

946-2

1. Considered 3-20, 1968
2. Name of Applicant WALTER E. WHITCHER
3. Post Office Address WALL
4. Amount of water claimed 25
5. Source of water supply CHEYENNE R.
6. Water to be used for IRRIGATION
Acres to be irrigated 166
7. Water to be diverted and used in PENNINGTON county
about 105 3/4 miles of WASTA
8. Proof of Publication Received ✓
Not received _____
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
9. Application

10. Remarks:

No. 946-2Water Division No. 2RAPID CREEK District

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

DEC 20 1967

STATE WATER RESOURCES COMMISSION
SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

LESTER CLARK1. Name of applicant WALTER E. WHITISHERPostoffice address WALL, County PENNINGTON, State S. DAKI. If a corporation NONE

(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)

By contract and direct labor(b) Cash on hand, \$ SUFFICIENT

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work WALTER E. WHITISHER Irrigation Project No. 13. Amount of water claimed 2.37 cubic feet per second MAXIMUM ALLOWABLE4. Source of water supply Cheyenne River5. Location of point of diversion SHOWN ON REMARKS
BETWEEN A POINT IN LOT 2, SEC 23, T. 2, R. 2
A POINT IN QUAD 14, SEC 24, T. 2, R. 2 on LEFT bank PENNINGTON County.6. Annual period or periods during which water is to be used GROWING SEASON

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system IRRIGATION(a) Number of acres to be irrigated 166 acres.(b) Legal subdivisions to be irrigated SHOWN ON REMARKS

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

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

(a) Nature of use Name any of the above uses claimed(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP N-2818-2

8. Estimated cost of work:

(a) Head Gates, \$ 200.00

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

(e) Other structures 200.00

(d) Canal-earth, \$ 150.00

(b) Pumping plant, \$ 3000.00

Rock, \$ -----

Total, \$ 3450.00

9. Description of diversion works:

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

None PUMP FROM RIVER

II. Dimensions of works.

(a) Dam: Height None feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----; material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- 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 7 miles.

STATION 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 2 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 PENNINGTON
COUNTRY COURANT

STATE OF SOUTH DAKOTA

County of Pennington ss.

Walter E. Witcher

I, Walter E. Witcher, 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 Walter E. Witcher

Subscribed and sworn to before me this 5th day of December 1967

Russell E. Robinson
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

WALTER E. WHITCHER, Jr.
IRRIGATION PROJECT NO. 1

Pennington County

South Dakota

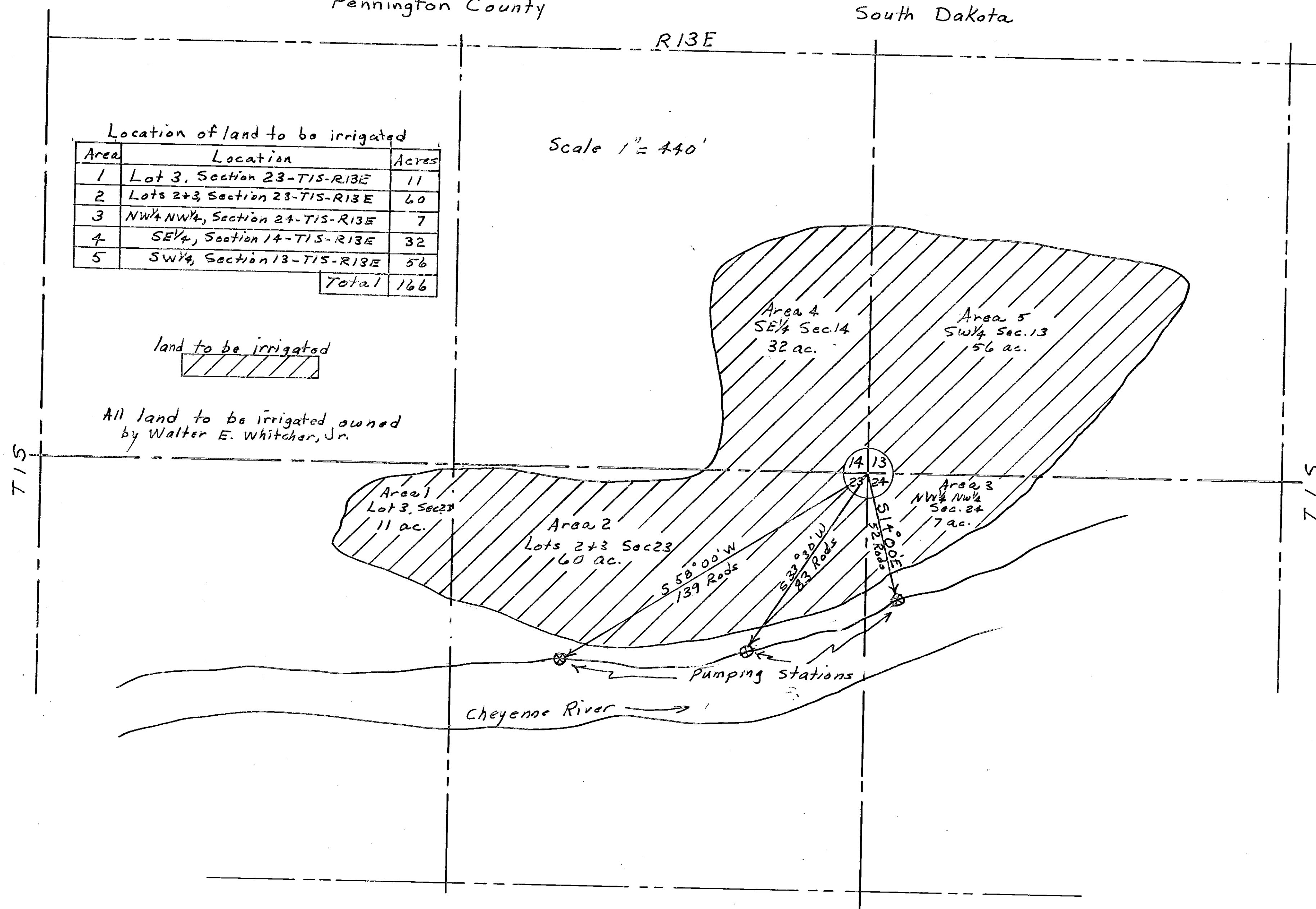
Location of land to be irrigated

Area	Location	Acres
1	Lot 3, Section 23-T1S-R13E	11
2	Lots 2+3, Section 23-T1S-R13E	60
3	NW1/4 NW1/4, Section 24-T1S-R13E	7
4	SE1/4, Section 14-T1S-R13E	32
5	SW1/4, Section 13-T1S-R13E	56
Total		166

Scale 1" = 440'

land to be irrigated

All land to be irrigated owned
by Walter E. Whitcher, Jr.



