

937-2

1. Considered Nov 8, 1917
2. Name of Applicant MARSH HERBERT BAYNE JR. & HENRY BAYNE JR.
3. Post Office Address CAPITO
4. Amount of water claimed 4.10
5. Source of water supply RAPID CREEK - POTOLA & DICKFIELD
6. Water to be used for IRRIGATION

Acres to be irrigated 207

7. Water to be diverted and used in Pennington County
about 2 miles West of Imperial

8. Proof of Publication Received Nov. 8, 1917

Not Received _____

9. Application Approved ✓

Subject to _____

Not Approved _____

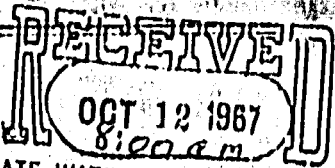
Action deferred _____

10. Remarks:

Statement
PUBLICATION ERROR

Water Division No. 2

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

No. 937-2Rapid CreekSTATE 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 Marsh, Harford Ranch, Inc. & Dan. Marsh, Inc.
Postoffice address Caputa, County Pennington, State S. Dak.

I. If a corporation Not Applicable(a) Name of same N.A.(b) Date and place of incorporation N.A.(c) Amount of capital stock N.A.(d) Amount paid in N.A.(e) Names and addresses of directors N.A.

(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)

Direct Labor(b) Cash on hand, \$ 3000.00(c) Treasury stock, \$ N.A.(d) Bonds to be issued, \$ N.A.(e) Other resources, \$ N.A.2. Name of diversion work Same as applicants3. Amount of water claimed 4.1 cubic feet per second4. Source of water supply Rapid Creek and Supplemental Storage Facilities5. Location of point of diversion Between the points where Rapid Creek enters and leaves the East 1/4 of Sec. 17, 18, 19E BHM on South bank Pennington County.6. Annual period or periods during which water is to be used April 1st to November 1st.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 287 acres.(b) Legal subdivisions to be irrigated SE 1/4 & NE 1/4 Sec. 17; S 1/2 Sec. 17; NW 1/4 & NE 1/4 Sec. 20; NW 1/4 & NE 1/4 Sec. 21 all in 18-19E BHM

(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.) N.A.

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

(a) Nature of use N.A.

Name any of the above uses claimed

(b) Amount of power to be generated N.A. horse power.Amount claimed for engine cooling N.A.(c) Location of plant N.A.(d) Method of developing power N.A.(e) Point where water will be returned to stream N.A.

Map # 811-2

8. Estimated cost of work:

(a) Head Gates, \$ 200.00.. (b) Pumping plant, \$ 2100.00..
 (c) Fluming, \$ None (d) Canal-earth, \$ 300.00 Rock, \$ None
 (e) Other structures None \$ Total, \$ 3000.00

9. Description of diversion works:

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

Pumping Plant

II. Dimensions of works.

(a) Dam: Height N.A. feet; length at bottom N.A. feet; length at top N.A. feet; thickness at bottom N.A. feet; thickness at top N.A. feet; slope at front water face N.A.; slope at back face N.A.
 material used in construction N.A.
 (b) Reservoir: Capacity when filled N.A. acre feet. Surface area at highwater mark N.A. acres.

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

(c)* Head gate: Width 1.5 feet; height 2.0 feet;
 Material Concrete and Concrete Block
 (d) Canal: Total length 2.1 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: 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 Rapid City Daily Journal

STATE OF SOUTH DAKOTA
 County of Pennington ss.

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

Signed

Subscribed and sworn to before me this 6th day of October 1917

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

LOT 1 OF LOTA, SE 1/4 SE 1/4
SECTION 19, T2N, R9E, B.H.M.

SURVEYOR'S CERTIFICATE

I, ALLEN L. DITTMAN, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT, AT THE REQUEST OF THE PROPERTY OWNER, THE TOWN OF BOX ELDER, SOUTH DAKOTA, I HAVE SURVEYED THE TRACT OF LAND SHOWN, AND FOUND THE LOCATION OF THE BOX ELDER WELL NO. 2. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL, THIS 20 DAY OF SEPTEMBER, 1967.

