 1907Notary Public (or other qualified officer)



Remarks by State Water Resources Commission:

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

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, May 17, 1967

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock
A m. upon the 27th day of March, 1967.

State Water Resources Commission

By: Richard D Schroyer
For Chief Engineer, Executive Officer

Number of permit 905-2

Date of first receipt of application March 27, 1967

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 March 27, 1967

Approved May 17, 1967, Recorded in Book 9 Page 262

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 November 17, 1967

2nd. The whole of said work is to be completed on or before May 17, 1972

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

May 17, 1976

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 2.57 cubic feet per second, neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry, and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before May 17, 1976; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 19th day of May, 1967

State Water Resources Commission

By: Richard D Schroyer
(Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 23, 1980.

Water License Issued DECEMBER 23, 1980.

Remarks by the Applicant:

7. I (b) legal subdivisions to be irrigated- -

SE $\frac{1}{4}$ NW $\frac{1}{4}$	SEC. 33	20 ac.	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	SEC. 33	30 ac.	
SE $\frac{1}{4}$ SW $\frac{1}{4}$	SEC. 33	10 ac.	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	SEC. 33	10 ac.	
SW $\frac{1}{4}$ NE $\frac{1}{4}$	SEC. 33	40 ac.	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	SEC. 34	35 ac.	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	SEC. 34	35 ac.	all in T2S - R10E
TOTAL		180 acres	

On or before April 20, 1967.
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., March 29, 1967

Notice is hereby given that A. J. Jensen whose postoffice address is Hermosa S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.57 cubic feet of water per second of time from the Indian Trail Draw and a dry draw through the Jensen Sprinkler System the point of diversion of which is to be located on the both banks of said stream in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, both in portions of Twp. 2R Range 10E. Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33; S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34; all in T2R, R10E.

and for irrigation

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967 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:

~~CHAS. E. SCHWYER~~
RICHARD D. SCHWYER
Water Right Specialist

CC: Mr. Carl H. Sandstrom, Publisher
Custer County Chronicle
Custer, S.D.

NO PROOF ATTACHED

Form 11—Proof of Publication—Appropriation of Water.

No. 905-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Custer } ss.

Carl H. Sundstrom being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Custer County Chronicle 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 Custer, County of

Custer and State of South Dakota; that the said notice was published in said newspaper on the following dates:

April 6, 1967

April 13, 1967

April 20, 1967

April 27, 1967

in each and every issue of the full number thereof, the first publication being made on the 6 day of April

1967 and the last publication on the 27 day of

April 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Printer & Publisher of the said newspaper.

APPROPRIATION OF WATER

No. 905-2

Office of State Water
Resources Commission

Pierre, S. Dak.

March 29, 1967

Notice is hereby given that A. J. Jensen whose postoffice address is Hermosa, S. Dak., has made application in accordance with the water laws of South Dakota for a permit to appropriate for beneficial use 2.57 cubic feet of water per second of time from Indian Tr. Draw and a dry draw through the Jensen Spreader System, the points of diversion of which are to be located on both banks of said streams in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33 and in NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, both in Twp. 2S, Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land; SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 33; S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 34, all in T2S, R10E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, 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.

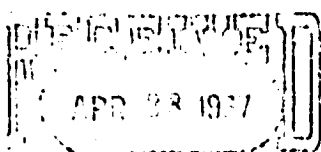
State Water Resources
Commission

By:

Richard D. Schmoyer
Water Right Specialist

1049-A27

Subscribed and sworn to before me this 27 day of April A. D. 19 67



Jessie L. Sundstrom

Notary Public Custer County, S. D.

STATE WATER RESOURCES COMMISSION

Permit No. 905-2

Water Diversion No. 2 Rapid Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That John T. Colgan

_____ the holder _____ of
Permit No. 905-2 issued upon Application No. 905-2, bearing date of priority of March 27,
1967 authorizing the diversion of 2.57 cu. ft. per second of the waters of Indian
Trail Draw & unnamed creek County of Custer, State of South Dakota at _____
a point north 19° west, 1710 feet from the E½ Corner Section 33 and north
55° 30 feet east, 3330 feet from E½ corner Section 33, T2S, R10E
_____, for _____ irrigation _____

purpose, 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 20 (estimate) cu. ft. per second of water.

Date December 23, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 905-2.