SURVEYOR'S CERTIFICATE

I, R. V. Summerhilde, Registered Land Surveyor, State of South Dakota,
do hereby certify that, at the direction of Walter E. Whitcher, Jr., I have
surveyed the tract of land as shown and that the above drawn
Plat is a reasonably accurate description of the land of the
proposed irrigation project. In witness whereof I have set
my hand and seal this 16th day of October, 1967, A.D.

R. V. Summerhilde
REGISTERED LAND SURVEYOR

Remarks by State Water Resources Commission:

DIVERSION OF WATER UNDER THIS PERMIT IS CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO THE PRIOR WATER RIGHTS ON THE CHAYENNE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHAYENNE RIVER ARE DEFINITELY & REGULARLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST & SEPTEMBER. DIVERSION OF WATER IS NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 22, 1968

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
A.M. upon the 20TH day of DECEMBER, 1967.

State Water Resources Commission

By:

Anton Jones
for Chief Engineer, Executive Officer

Number of permit 946-2

Date of first receipt of application DECEMBER 20, 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 DECEMBER 20, 1967

Approved MARCH 20, 1968, Recorded in Book 10 Page 99

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 20, 1969

2nd. The whole of said work is to be completed on or before MARCH 20, 1970

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

MARCH 20, 1973

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 2.37 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 MARCH 20, 1973; said water to be used during the following described annual period:

GROWING SEASON

Witness my hand this 22ND day of MARCH, 1968

State Water Resources Commission

By:

Geoffrey
Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 9, 1975

Water License Issued

OCTOBER 9, 1975

Remarks by the Applicant:

5. PUMPING STATIONS
 FROM A POINT S 58° 00' 39" Rods TO NE. CORNER OF
 SEC. 23 T. 15. R. 13E.
 FROM A POINT S 33° 30' W 83 Rods TO THE
 N.E. CORNER OF SEC. 23 T. 15. R. 13E
 FROM A POINT S. 14° 00' E. 50 Rods TO THE N.E.
 CORNER OF SEC. 23 T. 15. R. 13E.

7. (b.) ACRE 1 Lots 3 SEC 23 T. 15. R. 13E 11 ACRES
 ACRE 2 Lots 213 SEC 23 T. 15. R. 13E. 60 ACRES
 ACRE 3 ~~1/4~~ NW 1/4 NW 1/4 SEC 24 T. 15 R. 13E 7 ACRES
 ACRE 4 SE 1/4 SEC 14 T. 15 R. 13E. 32 ACRES
 ACRE 5 SW 1/4 SEC. 13 T. 15. R. 13E. 56 ACRES

Permit No. 946-2Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

Lester Clark

This is to Certify, That _____

_____ the holder _____ of
 Permit No. 946-2, issued upon Application No. 046-2, bearing date of priority of December 20,
1967 authorizing the diversion of 2.37 cu. ft. per second of the waters of _____
the Cheyenne River County of Pennington, State of South Dakota at _____
a point 139 rods, South 58° West from the NE Corner, Section 23,
T18, R13E
 _____, for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 2.5 cu. ft. per second of water.

Date October 9, 1975By: WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

WATER LICENSE NO. 946-2

(1) WHEREAS, On the 20th day of December A. D. 19 67

Walter E. Whitchar

made Water Right Application No. 946-2 for a permit to use 2.37 cubic feet per second of the waters of the Cheyenne River

County of Pennington, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 22nd day of March A. D. 19 68

Permit No. 946-2, with a date of priority of December 20, 1967

was issued to said applicant for the diversion of said water, and for the completion of construction of the water supply system therein described on or before the 20th day of March A. D. 19 70 and for the

application to beneficial use of said water on or before the 20th day of March A. D. 73

and, Whereas, on the 7th day of April, 1975, the permit was transferred to Lester Clark,

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

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

for irrigating the following land in T18, R13E

Section 13 SW $\frac{1}{4}$ 56 acres

Section 14 S $\frac{1}{2}$ SE $\frac{1}{4}$ 62 acres

Section 23 N $\frac{1}{2}$ NE $\frac{1}{4}$ 60 acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11 acres

Section 24 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7 acres

Total 196 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 Lester Clark

_____ of Brockenridge, Texas

the holder _____ and owner _____ of said permit No. 964-2 water right, dating from December 20, 1967

_____ to use of 2.37 cubic feet second of the waters

of the Cheyenne River

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 at _____

a point 139 rods, South 58° West from the N. Corner, Section 23,

T18, R13E

and conduct to and upon portions of Sections 13, 14, 23 and 24, T18, R13E

more fully described on the face of This License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 964-2 and subject to the laws of the State of South Dakota.

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

this 9th day of October A. D.

Nineteen Hundred and Seventy-five

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer JOHN HATSH

on or before February 15, 1968
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., February 1, 1968

Notice is hereby given that Walter E. Whitchee whose postoffice address is Wall 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 2.5 cubic feet of water per second of time from the Cheyenne River through the Whitchee Irrigation Project, the point of diversion of which is to be located on the left bank of said stream, in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24 Twp. 18 Range 13E Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ Section 13, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 14, Lots 2 and 3, Section 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, T18, R13E

and for

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, 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.

cc: Walter, Whitchee, Wall, S.D.

State Water Resources Commission

By:

Chief Engineer, Executive Office

BURTON F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

RECEIVED
MAR 1 1968

STATE OF SOUTH DAKOTA }
County Penn. } ss.

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water
Resources Commission,
Pierre, S. Dak., February 1, 1968
Notice is hereby given that Walter E. Whitchee, whose postoffice address is Wall, 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 2.5 cubic feet of water per second of time from the Cheyenne River through the Whitchee Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of said stream between a point in Lot 2, Section 23, and a point in the NW 1/4 of the NW 1/4 of Section 24, Twp. 1 S Range 13E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
SW 1/4, Section 13, R 13, S 1, Section 14, Lots 2 and 3, Section 23, NW 1/4 NW 1/4, Section 24, T1S, R13E.

This application will be taken up by the State Water Resources Commission at their office in Pierre for consideration upon the 20th day of March, 1968, 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 Burton F. Jones
Water Rights Specialist
Pub. Feb. 8, 15, 22, 29

R. F. Lewis being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Penn. Co. Pioneer 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 Wall County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb. 8, 15, 22 & 29, 1968

In each and every issue of the full number thereof, the first publication being made on the 8th day of Feb. 1968 and the last publication on the 29th day of Feb. 1968, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Editor the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 29th day of Feb. A. D. 1968

Notary Public Pennington County, S. D.