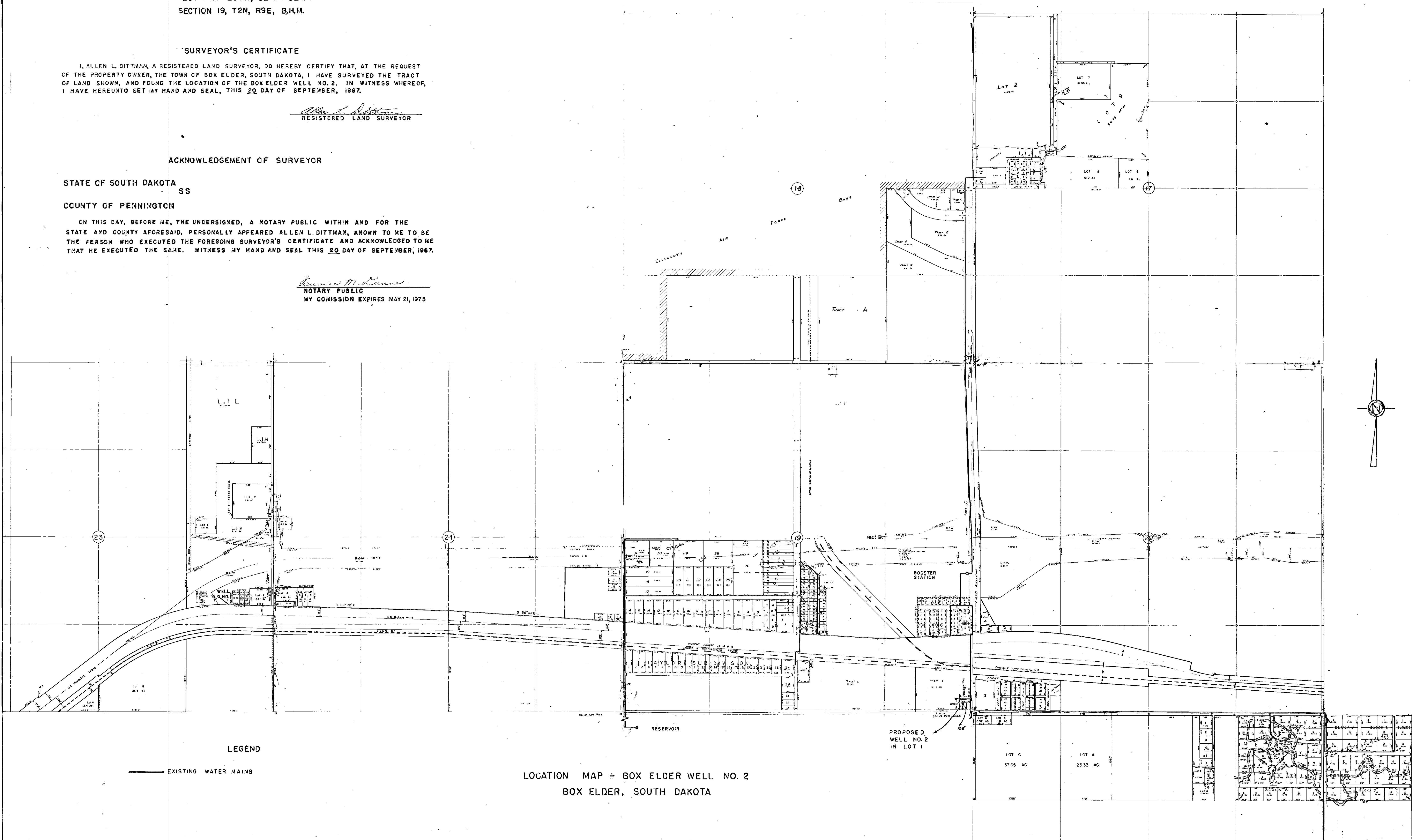
Allen L. Dittman
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA
SS
COUNTY OF PENNINGTON

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR THE STATE AND COUNTY AFORESAID, PERSONALLY APPEARED ALLEN L. DITTMAN, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME. WITNESS MY HAND AND SEAL THIS 20 DAY OF SEPTEMBER, 1967.

James M. Lunn
NOTARY PUBLIC
MY COMMISSION EXPIRES MAY 21, 1975



LOCATION MAP - BOX ELDER WELL NO. 2
BOX ELDER, SOUTH DAKOTA

MAP # 808-2 (APP # 934-2)

PLANNED
ENGINEER
DATE

Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHT USE ARE TO BE BY-PASSED. UNAPPROPRIATED WATER IS AVAILABLE IN RAPID CREEK TO SATISFY REASONABLY THIS APPLICATION ONLY THROUGH CONTRACT BETWEEN THE RAPID VALLEY CONSERVANCY DISTRICT AND BUREAU OF RECLAMATION COVERING RELEASES OF WATER FROM DEERFIELD AND PACTOLA RESERVOIRS.

STATE OF SOUTH DAKOTA

County of HUGHES ss.

Pierre, South Dakota, NOVEMBER 20, 1967

This is to certify that the foregoing application, was received by the Commission at 8:00 o'clock

2 m. upon the 12TH day of OCTOBER, 1967

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 937-2

Date of first receipt of application

OCTOBER 12, 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

OCTOBER 12, 1967

Approved NOVEMBER 8, 1967 Recorded in Book 10 Page 30

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

MAY 8, 1970

2nd. The whole of said work is to be completed on or before NOVEMBER 8, 1972

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

NOVEMBER 8, 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 4.1 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 NOVEMBER 8, 1976, said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 20TH day of NOVEMBER, 1967

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

JULY 5, 1972

Water License Issued

JULY 5, 1972

Permit No. 937-2

Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Marsh Hereford Ranch, Inc., and Ham Ranch, Inc.