(1) WHEREAS, On the 27th day of March A. D. 19 67
A. J. Jensen
 made Water Right Application No. 905-2 for a permit to use 2.57 cubic feet per second of the waters
 of Indian Trail Draw and un-named draw
 County of Luster, State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 17th day of May A. D. 19 67
 Permit No. 905-2, with a date of priority of March 27, 1967
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 17th day of May A. D. 19 72 and for the
 application to beneficial use of said water on or before the 17th day of May A. D. 19 76

WHEREAS, on the 18th June, 1973 this Permit was transferred to John W.
 Colgan, Hermosa, South Dakota,

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 2.57 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

to irrigation the following lands all in T2S, R10E:

Section 32

SE 1/4 NW 1/4 34

NE 1/4 SW 1/4 32

SE 1/4 SW 1/4 5

NE 1/4 NE 1/4 15

SW 1/4 NE 1/4 40

SE 1/4 NE 1/4 4

Section 34

SW 1/4 NW 1/4 28

SW 1/4 NW 1/4 22

TOTAL 160 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to John T. Colgan

of Hepposa, South Dakota

the holder and owner of said permit No. 905-2 a water right, dating from March 27, 1900

to use of 2.57 cubic feet per second of the waters

of India Trail Draw and an unnamed draw

in the County of Custer and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point north 10° west, 1710 feet from the E. Corner

Section 33 and north 55° 30 feet from the E. Corner Section 33, T28, R10E

and conducted to and upon portions of land in Section 33 and 34, T28, R10E more fully

described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 905-2 and subject to the laws of the State of South Dakota.

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

this 23rd day of December A. D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

NOTICE OF TRANSFER OF WATER PERMIT

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

Date SEPTEMBER 1, 1976

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

PORTIONS OF SECTIONS 33 & 34, T2S, R10E,
DESCRIBED IN PERMIT NO. 905.2

formerly owned by A. J. JENSEN, HERMOSAhas been transferred to FORTUNE RANCH, INC., QUINN, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 905.2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

STATE OF SOUTH DAKOTA)
 County of Hughes) ss.

I, Robert Fortune being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Robert Fortune Sec
 (Signed)

Suscribed and sworn to before me this 1st day of September, 19 76

Billy McDonald
 (Notary Public)
Grand Water Clerk

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6933

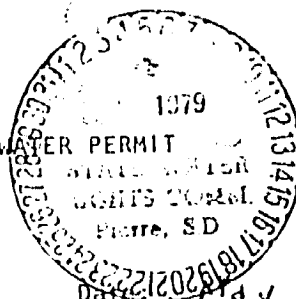
PIERRE, June 5, 1973

RECEIVED OF Melvin D. Wedem Attorney At Law, Rapid City, SD 57701 for Keith Berry
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)	
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	2 0
Fee for filing transfer of water right No. 505-2	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	2 0

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 9Y



STATE OF SOUTH
DAKOTA
COUNTY OF _____
City of Pierre, SD

Date May 17, 1979

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres;

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres; all in Sec. 33; SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres; in sec 34 all in 2. R10

formerly owned by Fortune Ranch Inc. Quinn, SD

has been transferred to Keith Berry, Kadikau
(please fill in address)

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

Water Right Permit No. 905-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

Fortune Ranch, Inc.

I, Kelly E. Fortune, President of _____ being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of buyer, that I have
read the above foregoing statement, and I know of my own personal knowledge that the
information herein stated is true.

Kelly Fortune
(Signed)

Subscribed and sworn to before me this 17th Day of May 19 79

Richard D. Johnson
(Notary Public)

My Commission Expires: 12-16-84

(SEAL)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

NO 4 6939

PIERRE, June 18, 1979

RECEIVED OF Melvin D. Wedmore, Attorney, Rapid City, SD 57701
for John T. Colman, Herron, SD 57744
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for Inspecting Construction, and issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of water right No. 005-2	2 50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 9Y

NOTICE OF TRANSFER OF



TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: June 12, 1979

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

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 20 acres; NE $\frac{1}{4}$ SW $\frac{1}{4}$ 30 acres; SE $\frac{1}{4}$ SW $\frac{1}{4}$ 10 acres; NW $\frac{1}{4}$ NE $\frac{1}{4}$ 10 acres; SW $\frac{1}{4}$ NE $\frac{1}{4}$ 40 acres, all in Sec. 33; SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres; SE $\frac{1}{4}$ NW $\frac{1}{4}$ 35 acres, in Sec. 34, all in 2 R10
formerly owned by Keith Berry, Kadoka, South Dakota

has been transferred to John T. Colgan, Hermosa, South Dakota 57744
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 905-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Keith Berry being first duly sworn on my oath as seller and say:
That my relation to the above described undertaking is that of seller, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Keith Berry
(Signed)

Subscribed and sworn to before me this 12th Day of June, 19 79.