61-105-224-315/

No.

946-2

NOTICE OF TRANSFER OF WATER PERMIT

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

Date

March 31, 1975

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

Portions of Lot 2 and 3, Section 23; NW 1/4 NW 1/4, Section 24; SE 1/4

Section 14; SW 1/4, Section 13, all in T1S, R13E, described in

Water Permit No. 946-2

formerly owned by Walter Whitcher, Seenic, S.D.has been transferred to Lester Clark

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 946-2 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.

WATER RIGHTS COMMISSION

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 Pennington) ss.I, Lester Clark 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.Lester Clark
(Signed) Lester ClarkSubscribed and sworn to before me this 31st day of August, 19 74Louis K. Hanning
(Notary Public)I, Walter Whitcher being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Seller to Lester Clark, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.Walter E. Whitcher
(Signed) Walter WhitcherSubscribed and sworn to before me this 31st day of August, 1974.Louis K. Hanning
(Notary Public)

Permit No. 946-2Water Division 2 Rapid Creek 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 57601

I have this day made a thorough examination of the water use system constructed by Lester Clark of Wall, SD holder of Permit No. 946-2, bearing date of priority of December 20, 1967 authorizing the diversion of 2.37 cu. ft. per second of the waters of Cheyenne River 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:

6" -- Cornell 6NW-2 PH Model No. 6N604 Serial No. 16506 11
General Electric 60H.P. Model No. 5K364YD268
Serial No. Ak194016

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

2300 8 inch aluminum mainline
2400 feet of "V" type ditch 4 foot deep

C. Works used to apply water to beneficial use.

Several culverts outlets for flood irrigation

The system is in the following condition: Good

The point of diversion is located 139 rods S 58° 00' W from the NE 1/4 of Sec. 23, T1S, R13E., (B.H.M.)

The works are capable of diverting and conveying to the place of use 2.5 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>N 1/2 NE 1/4 Sec. 23, T1S., R13E., B.H.M.</u>	<u>60 A.C.</u>
<u>NE 1/4 NW 1/4 " " " "</u>	<u>11 A.C.</u>
<u>S 1/2 SE 1/4 Sec. 14 " " "</u>	<u>62 A.C.</u>
<u>SW 1/4 Sec. 13 " " "</u>	<u>56 A.C.</u>
<u>NW 1/4 NW 1/4 Sec. 24 " " "</u>	<u>7 A.C.</u>

comprising a total of 196 acres of land.

Whiting and Freie g
Attorneys at Law
P.O. Drawer 2343
Rapid City, SD 57701

Your Ref: Lester Clark File 72-378
Att: Louis K. Frieberg

Date

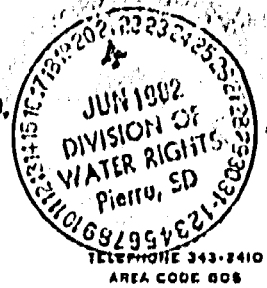
8-25-75

(Signature)

J. M. COSTELLO
WILLIAM O. PORTER
DENNIS H. HILL
JAMES S. NELSON
A. L. HEISTERKAMP
OFNE R. BUSHNELL
RICHARD O. SHAPPE
EDWARD C. CARPENTER
THOMAS H. BARNES
DONALD A. PORTER
THOMAS W. STANTON

COSTELLO, PORTER, HILL, NELSON, HEISTERKAMP & BUSHNELL,
ATTORNEYS AT LAW
200 SECURITY BUILDING
704 ST. JOSEPH STREET
MAILING ADDRESS R O BOX 290
RAPID CITY, SOUTH DAKOTA 57709

June 17, 1982



Mr. John Hatch
c/o Division of Water Rights
Joe Foss Building
Pierre, SD 57501

Re: SMS Ranch Co., Inc. - Circle
Bar Ranch

Dear Mr. Hatch:

As I advised in our telephone conversation of this date, we have a client who is purchasing various properties in Pennington County from a Lester Clark, the property known as the Circle Bar Ranch, all located in Pennington County, South Dakota, and comprising some 33,230.2 acres. I am at this time enclosing herewith a copy of the legal description to that property.

In reviewing a map in the possession of the local abstractor which apparently was provided by Mr. Clark, he has noted thereon the possibility of a water right permit existing in Section 36, T1S, R11E, a permit No. 946-2 and possible water rights in Section 3 and 10, T2S, R12E.

It is my present understanding that Mr. Clark may be purchasing some of these lands from other parties, including the State of South Dakota; but to date, I do not have the names of any other party other than the State of South Dakota that this might apply to. You indicated that the names of the parties might be helpful in cross referencing your check of the legal descriptions to ascertain what water rights, permits and dry draw location notices have been filed. Hopefully, this might be of some assistance to you.

As I indicated, we are interested in a search of the records to determine what water rights and water permits might exist; and it is my understanding that you will undertake this and thereafter advise.

If you do need some other information or any clarification, kindly feel free to call me; and I would be happy to discuss it with you.

Mr. John Hatch
Page Two
June 17, 1982

Thanking you and with best regards, I am,

Very truly yours,

Kenneth L. Holsterkamp

Kenneth L. Holsterkamp

KLH:map

Enclosure

P.S.: With regard to Section 6, T2S, R13E, also
please check the NW $\frac{1}{4}$ NE $\frac{1}{4}$.

KLH

EXHIBIT "D"

CIRCLE BAR RANCH
Pennington County, South Dakota

<u>DESCRIPTION</u>	<u>SEC/TWN/RNGE</u>	<u>ACRES</u>
SE $\frac{1}{4}$	12 - 1S - 11E	160.000
SW $\frac{1}{4}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SE $\frac{1}{4}$	24 - 1S - 11E	160.000
N $\frac{1}{2}$; SE $\frac{1}{4}$ less ROW & Hwy	25 - 1S - 11E	467.130
All less ROW	36 - 1S - 11E	604.940
Lots 1,2,3,4; S $\frac{1}{2}$	1 - 1S - 12E	473.400
Lots 1,2,3,4; S $\frac{1}{2}$	2 - 1S - 12E	474.480
E $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 3,4; SE $\frac{1}{4}$	7 - 1S - 12E	321.040
SW $\frac{1}{4}$	8 - 1S - 12E	160.000
W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ SE $\frac{1}{4}$	11 - 1S - 12E	280.000
E $\frac{1}{2}$ NE $\frac{1}{4}$	11 - 1S - 12E	80.000
N $\frac{1}{2}$	12 - 1S - 12E	320.000
S $\frac{1}{2}$	12 - 1S - 12E	320.000
E $\frac{1}{2}$ SE $\frac{1}{4}$	13 - 1S - 12E	80.000
NE $\frac{1}{4}$	13 - 1S - 12E	160.000
NW $\frac{1}{4}$	13 - 1S - 12E	160.000
W $\frac{1}{2}$	14 - 1S - 12E	320.000
NE $\frac{1}{4}$	14 - 1S - 12E	160.000
S $\frac{1}{2}$	15 - 1S - 12E	320.000
All	17 - 1S - 12E	640.000
E $\frac{1}{2}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 3,4; E $\frac{1}{2}$ NW $\frac{1}{4}$; Lots 1,2	18 - 1S - 12E	641.920
E $\frac{1}{2}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; Lots 1,2	19 - 1S - 12E	520.730
Lots 3,4; SE $\frac{1}{4}$ SW $\frac{1}{4}$	19 - 1S - 12E	120.470
All	20 - 1S - 12E	640.000
W $\frac{1}{2}$	21 - 1S - 12E	320.000
SE $\frac{1}{4}$	21 - 1S - 12E	160.000
All	22 - 1S - 12E	640.000
All	23 - 1S - 12E	640.000
W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$	24 - 1S - 12E	480.000