_____ the holder _____ of
Permit No. 937-2, issued upon Application No. 937-2, bearing date of priority of October 12, 1967
_____ authorizing the diversion of 4.1 cu. ft. per second of the waters of _____
Rapid Creek, plus water from County of Pennington, State of South Dakota at
Pactola & Deerfield Reservoirs
between points where Rapid Creek enters and leaves the E $\frac{1}{2}$.
Section 17, T1S, R10E
_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 6.5 cu. ft. per second of water.

Date July 5, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 937-2

(1) WHEREAS, On the 12th day of October A. D. 19 67

Marsh Hereford Rauch, Inc., and Ham Ranch, Inc.

made Water Right Application No. 937-2 for a permit to use 4.1 cubic feet per second of the waters of Rapid Creek plus storage from Pactola and Deerfield Reservoirs

County of Pennington State of South Dakota for irrigation

purpose; and

(2) WHEREAS, On the 20th day of November A. D. 19 67

Permit No. 937-2 with a date of priority of October 12, 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 8th day of November A. D. 19 72 and for the

application to beneficial use of said water on or before the 8th day of November A. D. 19 76

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 4.1 cubic feet per second of water for beneficial use and,

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

for irrigating the following lands in T1S, R10E

Section 17, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ 16.6 acres

Section 17, S $\frac{1}{2}$ SE $\frac{1}{4}$) 156.5 Acres

Section 20, N $\frac{1}{2}$ NE $\frac{1}{4}$)

Section 21, NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ 113.9 Acres

Total 287.0 Acres

* Storage of Water in Pactola Reservoir is covered by U.S. Withdrawal

No. 581-2, and storage in Deerfield Reservoir by U.S. Withdrawal No. 509-2.

(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 Marsh Hereford Ranch, Inc. and Han Ranch, Inc.

_____ of Capota, S.D.

the holder _____ and owner _____ of said permit No. 937-2 a water right, dating from October 12, 1967

_____ to use of 4.1 cubic feet per second of the waters

of Rapid Creel plus storage from Pactola and Dearfield Reservoirs

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

purposes hereinbelow mentioned, to be diverted between points where Rapid Creel enters and

leaves the E $\frac{1}{2}$, Section 17, T1S, R10E

and conduct to and upon portions of Sections 17, 20 and 21, T1S, R10E, described on

the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 937-2 and subject to the laws of the State of South Dakota.

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

this 5th day of July A. D.

Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

On or before

(First Publication October 20, 1967.)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., October 16, 1967.

Notice is hereby given that Marsh Hereford Ranch Inc. & Ham Ranch Inc. whose postoffice address is Caputa 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 4.1 cubic feet of water per second of time from ~~the Deerfield & Pactola Reservoirs~~ Rapid Creek and by purchase of water service from through the Marsh-Ham Diversion Project, the point of diversion of which are to be located on the right Between a point in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and a point bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17

Twp. 1S Range 10E Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 17; N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 20; NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, all in T1S, R10E.

~~XXXXX~~ XXXXX

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of November, 1967, at 2:00 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:

cc: Jerry Marsh
Caputa, S.D.

~~XXXXXXXXXXXXXXXXXXXX~~
RICHARD SCHMOYER
Water Rights Specialist

P.S. Please print 1st notice on or before October 20th, remaining Notices on October 24, October 31, and November 7.

RECEIVED
NOV 8 1967

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

S.A.

W. C. WAGMAN, of Rapid City, in said County, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, the agent of the publisher named, designated and appointed as such for the purposes herein set forth, by resolution and action of its Board of Directors, of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for four successive weeks, the first publication thereof being on the 18th day of October 19 67, and the last publication thereof being on the 7th day of November, 19 67, that the fees charged for the publication thereof are twenty-three Dollars and 32 cents.

W. C. Wagman

Subscribed and sworn to before me this 7th day of

November 19 67.

George Michalak
Notary Public.

Oct. 18, 24, 31, Nov. 7
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S.D., October 16, 1967
Notice is hereby given that Marsh
Hornford Ranch Inc. & Horn Ranch Inc.
whose post office address is Capote
S. D. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.1 cubic feet of water per second of time from Rapid Creek and by purchase of water service from Deerfield & Patricia Reservoirs through the Marsh-Horn Diversion Project, the points of diversion of which are to be located on the right bank of said stream in the SE1/4 of the NE1/4 of section 17 T20N, R10E, S40 water to be used for the purpose of providing irrigation on portions of the following described land:
SE1/4 NE1/4 NE1/4 SE1/4, 31, SE1/4 Section 17, N1/4 NE1/4, Section 20, NW1/4 and NW1/4 NE1/4 Section 21, all in T13S, R10E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration on the 8th day of November, 1967, at 2:00 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 Schmoyer
Water Rights Specialist

Permit No.