Margaret A. Widmore
(Notary Public)

My Commission Expires:
2-16-81
(SEAL)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7830

John T. Colgan, Hermosa SD 57744
 PIERRE, December 17, 1980

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and Issuing Cert. of Construction No. 905-2)	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 905-2)		
Fee for Issuing Location Certificate-Dry Draw. No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	12	00

WATER RIGHTS COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer
 JOHN HATCH (BW)

Permit No. 905-2Water Division 2 Rapid Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by John T. Colgan of Hermosa, S. Dak 57744 holder of Permit No. 905-2, bearing date of priority of March 27, 1967 authorizing the diversion of 2.57 cu. ft. per second of the waters of Indian Trail Draw and un-named draw for Irrigation purposes, in Custer County

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

The Water Use System consists of,

A. Works used to divert the water:

Diversion Dams

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

Diversion Ditches with CMP + Gates through the dikes

C. Works used to apply water to beneficial use.

Spreader Ditches and Dikes
Detention Systems with Manual ControlsThe system is in the following condition: ExcellentThe point of diversion is located N 19° W 1710' from E 1/2 Cor Sec. 33 and
N 55° 30' E 3330' from E 1/2 Cor. Sec. 33 T25 R10 EThe works are capable of diverting and conveying to the place of use 20 cfs (est)
cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: En Sec. 33 T25 R10 E
SE 1/4 NW 1/4 - 24 Ac., NE 1/4 SW 1/4 - 32 Ac., SE 1/4 SW 1/4 - 5 Ac.,
SW 1/4 NE 1/4 - 12 Ac., SW 1/4 NE 1/4 - 40 Ac., SE 1/4 NE 1/4 - 3 Ac.,
In Sec. 34 T25 R10 E, SW 1/4 NW 1/4 - 28 Ac., SE 1/4 NW 1/4 - 32 Ac.comprising a total of 186 acres of land.

Increase for 2.57 cfs

Date June 12 1980
Leroy J. McManagh
(Signature)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 9, 2000

905-2

Clay Griffith
5409 Pinedale Heights
Rapid City, SD 57702

RE: John T Colgan – Hoffman Trust

Dear Clay:

Enclosed as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 905-2. The water right is currently listed in the name of John T Colgan.

The form will need to be completed and then signed by the new owner(s) in the presence of a notary public. A \$2.50 is required for filing the transfer form. The check or money order may be made payable to the Water Rights Program.

I have included a copy of the water right for the new owner to review. If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 905-2

Date: MAR 10 2000



I/We request that Water Right No. 905-2

formerly owned by: John T Colgan

be transferred to: (name & address) Edith G. Hoffman and James D. Hoffman, as Trustees of the

Edith G. Hoffman Living trust dated 8/21/91 Telephone No. 605-233-2167

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

160 acres in the SE 1/4 NW 1/4, E 1/2 SW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4 Section 33; S 1/4 NW 1/4 Section 34, T2S, R10E

I/We understand that the validity of Water Right No. 905-2 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 Stanley)

I/We EDITH G. HOFFMAN AND JAMES D. HOFFMAN 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.

Edith G. Hoffman James D. Hoffman
(Signed)

Subscribed and sworn to before me this 10 day of MARCH, 2000.

EVA L. SCOTT, Notary Public
My Commission Expires
December 19, 2004

Eva L. Scott
(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
Water Rights Program
South Dakota Department of Environment and Natural Resources

N2 416418

Pierre, _____ March 13, 2000

RECEIVED OF Edith G. & James D. Hoffran, P.O. Box 1116, Ft. Pierre, SD 57532-1116
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 905-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Howard D. Felt
Chief Engineer



905-2.
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 13, 2000

877-1

905-2

Edith G & James D Hoffman
Edith G Hoffman Living Trust
PO Box 1116
Ft Pierre SD 57532

Dear Mr. & Mrs. Hoffman:

I am writing to acknowledge receipt of the transfer of ownership forms you sent in for changing ownership of Water Right Nos. 877-1 and 905-2. The transfers have been completed and the water rights are now listed under "Edith G Hoffman Living Trust" % Edith G & James D Hoffman, Trustees.

Enclosed are your Receipt Nos. 416373 and 416418 in the amount of \$2.50 each. I have also included a copy of both of the transfer forms you filed. You may keep these for your records.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

NOT TO SCALE

April 1, 1981

2-10
93-L

John T. Calgon
905-2

66.0

66.0
16.4
35.4
114.5
292.3

16.4

35.4

114.5

Barrel - 16 ft

7.7

34

107.5

76.4

Map # 789-2

2-10

Map # 789-2

APPI # 905-2