5/10/82 DLJ/jf RENORA

All	25 - 1S - 12E	640.000
All	26 - 1S - 12E	640.000
All	27 - 1S - 12E	640.000
All	28 - 1S - 12E	640.000
All	29 - 1S - 12E	640.000
NE $\frac{1}{4}$ NW $\frac{1}{4}$	30 - 1S - 12E	40.000
E $\frac{1}{2}$; Lots 1,2,3,4; SE $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$	30 - 1S - 12E	600.520
All less ROW	31 - 1S - 12E	606.310
All less ROW & Creston Outlots B & C	32 - 1S - 12E	605.900
Creston Outlot B(SE $\frac{1}{4}$ SE $\frac{1}{4}$)	32 - 1S - 12E	4.480
Creston Outlot C(SE $\frac{1}{4}$ SE $\frac{1}{4}$)	32 - 1S - 12E	.070
All less ROW & Creston Outlot A	33 - 1S - 12E	621.420
Lot 1 of Creston Outlot A (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	33 - 1S - 12E	9.620
Lot 2 of Creston Outlot A (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	33 - 1S - 12E	2.150
Lot 3 of Creston Outlot A (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	33 - 1S - 12E	.003
Lot 4 of Creston Outlot A (SW $\frac{1}{4}$ SW $\frac{1}{4}$)	33 - 1S - 12E	.540
All	34 - 1S - 12E	640.000
All	35 - 1S - 12E	640.000
All	36 - 1S - 12E	640.000
Lot 3,4; SW $\frac{1}{4}$	5 - 1S - 13E	238.260
Lot 6	6 - 1S - 13E	38.870
E $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$; Lots 1-5	6 - 1S - 13E	432.620
W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$; Lots 1,2,3	7 - 1S - 13E	397.900
E $\frac{1}{2}$ NE $\frac{1}{4}$	7 - 1S - 13E	80.000
Lot 4; SE $\frac{1}{4}$ SW $\frac{1}{4}$; W $\frac{1}{2}$ SE $\frac{1}{4}$	7 - 1S - 13E	159.800
W $\frac{1}{2}$	8 - 1S - 13E	320.000
E $\frac{1}{2}$ SE $\frac{1}{4}$	10 - 1S - 13E	80.000
SE $\frac{1}{4}$	12 - 1S - 13E	160.000
E $\frac{1}{2}$ SE $\frac{1}{4}$	13 - 1S - 13E	80.000
N $\frac{1}{2}$; SW $\frac{1}{4}$; Lots 2,3	13 - 1S - 13E	533.880

5/10/82 DLJ/jf REWORK

/All	14 - 1S - 13E	640.000
E ₁ NE ₄ ; NE ₄ SE ₄	15 - 1S - 13E	120.000
W ₁ E ₄ ; W ₄ ; SE ₄ SE ₄	15 - 1S - 13E	520.000
All	16 - 1S - 13E	640.000
All	17 - 1S - 13E	640.000
S ₁ NE ₄ ; NE ₄ SW ₄ ; S ₄ SW ₄ ; SE ₄ ; Lot 3	18 - 1S - 13E	400.170
N ₁ NE ₄ ; Lots 1,2; E ₄ NW ₄	18 - 1S - 13E	239.900
All	19 - 1S - 13E	640.600
All	20 - 1S - 13E	640.000
All	21 - 1S - 13E	640.000
N ₁ NE ₄ ; NW ₄ ; W ₄ SW ₄ ; Lots 1-5	22 - 1S - 13E	408.970
Lots 1-4	23 - 1S - 13E	163.990
Lot 1	24 - 1S - 13E	34.750
Lots 1-4; SE ₄ NW ₄	27 - 1S - 13E	178.560
N ₁ NE ₄ ; NW ₄ ; NW ₄ SW ₄ ; Lots 1-4	28 - 1S - 13E	422.550
All	29 - 1S - 13E	640.000
All	30 - 1S - 13E	640.320
E ₁ NE ₄	31 - 1S - 13E	80.000
W ₁ NE ₄ ; E ₄ NW ₄ ; E ₄ SW ₄ ; SE ₄ ; Lots 1-4	31 - 1S - 13E	560.000
W ₄ NW ₄	32 - 1S - 13E	80.000
Lots 1,2,3; N ₁ NE ₄ ; SW ₄ NE ₄ ; E ₄ NW ₄ ; N ₄ SW ₄	32 - 1S - 13E	367.000
Lot 1	33 - 1S - 13E	14.160
Lots 3,4	7 - 1S - 14E	80.000
Lots 10-12; SW ₄ SE ₄	7 - 1S - 14E	90.900
Lot 1	18 - 1S - 14E	46.300
Lots 3-6	18 - 1S - 14E	127.550
Lot 1	1 - 2S - 11E	40.220
Lots 9-12; SW ₄ SE ₄ ; S ₄ SW ₄	1 - 2S - 12E	310.350
Lots 1-7; S ₁ NE ₄ ; SW ₄ NW ₄	1 - 2S - 12E	358.900
Lots 8-10; SE ₄ SE ₄ less ROW	2 - 2S - 12E	84.800