Water Division No. Water District

Notice of Application of Water to Beneficial Use

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

(P. O.) CAPOTA, S. DAK. 57725

(Date)

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

DEAR SIR: Notice is hereby given that on the day of
 10....., at County of State of South Dakota,
 before proof will be submitted of application to beneficial use
 (Examining Engineer or Officer)
 of 4.1 cubic feet per second of the waters of RAPID CREEK
 In accordance with the terms and conditions of Permit No. 937-2
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are
MARSH HEREFORD RANCH, INC., CAPOTA, S. DAK.
HAM RANCH INC., CAPOTA, S. DAK.
2. The use to which said water has been applied is IRRIGATION
3. The amount applied to beneficial use is 4.1
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) 287 ACRES LOCATED IN SE 1/4 NE 1/4 SEC. 17; S 1/2 SE 1/4 SEC. 17;
N 1/2 NE 1/4 SEC. 20; NW 1/4 + NW 1/4 NE 1/4 SEC. 21 ALL IN 1 SOUTH, 10 EAST BHM.
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is MARSH + HAM DIVERSION
6. The right to take the water from such works is based upon permit No. 937-2
7. The source of supply from which such water is diverted is RAPID CREEK
8. The date of priority which said user is prepared to establish is 12 OCTOBER 1967

(Sign)

Permit No.

Water Division No.

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

(P. O.) CAPUTA, S. DAK 57725

(Date)

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

DEAR SIR: Notice is hereby given of the works for the diversion of 4.1 cu. ft. per second of the waters of the state from Rapid Creek through the MARSH + HAM DIVERSION for IRRIGATION purposes

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

1. The name of the person or corporation holding said permit is MARSH HERFORD RANCH INC. AND HAM RANCH INC.

2. The postoffice address of such person or the place of business of such corporation is CAPUTA County of PENNINGTON State of SOUTH DAKOTA

3. The number of such permit is 937-2 and the date set for the completion of such work is 8 NOVEMBER 1972

4. Said water to be used for IRRIGATION purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 4.1 cubic feet per second.

6. The amount of land for which said water is available is 287 acres, particularly described as follows: SE 1/4 NE 1/4 OF SEC. 17; SW 1/4 SE 1/4 OF SEC. 17; NW 1/4 SEC. 20; NW 1/4 AND NW 1/4 NE 1/4 OF SEC. 21 ALL IN T. 15 SOUTH, R. 10 EAST BHM

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

Marsh Herford Ranch Inc
James E. Marshall, Sec.

(Signature of Owners)

John G. Parnell
Ray A. Paul, Jr., Pres.

W. 08
937-2
(initials)

April 9, 1968

Mr. Jack Wilson
Office Manager
Agricultural Stabilization and Conservation Service
Box 1267
Rapid City, South Dakota 57701

Dear Mr. Wilson:

Mr. Carl Ham informed me that you and he were considering the community interests that would be served by construction of his irrigation project under Water Right Permit 937-2. He suggested that I write to you about this.

As you know the general economic welfare of the people in and near the Black Hills, urban and rural alike, depends upon the agricultural, tourism, mining and related enterprises. Of these pursuits, stabilization and enhancement of agricultural products, especially those in support of the livestock growing industry, provides in large measure for a more secure economic base for this area.

The irrigation project proposed by Mr. Marsh and Mr. Ham is such a stabilizing and enhancing addition to the area's economic base. Each such increment adds its share to the aggregate economy in which large portions of the economic pursuits of the people in this area depend.

It is in this way that community interests share in such private developments such as the Marsh-Ham irrigation project.

Sincerely,

JWG:ls

J. W. Grimes
Chief Engineer

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 Narah Berak
& Ham Ranch, Inc. of Caputa, S.D. holder
of Permit No. 937-2, bearing date of priority of October 12, 1967
authorizing the diversion of 4.1 cu. ft. per second of the waters of Rapid Creek plus water from
for irrigation purposes, in Pennington 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.

Berkeley 6 in. pump, powered by Lincoln 30 H.P. electric motor.
Berkeley 6 in. pump, powered by Lincoln 40 H.P. electric motor
Home made auger pump powered by Brook, 10 H.P. electric motor.

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

1130 feet of buried asbestos-cement pipe (14 inch diameter) to most northerly distribution box (concrete), then 3630 feet of buried asbestos-cement pipe (12 in. diameter) to second concrete distribution box. 80 feet of 8 inch aluminum pipe 220 feet of 14 inch aluminum pipe.

C. Works used to apply water to beneficial use.

about 3/4 mile of ditch (3' x 3') plus many miles of shallow dikes to guide water across fields.

The system is in the following condition: el excellent - plus

The point of diversion is located between points where Rapid Creek enters and leaves the
E $\frac{1}{2}$ of Section 17, T1S, R10E.

The works are capable of diverting and conveying to the place of use 6 $\frac{1}{2}$

cu. ft. per second of water which is to be used for irrigation

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

<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$ and NE$\frac{1}{4}$ SE$\frac{1}{4}$, Section 17, T1S, R10E</u>	<u>15.6 acres</u>
<u>S$\frac{1}{2}$ SE$\frac{1}{4}$ and N$\frac{1}{2}$ NE$\frac{1}{4}$, Section 20, T1S, R10E</u>	<u>156.5 acres</u>
<u>NW$\frac{1}{4}$ and NW$\frac{1}{4}$ NE$\frac{1}{4}$, Section 21, T1S, R10E</u>	<u>113.9 acres</u>

comprising a total of 287 acres of land.