5/10/02 DLJ/jf NEWORA

Lots 1-7; S½N½ less ROW; SW¼; NW¼SE¼	2 - 2S - 12E	505.520
Lots 1-7; S½N½; NE¼SW¼; N½SE¼; SE¼SE¼ less ROW	3 - 2S - 12E	574.610
Lots 8-10	3 - 2S - 12E	64.350
Outlot G in Govt Lot 4	4 - 2S - 12E	9.100
Lot 1 of Creston Outlot H less ROW (NW¼NW¼)	4 - 2S - 12E	4.600
Lot 2 of Creston Outlot H less ROW (NW¼NW¼)	4 - 2S - 12E	4.120
Lot 4 of Creston Outlot H (NW¼NW¼)	4 - 2S - 12E	.290
Lot 5 of Creston Outlot H (NW¼NW¼)	4 - 2S - 12E	.830
Lots 1, 2, 3; SE¼NE¼; E¼SE¼; SW¼SE¼ less ROW	4 - 2S - 12E	245.510
Lot 1 of Creston Outlot E (NE¼NE¼)	5 - 2S - 12E	.120
Lot 3 of Creston Outlot # (NE¼NE¼)	5 - 2S - 12E	.370
Lots 2, 3, 4	5 - 2S - 12E	121.640
Outlot F in Govt Lot 1	5 - 2S - 12E	30.020
Lots 1-4	6 - 2S - 12E	161.530
Lots 3, 4; SE¼SW¼	9 - 2S - 12E	153.100
Lots 5, 6	9 - 2S - 12E	39.350
NW¼NE¼; NW¼	10 - 2S - 12E	200.000
Lots 1, 2	10 - 2S - 12E	21.600
Lots 1, 2 less ROW	11 - 2S - 12E	42.470
Lot 3; E¼NE¼	11 - 2S - 12E	107.490
N½ less ROW	12 - 2S - 12E	311.120
Lot 1 (Portion north of RP ROW)	16 - 2S - 12E	18.000
NE¼NE¼; Lots 1-5; N½NW¼	6 - 2S - 13E	275.700
Lots 7, 9, 10; E¼SW¼; W¼SE¼	6 - 2S - 13E	274.000
Lot 1; NE¼NW¼; NW¼NE¼	7 - 2S - 13E	118.320
TOTAL		33,230.203

946-2

WATER RIGHTS DIVISION (605) 773-3352

July 2, 1982

Kenneth L. Helsterkamp
Attorney at Law
P. O. Box 290
Rapid City, South Dakota 57709

Dear Mr. Helsterkamp:

In response to your letter dated June 17, enclosed is a list of acreages covered under Water Rights listed in the name of Lester Clark.

You inquired in your letter as to the possibility of a permit existing for land in Section 36, 1S, 11E. Please note the last entry on the attached sheet. Permit No. 1012-1 covered the above described land, however, has been cancelled for non-construction of the project and is no longer a valid permit.

A check of our records indicate that other than the permit listed on the enclosed sheet, no water rights exist for the land descriptions you submitted.

If the permits are to be transferred to a different name, a transfer form for each applicable permit will need to be completed and submitted to this office. Three transfer forms are enclosed, if more forms are needed, please contact this office. A \$2.50 filing fee should accompany each transfer form.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Encl. 4

- 310-1 473.2 acres
 Lots 8, 9, 10, 11 SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 26, 5N, 12E
 Lots 4, 5, 10, 11, 12, 2, 3, 6, 9, 13, Sec 30, 5N, 13E
 SW $\frac{1}{4}$ Sec 19, 5N, 13E
- 311-1 1,163.6 acres all in 5N, 12E
 Lots 1, 2, 3, 4, 5, 9, NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 26
 Lots 2, 3, 6, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 27
 Lots 1, 2 Sec 34
 Lots 3, 4, 5, 6, SW $\frac{1}{4}$ Sec 28
 Lot 1 Sec 32
 Lots 1, 2, 3, 4, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 33
 Lots 4, 5 Sec 17
 Lots 6, 7, 8, W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 25
- 387-2 269.2 acres
 SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Lots 9, 10, 11, 12 Sec 1, 2S, 12E
 Lot 8, Sec 2, 2S, 12E
 SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Lots 8, 9, 10 Sec 6, 2S, 13E
- 587-1 189.5 acres
 SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 19, 5N, 13E
 Lots 2, 3, 6, 9, 13 Sec 30, 5N, 13E
- 666-2 187.0 acres
 S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec 1; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 12, 2S, 12E
 SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 6, 2S, 13E
- 946-²~~Y~~ 196 acres all in 1S, 13E
 SW $\frac{1}{4}$ Sec 13
 S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 14
 N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 23
 NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 24
- 1012-²~~Y~~ CANCELLED for non-construction
 SE $\frac{1}{4}$ 36, 1S, 11E

SOUTH DAKOTA

Dakota Department of Water & Natural Resources

Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 13, 1982

Bryce Nelson
Cross Roads Realty
1920 W Main
Rapid City SD 57701

Dear Mr. Nelson:

As per our telephone conversation of October 12, 1982, enclosed please find copies of the Water Rights we have listed in the name of Lester Clark.

The amount of cubic feet per second (cfs) and acreage now authorized under each water right is shown on the "Water License". I have circled these amounts on the first set (Water Rights No. 387-2) to show you where on the License to locate them.

If you have any questions concerning any of this enclosed information, please contact this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosures

NO. 2324-2526-123456789010111213141516171819202122

U.S. DEPARTMENT OF JUSTICE
DIVISION OF WATER RIGHTS
Pierre, SD

Date: OCT. 14, 1952

See Attachment "A"

(Notary Public) 2-13-85

Description of land in relation to Water Right Permit No. 946-2

ATTACHMENT "A"

Land in Pennington County, State of South Dakota:

The following land in T1S, R13E

Section 13	SW $\frac{1}{4}$	56 acres
Section 14	S $\frac{1}{2}$ SE $\frac{1}{4}$	62 "
Section 23	N $\frac{1}{2}$ NE $\frac{1}{4}$	60 "
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11 "
Section 24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7 "
	Total	196 "

RL
BLD

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9006

PIERRE, October 27, 1982

RECEIVED OF Costello, Porter, Hill, Nelson, Helsterkamp & Bushnell, Rapid City SD
the following amount in fees for services rendered as provided for by law: for SMS Ranch, Cong Inc.

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 Permit No. 946-2	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 ks

Water Rights Division
605 773-3382

October 28, 1982

SMS Ranch Co., Inc.
2811 Elmore
Oger, Henry & Harkis
193 Grand St
PO Box 2480
Waterbury CT 06722

Dear Mr. Elmore:

Enclosed are receipts in the amount of \$2.50 each which the Office of Costello, Porter, Hill, Nelson, Heisterkamp & Bushnell paid for the transfers of Water Right Nos. 946-2, 387-2 and 666-2.

Our records now show you as the owner of these Water Rights.