Note to be placed on Water License:

Storage of water in Pactola Reservoir is covered by U.S. Withdrawal No. 581-2 and storage is Deerfield Reservoir by U.S. Withdrawal No. 509-2.

Date June 2, 1972

Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

REPORT ON APPLICATION NO. (937-26)

Ham Ranch, Inc.

January 3, 1985

Application No. 937-28 requests a change in the diversion point on Rapid Creek from the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T1S, R10E to the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, T1S, R10E with a diversion rate of 1.50 cfs to irrigate 105 acres. The source of water will be Rapid Creek and storage from Deerfield and Pactola Reservoirs.

This application reflects a split of ownership of a pumping station for Water Right No. 937-2 between Marsh Hereford Ranch, Inc. and Ham Ranch, Inc., and does not increase the diversion rate or amount of land irrigated authorized by Water Right No. 937-2. Both Marsh Herford Ranch, Inc. and Ham Ranch, Inc. will maintain an October 12, 1967 priority date.

Conclusion

1. Water is available since there is no increase in diversion rate.
2. Existing Water Rights will not be effected by the change in diversion point.

Timothy H. Schaal

TIMOTHY G SCHAAL
Water Resources Engineer

Water Rights Division - DWNR

File No. 937-2

Conversation or File Documentation

NAME OF PERSON OR FILE:

Marsh Hereford Ranch

ADDRESS:

COUNTY

DATE:

9/15/86

TELEPHONE

RE:

COMMENTS:

I talked to Kenny Marsh about the readvertisement of Water Right No. 937-2 to include the $5\frac{1}{2}$ NE $\frac{1}{4}$ of Section 20-T15-R10E. He said they were not sure they wanted to do that because it would open it up for appeal. He said they would like to talk to their attorney first.

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.

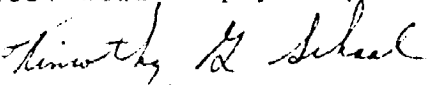
NAME:

Tim Schaal

REPORT ON READVERTISEMENT OF PERMIT NO. 937--2
MARSH HERRFORD RANCH, INC.
October 8, 1986

Permit NO. 937-2 was approved on October 12, 1967 for 4.1 cfs from Rapid Creek to irrigate 287 acres. The irrigated land approved was to be located in the SE 1/4 NE 1/4 & NE 1/4 SE 1/4 Section 17; S 1/2 SE 1/4 Section 17; N 1/2 NE 1/4 Section 20; and the NW 1/4 & NW 1/4 NE 1/4 Section 21 all in Township 1S, R10E. The 287 acres of land included approximately 18 acres in the S 1/2 NE 1/4 Section 20 that should have been included on the application in 1967 and should have been included when the permit was licensed in 1972.

The readvertisement will include those acres in the S 1/2 NE 1/4 Section 20, T1S, R10E. It is not to authorize any increase in diversion rates or any increase in total acres irrigated. This is a correction that should have been made by this office at the time of the original application; therefore, the readvertisement cost will be payed by the Division of Water Rights.


TIMOTHY G SCHAAL
Natural Resources Engineer

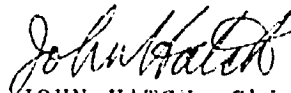
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 937-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 937-2, Marsh Hereford Ranch, Inc., St Rt, Box 35, Caputa SD.

The Chief Engineer is recommending APPROVAL of Application No. 937-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

Low flows as needed for downstream domestic use including livestock watering, and prior water right use are to be by-passed. Unappropriated water is available in Rapid Creek to satisfy reasonably this application only through contract between the Rapid Valley Conservancy District and the Bureau of Reclamation covering releases of water from Deerfield and Pactola Reservoirs.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 9, 1986

No. _____

STATE OF SOUTH DAKOTA)
) ss.
County _____)

Water was taken from the Rapid City Journal

City of Rapid City

November 7, 1986

November 14, 1986

Mary K. Gorman
(Signature)

Bookkeeper

(Title)

November 14, 1986
(Date Signed)

WNR-808-7/79
Proof of Publication

Notice is hereby given that Mary Herford Ranch, Inc., whose mailing address is Star Route, Box 15, Capita, South Dakota made an application for a water permit on October 15, 1967. Readvertisement of this notice is to correct an error in the original notice published on October 18, 25 November 1 and 7, 1967, for permit application No. 93-2. The original advertisement gave notice of an intent to irrigate lands from Rapid Creek by purchase of water from Deerfield and Pikaola reservoirs. The original notice omitted the legal description for 16 acres of irrigated land. The acreage omitted is located in the S.W.1/4 of Section 20-T15-R5E. This readvertisement is to: authorize any increase in water appropriation from Rapid Creek and to increase the number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of application No. 9372 because 1) inappropriate water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, December 10, 1986 at 12:00 a.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCI 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-29, 46-5-30.2, 46-5-30.4, 46-5-21; and Board Rules ARSD 74:02-01-01 thru 74:02-01-15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR/KR, Joe Foss Bldg., Pierre, SD 57501 (773 3252) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1984.