Sincerely,

KAREN SCHLAACK
Administrative Secretary

enclosures

cc: Kenneth L. Heisterkamp

Water Rights Division
605 773-3352

January 19, 1982

Joe Hill
Rt 9, Box 537
Rapid City SD 57701

Dear Mr. Hill:

Reference is made to your phone call regarding permits on certain lands on Rapid Creek and the Cheyenne River in Pennington County.

Our records indicated that Permit No. 946-2 held in the name of Lester Clark, calling for 2.37 cfs of water to irrigate 196 acres in portions of Sections 13, 14, 23 and 24, T1S, R13E is the only permit active in the areas you described.

I am enclosing the necessary forms and instructions in case you wish to apply for additional lands.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ:ks

enclosures

946-18

J.M. COSTELLO
WILLIAM G. PORTER
DENNIS H. HILL
JAMES S. NELSON
K.L. HEISTERKAMP
GENE R. BUSHNELL
RICHARD D. SHAMPE
EDWARD C. CARPENTER
THOMAS H. BARNES
DONALD A. PORTER
THOMAS W. STANTON
ROBERT L. LEVIE

COSTELLO, PORTER, HILL, NELSON, HEISTERKAMP & BUSHNELL
ATTORNEYS AT LAW
200 SECURITY BUILDING
701 ST. JOSEPH STREET
MAILING ADDRESS P.O. BOX 280
RAPID CITY, SOUTH DAKOTA 57709

TELEPHONE 348-2410
AREA CODE 605

June 3, 1983

South Dakota Department of
Water and Natural Resources
Joe Foss Building
Water Rights Division
Pierre, SD 57501

ATTENTION: Genny Young

Re: Water Right Permits, Transfer
by SMS Ranch Co., Inc. to SME
Ranch Partnership

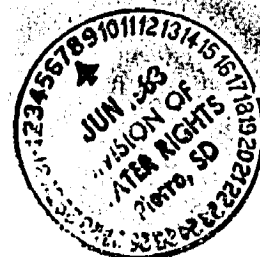
Dear Ms. Young:

Enclosed herein you will please find Notice Of Transfer
Of Water Permits #666-2, 387-2, and 946-2 in regard to the above
matter. Also enclosed please find filing fee for the same in the
amount of \$7.50.

Very truly yours,

Kenneth L. Heisterkamp
Kenneth L. Heisterkamp

KLH:skl
Enclosures



No. 946-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 2, 1983

This is to notify you that the title to the lands described as follows: See Attachment "A", formerly owned by SMS RANCH CO., INC., have been transferred to SMS RANCH PARTNERSHIP, together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 946-2 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, Water Management Board as evidence of the change of ownership.

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

STATE OF South Dakota)
COUNTY OF Pennington) ss. Rapid City

I, Robert W. Elmore, being first duly sworn on my oath depose and say:

That I am a partner of SMS RANCH PARTNERSHIP, and that the relation of said partnership to the above described undertaking is that of Owner, that I have read the foregoing statement and I know of my own personal knowledge that the information herein stated is true.

SMS RANCH PARTNERSHIP

By: Robert W. Elmore
Its: Partner

Subscribed and sworn to before me this 2nd day of June, 1983.

Kenneth Heisterkamp
Notary Public,

My Commission Expires:

(SEAL) KENNETH HEISTERKAMP, Notary Public
My Commission Expires August 13, 1989



STATE OF South Dakota)

COUNTY OF Bennington)

SS.

I, Eugene C. Swenson, being first duly sworn on my oath, depose and state:

That I am President of SMS RANCH CO., INC., a corporation, and that the relation of the above described undertaking to this corporation is that of Seller to SMS Ranch Partnership, a Connecticut partnership, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

SMS RANCH CO., INC.

By: Eugene C. Swenson
Its: President

Subscribed and sworn to before me this 2nd day of June, 1983.

Kenneth H. Heisterkamp
Notary Public,

My Commission Expires:

KENNETH HEISTERKAMP, Notary Public
My Commission Expires August 13, 1989

(SEAL)

Description of land in relation to Water Right Permit No. 946-2

ATTACHMENT "A"

Land in Pennington County, State of South Dakota:

The following land in T19, R13E

Section 13	SW $\frac{1}{4}$	56 acres
Section 14	S $\frac{1}{2}$ SE $\frac{1}{4}$	62 "
Section 23	N $\frac{1}{2}$ NE $\frac{1}{4}$	60 "
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11 "
Section 24	NW $\frac{1}{4}$ NW $\frac{1}{4}$	7 "
	Total	196 "

RECEIPT

WATER RIGHTS COMMISSION

No 4 9267

State of South Dakota

Ken Helsterkamp, 200 Security Bldg
704 St. Joseph St., Rapid City, SD 57701

June 7 1983

(for SMS Ranch Partnership)

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. _____

Fee for inspecting Beneficial Use, and issuing Water License No. _____

Fee for issuing Location Certificate-Dry Draw, No. _____

Fee for filing TRANSFER OF WR# 946-2

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 (ms)

Department of Water & Natural Resources

Joe Foss Building
623 West Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

June 13, 1983

387-2
666-2
946-2

Ken Helstorkamp
200 Security Bldg.
704 St Joseph St.
Rapid City SD 57701

Dear Sir:

Enclosed are receipt Nos. 4 9265, 4 0266, 49267 in the amount of \$2.50 each which you paid for the transfer of Water Rights Nos. 387-2, 666-2, 946-2.

Our records now show SMS Ranch Partnership as the owner of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide

cc: SMS Ranch Partnership

946-2

**COSTELLO, PORTER, HILL, HEISTERKAMP,
BUSHNELL & CARPENTER, LLP**

ATTORNEYS AT LAW

**200 SECURITY BUILDING #704 ST. JOSEPH STREET
MAILING ADDRESS P. O. BOX 290
RAPID CITY, SD 57709**

**605-343-2410
TELECOPIER NO. 605-343-4262
E-MAIL: lawfirm@costelloporter.com**

**K.L. HEISTERKAMP
GENE R. BUSHNELL
EDWARD C. CARPENTER
THOMAS J. BARNES
RONALD A. PORTER
ROBERT L. LEWIS
GREGORY O. STROMMEN
PATRICIA A. MEYERS
WILLIAM A. MAY
KENNETH L. CHILBORAD**

**JOSEPH R. LUX
HEATHER M. LAMMER
DARIN W. LARSON**

**OF COUNSEL
DENNIS H. HILL
MELVIN D. WEDMOPE**

**RETIRED
J.M. COSTELLO
WILLIAM O. PORTER**

May 15, 2000

Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501



RE: Our File No. 822192
SMS Ranch Partnership

Dear Sir/Madam:

Please be advised that these offices represent SMS Ranch Partnership which is presently negotiating the sale of its ranch in Pennington County.

I believe that SMS Ranch has three water right permits, nos. 387-2, 346-2, and 666-2.

It would be appreciated if you would forward to me the necessary paperwork to transfer those water permits the purchaser.

Your records may reflect that SMS Ranch Co., Inc., presently holds those permits but the corporation was liquidated and the assets passed to the partnership which was composed of the same members. Thus, if your records reflect the permits are still in the name of the corporation, you might have to send me two forms for the initial transfer to the partnership and then from the partnership to the new owner.

Obviously if you have any questions concerning this, kindly advise.

With best regards, I am,

Very truly yours,


Kenneth L. Heisterkamp

/dk



946-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

May 18, 2000

387-2

666-2

946-2

Kenneth L. Heisterkamp
Attorney at Law
PO Box 290
Rapid City, SD 57709-0290

Dear Mr. Heisterkamp:

Thank you for your letter of May 15th requesting transfer of ownership forms for Water Right Nos. 387-2, 666-2 and 946-2. The water rights are currently listed in the name of SMS Ranch Partnership. The water rights were last transferred in June, 1983, from SMS Ranch Co., Inc., to SMS Ranch Partnership.

Enclosed are "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. I have partially completed the forms for you. Please review them for accuracy and make any necessary corrections. The forms will need to be completed and signed in the presence of a notary public by the new owner(s).

Once the forms are completed, please return them to our office with a required filing fee of \$2.50 each (total of \$7.50). The check or money order for the fees can be made payable to the "Water Rights Program".

If you have any questions about the water rights or need copies of them, please let me know.

Sincerely,

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

enclosures

No. 946-2

Date: 8/15/2000

Telephone No. (828) 648-2313

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416611

Pierre, August 23, 2000

RECEIVED OF 1st American Title Co., PO Box 8181, Rapid City SD 57709 (Kenneth Wilson)

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 No. 946-2 _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By Richard Erbe
Chief Engineer

1/55

DEMERSSEMAN JENSEN, L.L.P.
LAWYERS

516 FIFTH STREET • P.O. BOX 1820
RAPID CITY, SOUTH DAKOTA 57709-1820

August 22, 2000

ROBERT W. GUNDERSON (1915-1994)
JOHN C. FARRAR (1914-1983)
MICHAEL B. DEMERSSEMAN
CURTIS S. JENSEN
HARRY W. CHRISTIANSON
FRANK DRISCOLL
THOMAS W. STANTON
MICHAEL V. WHEELER
TAMARA M. PIER

TELEPHONE
605-342-2814

FAX
605-342-0732

E-MAIL
law@denjen.com



Genny McMath
Department of Environment and Natural Resources
Water Rights Program
523 East Capitol
Pierre SD 57501-3181

Re: Water Right Permit Nos. 387-2, 666-2 and 946-2

Dear Ms. McMath:

This office represents Mr. Kenneth Wilson who recently purchased the SMS Ranch in Pennington County, South Dakota. In connection with that purchase we are requesting transfer of ownership of the water above referenced water permits. I enclose for your reference your letter of May 18, 2000, addressed to the seller's attorney, Kenneth L. Heisterkamp.

I have also enclosed the Notice of Transfer of Ownership forms which have been completed and signed by the new owner, together with a check of \$7.50 for the transfer fees.

Please provide me with confirmation of transfer of the permits to Mr. Wilson. Thank you for your consideration in this matter.

Very truly yours,

Curtis S. Jensen
DEMERSSEMAN JENSEN, L.L.P.

CSJ:jms

Enclosures

c: Kenneth L. Heisterkamp
kwilson@dnr.sd.gov



August 23, 2000

946-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Curtis S Jensen
DeMersseman Jensen, LLP
PO Box 1820
Rapid City, SD 57709-1820

RE: Water Right Nos. 387-2, 666-2 and 946-2

Dear Mr. Jensen:

Thank you for following up on the transfer of ownership for Water Right Nos. 387-2, 666-2 and 946-2. The transfers have been completed and the water rights, formerly owned by SMS Ranch Partnership, are now listed in the name of Kenneth Wilson, PO Box 869, Canton, NC 28716.

Enclosed are the Receipt Nos. 416609, 416610 and 416611 in the amounts of \$2.50 each. The fees were paid to cover the cost of filing each of the transfers.

If you have any questions concerning the water rights, please get in touch with me.

Sincerely,

Genny McMath

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

enclosures

c: Kenneth Wilson
Kenneth L Heisterkamp



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 25, 2000

387-2
946-2

Eugene Swenson
PO Box 551
Stamford, TX 79553-0551

RE: SMS Ranch Partnership

Dear Mr. Swenson:

On August 23, 2000, Water Right Nos. 387-2, 666-2 and 946-2, for SMS Ranch Partnership, were transferred to Kenneth Wilson of Canton, North Carolina. It is my understanding that any irrigation done on the land during the 2000 crop season would have been done by SMS Ranch Partnership. Curt Jensen, the attorney for Mr. Wilson, suggested that I contact you with regard to this year's irrigation.

Yearly irrigation questionnaires are required for only two of the three water rights. I am enclosing irrigation questionnaires for Water Right Nos. 387-2 and 946-2. I have included the legal descriptions which correspond to each water right. Please complete the forms and return them to our office prior to December 1, 2000. I am enclosing a postage paid envelope for your convenience.

I am aware that you may or may not be done with irrigation for this crop year, but I wanted to get the forms out to you in advance. Next years forms will be directed to Kenneth Wilson. If you have any questions or need assistance in completing the forms, please get in touch with me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
623 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101
www.state.sd.us/denr

September 1, 2000

387-2
946-2

Eugene Swenson
PO Box 551
Stamford, TX 79553-0551

RE: SMS Ranch Partnership

Dear Mr. Swenson:

Thank you for returning the "2000" irrigation questionnaires for Water Right Nos. 387-2 and 946-2.

I truly appreciate you taking the time to complete and return them so quickly. Next year's questionnaires will be directed to Kenneth Wilson for completion.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 18, 2006

NOTICE OF SHUTOFF ORDER

TO: KENNETH WILSON
PO BOX 869
CANTON NC 28716

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 946-2

To protect the senior priority water rights, the department is issuing additional shutoff orders to junior water right holders with priority dates between January 1, 1960 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1960. Shutoff orders were issued previously to Cheyenne River water rights junior to December 31, 1969.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

Water Rights Program - DENR

File Documentation

File No. 946-2

Date: 8/9/06

Name of Person: *Kenneth Wilson (Harvey McPherson, Operator)*

Telephone: 828-508-0673 (605)393-1416

RE: *Temporary rescission of 7-18-06 Shutoff Order*

Comments:

I telephoned to inform Mr. Wilson that due to runoff from a recent rainstorm causing increased flow on the Cheyenne River, the Chief Engineer was temporarily rescinding the July 18, 2006 shutoff order. The rescission was for a 48 hour period starting at the time the flows begin to significantly increase at the diversion point. At the end of the 48 hour period the July 18, 2006 shutoff order is back in effect.