No. 937-2

Instruction to Newspaper - Publish first publication of the following Notice on or before
~~November 7, 1986~~ with 2nd publication 1 week later. ~~The applicant is responsible for payment.~~

READVERTISEMENT OF NOTICE OF HEARING on Application No. 937-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that Marsh Harford Ranch, Inc. whose mailing address is
Star Route, Box 35, Caputa, South Dakota ~~has~~ made an application for a ~~permit~~

water permit on October 12, 1967. Readvertisement of this notice is to correct an error on the original notice published on October 18, 25, November 1 and 7, 1967, for permit application No. 937-2. The original advertisement gave notice of an intent to irrigate lands from Rapid Creek by purchase of water from Deerfield and Pactola reservoirs. The original notice omitted the legal description for 18 acres of irrigated land. The acreage omitted is located in the S1NE4 Section 20-T1S-R10E. This readvertisement is not to authorize any increase in water appropriation from Rapid Creek or to increase the number of acres irrigated.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVE of Application No. 937-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss

Building, 523 E. Capitol, Pierre, South Dakota, December 10 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by November 28, 1986. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-21; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNHR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 28, 1986.

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

Joa Foss Building
623 East Capitol
Pierre, South Dakota 57501-3101

October 31, 1986

Marsh Hereford Ranch, Inc.
SR Box 35
Caputa SD 57725

Dear Mr. Marsh:

Enclosed is the information concerning the readvertisement we talked about. If you have any questions, please contact me.

Sincerely,

Timothy G. Schaal

TIMOTHY G SCHAAL
Natural Resources Engineer

TGS:ks

enclosures

Equal Opportunity Employer

State of South Dakota

REISSUED Water License No. 937-2

(1) Marsh Hereford Ranch Incorporated and Ham Ranch Incorporated

of Caputa, South Dakota were issued Water License No. 937-2

made Application No. July 5, 1972 for a water ^{right} ~~lease~~ to appropriate ^{Reservoirs,}
4.10 cubic feet per second of water from Rapid Creek and storage from Deerfield & Pactola

Pennington County, South Dakota for irrigation purposes.

Water License Permit No. 937-2, with a priority date of October 12, 1967

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

Water License No. 937-2 as originally issued, authorized Marsh Hereford Ranch Incorporated and Ham Ranch Incorporated to irrigate 297 acres of land in Sections 17, 20 and 21, T1S, R10E.

On March 6, 1985, Ham Ranch, Incorporated, was issued Water Permit No. 937-2B authorizing a change in diversion point to irrigate the land in Section 21, T1S, R10E.

Water License No. 937-2 has been reissued to delete the land owned by Ham Ranch Incorporated in Section 21 now covered under Water Permit No. 937-2B. Reissued Water License No. 937-2 also includes 18 acres in the S1/4NE1/4 Section 20, T1S, R10E approved by the Water Management Board December 10, 1986 under "Readvertisement of Notice of Hearing on Application No. 937-2" published November 7 and 14, 1986.

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 2.47 cubic feet per second of water for beneficial use. The location of the diversion point(s) is between points where Rapid Creek enters and leaves the E1/4 Section 17, T1S, R10E

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, to irrigate the following land in T1S, R10E

Section 17	SE $\frac{1}{4}$ SE $\frac{1}{4}$	31.0 Acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	36.0 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	1.6 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0 Acres
Section 20	NE $\frac{1}{4}$ NE $\frac{1}{4}$	38.5 Acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33.0 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	14.0 Acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	4.0 Acres
	TOTAL	173.10 ACRES

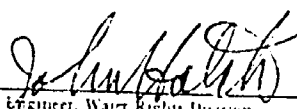
(4) Pursuant to §46-5-30.1 Marsh Hereford Ranch, Incorporated

of Star Route, Box 35, Caputa, South Dakota 57725

the holder(s) and/or owner(s) of Water ^{Right} Permit No. 937-2 has issued a license to appropriate water, the right to use 2.47 cubic feet per second of water from Rapid Creek & storage from Pactola & Deerfield Reservoirs with a priority date of October 12, 1967

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 irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 937-2 and subject to South Dakota State Law.