The water rights affected were those with priority dates between January 1, 1960 to December 31, 1969 on the Cheyenne River reach between the confluences of Rapid Creek and the Belle Fourche River.



Mark D Rath

Natural Resources Engineering Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

2494-2 2452-2 946-2

KENNETH WILSON % HARVEY McPHERSON
16780 E HWY 44
CAPUTA SD 57725

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program

File No. 387-2

946-2

2452-2

2494-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Kathy McPherson, 15247 Alkali Rd, Sturgis SD 57785

DATE: November 1, 2006

TELEPHONE:

RE: address for Rapid Creek Ranch

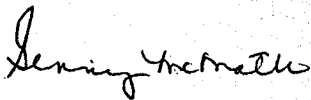
COMMENTS:

Mrs. McPherson called concerning the irrigation questionnaires she just received for Rapid Creek Ranch. *The post office returned the original questionnaires to our office indicating their address had changed from Caputa to the Sturgis address listed above.*

Mrs. McPherson said her husband was still the manager of the ranch (owned by Kenneth Wilson). Harvey and Kathy McPherson's personal address is at Sturgis but the ranch address is Caputa.

Any correspondence dealing with the water rights can be directed to:

Rapid Creek Ranch
16780 E Hwy 44
Caputa SD 57725



Genny McMath
Environmental Scientist



946-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "Realtime streamflow data via satellite".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 10, 2007

TO: KENNETH WILSON
PO BOX 869
CANTON NC 28716

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 946-2 666-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1955 and December 31, 1969 for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority dates after January 1, 1955.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

RECEIVED

DEC - 4 2013

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

WATER RIGHTS
PROGRAM
Water Right/Permit No. 946-2

Date: November 15, 2013

I/We request that Water Right/Permit No. 946-2 formerly owned by:
Kenneth Wilson/ Rapid Creek Ranch be transferred to:

New Owner Name: Cheyenne Station LLPAddress: PO Box 414City, State, Zip Morris MN 56267 Telephone No. 320-491-6987

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

Please see legal description of deeded land transferred to new owner

Alternate phone #s 320-491-1390, 320-392-5802

☒ I understand that the validity of Water Right/Permit No. 946-2 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, Dennis Wulf or Jerry Wulf, Cheyenne Station LLP, 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 12/4, 20 13

RECEIVED OF First American Title Co PO Box 8181 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 _____ 946-2		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06504

By Jeanne Soelmen
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 14, 2014

946-2

Dennis or Jerry Wulf
Cheyenne Station LLP
PO Box 414
Morris MN 56267

Dear Sirs:

I am writing in regard to the transfer of ownership filed on December 4, 2013 for Water Right No. 946-2. The transfer has been completed. Water Right No. 946-2 formerly held by Kenneth Wilson with Rapid Creek Ranch is now listed in the name of Cheyenne Station LLP.

For informational purposes, each year irrigators in South Dakota are required to submit an irrigation questionnaire outlining how much water they diverted during that specific crop year. The forms will be sent out in October and are due back by December 2nd. I am enclosing a copy of the 2012 form submitted by Kenneth Wilson. This will give you an idea of how to fill out the form and what type of information to keep track of during the season.

I have included a copy of the original water license for Water Right No. 946-2. You may keep this for your records. The receipt for the filing fee paid for the ownership change is being forwarded with a copy of this letter to the title company.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written in a professional style.

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

c: First American Title Co, Rapid City SD w/Receipt No. 06504

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUL 09 2018

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 946-2Date: May 30, 2018

I/We request that Water Right/Permit No. 946-2 formerly owned by:
Cheyenne Station LLP be transferred to:

New Owner Name: Robert C. Ellsworth an/or Kathleen C. Ellsworth
Address: 33917 Prairie Dr.
City, State, Zip Fort Thompson ☒ SD ☒ 57339 Telephone No. 605-680-4921

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

Township 15, Range 13E BHM, Pennington County, SD (Alternative phone number 605-245-2382)

Section 13: SW1/4	56 acres
Section 14: S1/2SE1/4	62 acres
Section 23: NE1/4NW1/4	11 acres
Section 23: N1/2NE1/4	60 acres
Section 24: NW1/4NW1/4	7 acres

☒ I understand that the validity of Water Right/Permit No. 946-2 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, Robert C. Ellsworth, 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 July 9, 20 18

Robert or Kathleen Ellsworth 33917 Prairie Dr Ft. Thompson 57339-7902

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>946-2</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	

No. **08715**

By

Jeanne Goodman
Chief Engineer
ym



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 1, 2018

946-2

Robert C & Kathleen C Ellsworth
33917 Prairie Dr
Ft Thompson SD 57339

Dear Mr. & Mrs. Ellsworth:

I am writing in regard to the transfer form and filing fee submitted for changing ownership on Water Right No. 946-2. The ownership change has been completed. Water Right No. 946-2 formerly held by Cheyenne Station LLP is now listed in your names.

For informational purposes, each year irrigators in South Dakota are required to submit an irrigation questionnaire reporting how much water was diverted during that specific crop year. The forms are mailed out in October each year and are due back by December 1st. I am enclosing a copy of a past irrigation questionnaire for the land described in No. 946-2. This will give you an idea of how to fill out the form and what type of information to keep track of during the season.

Enclosed for your records is Receipt No. 08715 in the amount of \$50 which you paid for filing the ownership change.

If you have any questions, please contact me.

Sincerely,

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

enclosures



946-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: ROBERT C & KATHLEEN C ELLSWORTH, 33917 PRAIRIE DR, FT THOMPSON, SD
57339

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 946-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 946-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

946-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2019

946-2

Robert C & Kathleen C Ellsworth
33917 Prairie Dr
Ft Thompson SD 57339

Dear Mr. & Mrs. Ellsworth:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 946-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

946-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: ROBERT C & KATHLEEN C ELLSWORTH, 33917 PRAIRIE DR, FT THOMPSON, SD
57339

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 946-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 946-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QBZZBX**

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

946-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

946-2

Robert & Kathleen Ellsworth
33917 Prairie Dr
Ft Thompson SD 57339

Dear Mr. & Mrs. Ellsworth:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 946-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us