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

JOHN HATCH

FEB 9 1988



No. 937-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

FEB 9 1988

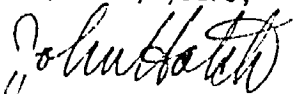
Marsh Hereford Ranch Incorporated
Star Route, Box 35
Caputa, South Dakota 57725

Dear Mr. Marsh:

Enclosed herewith is, Water License No. 937-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License

937-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: MARSH HEREFORD RANCH
HCR 36 BOX 35
CAPUTA SD 57725

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 937-2, 1781-2 and 1992 Irrigation Questionnaire Requirements

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 937-2, 1781-2. The request for the Questionnaires was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 937-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1781-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:30 am, March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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 SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1781-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 937-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaires are received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



937-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1993

937-2
1781-2

Jerry Marsh
Marsh Hereford Ranch
HCR 36 Box 35
Caputa, SD 57725

Dear Mr. Marsh:

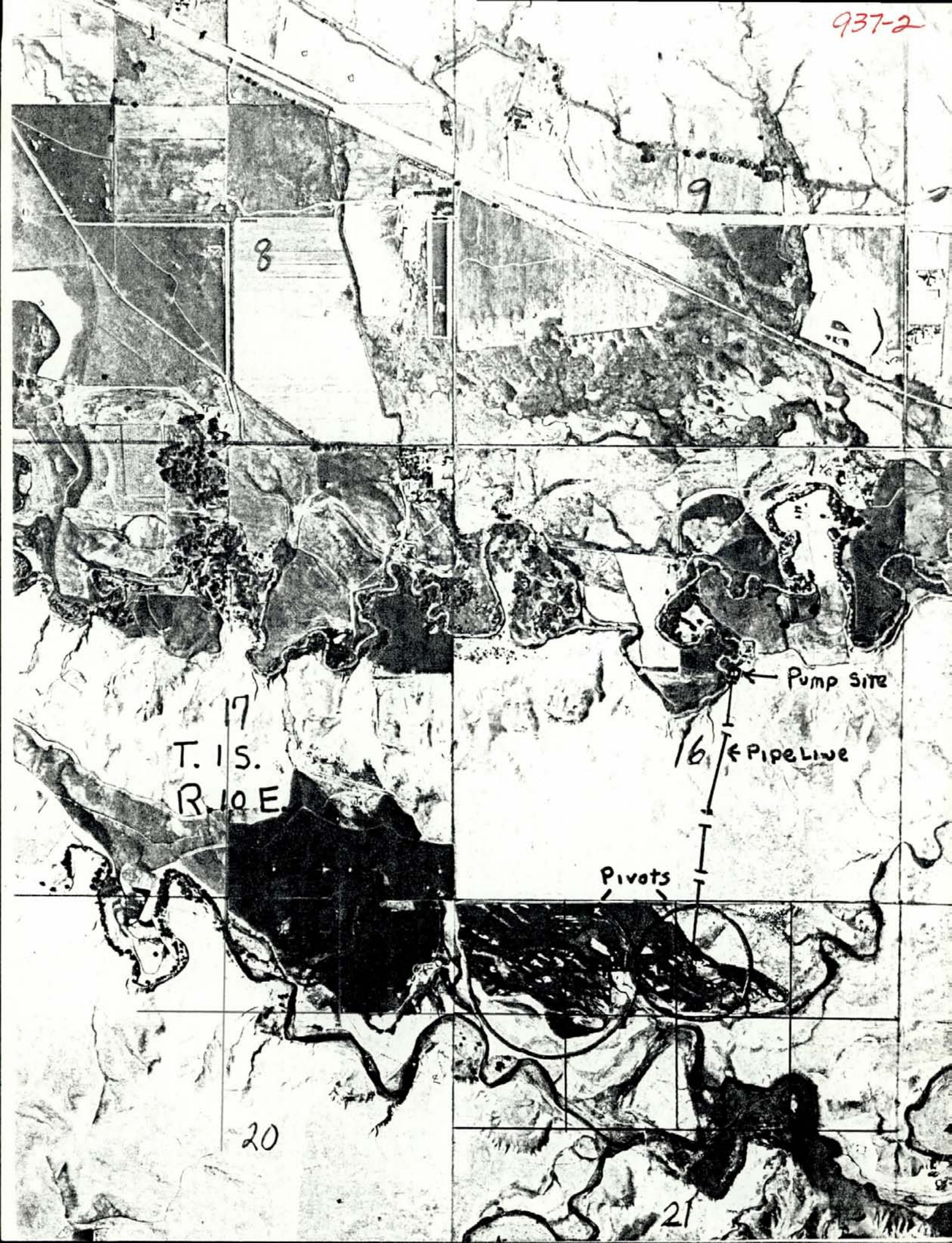
I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right No. 937-2 and Water Permit No. 1781-2. You may disregard the Notice for Violation of Water Permit and 1992 Irrigation Questionnaire Requirements.

The questionnaires were received in the office prior to the Water Management Board meeting and your name was deleted from the agenda. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352



937-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 23, 2013

937-2
1781-2

Jerry Marsh
Marsh Hereford Ranch Inc
PO Box 32
Caputa, SD 57725-0032

Dear Mr. Marsh:

Enclosed is a "Notice" dated October 18, 2013 concerning the 2013 irrigation questionnaires.

The notice was originally mailed to 15601 Hammerquist Rd, Caputa SD. The post office notified us we were using the incorrect address. I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

**DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP**

L A W Y E R S

**PO BOX 1820, RAPID CITY, SD 57709-1820
516 FIFTH STREET, RAPID CITY, SD 57701**

**MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH
ROGER A. TELLINGHUISEN
ROBERT J. ROHL**

October 21, 2014

**TELEPHONE
605-342-2814**

**FAX
605-342-0732**

**PMB 2020
DENR – Water Rights Program
523 E Capitol Ave
Pierre SD 57501-3182**

RE: Water Right/Permit Nos. 1781-2 and 937-2

Dear Sir or Madam:

Enclosed herewith please find two Notices of Transfer of Ownership along with our \$100 check for the transfer fees.

If you need anything further, please advise.

Very truly yours,

/s/ Richard E. Huffman

**Richard E. Huffman reh@demjen.com
DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP**

**REH/bjm
Enclosures**

937-2
**RECEIVED
OCT 23 2014
WATER RIGHTS
PROGRAM**

**DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP**

L A W Y E R S

PO BOX 1820, RAPID CITY, SD 57709-1820
516 FIFTH STREET, RAPID CITY, SD 57701

MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH
ROGER A. TELLINGHUISEN
ROBERT J. ROHL

October 30, 2014

TELEPHONE
605-342-2814

FAX
605-342-0732

937-2
RECEIVED
NOV 03 2014
**WATER RIGHTS
PROGRAM**

Genny McMath
Environmental Scientist
PMB 2020
DENR – Water Rights Program
523 E Capitol Ave
Pierre SD 57501-3182

RE: Water Right/Permit Nos. 1781-2 and 937-2

Dear Genny:

As a follow-up to our conversations, please find the separate applications with the legal descriptions of just the E1/2 of Section 17 regarding 937-2 and the 520 acres out of Section 20 regarding 1781-2. This should clean up the file.

Thanking you for your assistance, I remain

Very truly yours,

/s/ Richard E. Huffman

Richard E. Huffman reh@demjen.com
DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP

REH/bjm
Enclosures

**DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP**

LAWYERS

PO BOX 1820, RAPID CITY, SD 57709-1820
516 FIFTH STREET, RAPID CITY, SD 57701

MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
MICHAEL V. WHEELER
RICHARD E. HUFFMAN
GREGORY J. SPERLICH
ROGER A. TELLINGHUISEN
ROBERT J. ROHL

November 14, 2014

9372
RECEIVED
NOV 17 2014
WATER RIGHTS
PROGRAM

TELEPHONE
605-342-2814

FAX
605-342-0732

Genny McMath
Environmental Scientist
PMB 2020
DENR – Water Rights Program
523 E Capitol Ave
Pierre SD 57501-3182

RE: Water Right/Permit Nos. 1781-2 and 937-2

Dear Genny:

As a follow-up to our conversations, enclosed herewith please find updated applications.

Thanking you for your assistance, I remain

Very truly yours,

/s/ Richard E. Huffman

Richard E. Huffman reh@demjen.com
DEMERSSEMAN JENSEN
TELLINGHUISEN & HUFFMAN, LLP

REH/bjm
Enclosures

SD EForm - 0495LD V2 NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 937-2

Date: October 17, 2014

I/We request that Water Right/Permit No. 937-2 formerly owned by:

Marsh Hereford Ranch, Inc. be transferred to:

New Owner Name: The Valley Ranch, LLC c/o William Gikling

Address: 3005 Beale Street

City, State, Zip Rapid City SD 57703 Telephone No. 605-342-5500

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

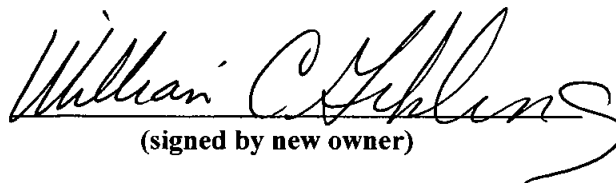
S1/2 SE 1/4, NE 1/4 SE 1/4, SE 1/4 NE 1/4 in Section 17 and the NE 1/4 in Section 20 all in T2S, R10 E Pennington County SD

☒ I understand that the validity of Water Right/Permit No. 937-2 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, William C. Gikling, The Valley Ranch, LLC, the new owner, certify that the above information is true and correct.


(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/23, 20 14

RECEIVED OF DeMersseman Jensen Tellinghuisen & Huffman LLP PO Box 1820 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	50	00
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>937-2</u>		
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. _____	50	00
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	50 00

No. **06971**

By *James H. Hansen*
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



937-2

November 19, 2014

937-2
1781-2

William G Gikling
The Valley Ranch LLC
3005 Beale St
Rapid City SD 57703

Dear Mr. Gikling:

I am writing in regard to the ownership changes for Water Right Nos. 937-2 and 1781-2. The transfers have been completed. The water rights formerly held by Marsh Hereford Ranch Inc., are now listed in the name of "The Valley Ranch LLC".

The receipts for the filing fees are being forwarded by copy of this letter to Richard Huffman with DeMersseman, Jensen, Tellinghuisen and Huffman in Rapid City.

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

Sincerely,

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

c: Richard Huffman w/law firm