



981
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3188
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: TIM OR DEB McCLAREN, PO BOX 13, CAPUTA, SD 57725 0013

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

SENDER COMPLETES THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TIM OR DEB McCLAREN
PO BOX 13
CAPUTA SD 57725 0013

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

Tim McLaren

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

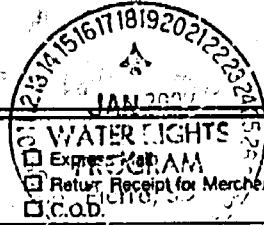
☐ No

3. Service Type

☒ Certified Mail

☐ Registered

☐ Insured Mail



☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. 7001 2510 0004 4797 4890

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2002

981-2

Tim or Deb McClaren
PO Box 13
Caputa, SD 57725-0013

Dear Mr. & Mrs. McClaren:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 981-2.

I completed a questionnaire for you based on our January 17th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

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

Sincerely,

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

Remarks by State Water Resources Commissioner:

LOW FLOWS ARE NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING AND FRESH 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 DEER FIELD AND PACTOLA RESERVOIRS.

STATE OF SOUTH DAKOTA

County of HUGHES ss.

Pierre, South Dakota, MARCH 26, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 7TH day of JANUARY, 1969

State Water Resources Commission

By: Burton J. [Signature]

for Chief Engineer, Executive Officer

Number of permit 981-2

Date of first receipt of application JANUARY 7, 1969

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 JANUARY 7, 1969

Approved MARCH 26, 1969 Recorded in Book 10 Page 325

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 _____

SEPTEMBER 26, 1969

2nd. The whole of said work is to be completed on or before MARCH 26, 1970

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

MARCH 26, 1974

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

5th. The : 10- 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 2.2 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 26, 1974; said water to be used during the following described annual period:

MARCH 1 TO NOVEMBER 1

Witness my hand this 27TH day of MARCH, 1969.

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction issued FEBRUARY 5, 1976

Water License issued FEBRUARY 5, 1976

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 981-2

(1) WHEREAS, On the 7th day of January A. D. 19 69

Victor E., Warren D., and Richard S. Anderson

made Water Right Application No. 981-2 for a permit to use 2.2 cubic feet per second of the waters of Rapid Creek

County of Pennington, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 27th day of March A. D. 19 69

Permit No. 981-2, with a date of priority of January 7, 1969

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 26th day of March A. D. 19 70 and for the application to beneficial use of said water on or before the 26th day of March A. D. 19 74

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 2.2 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 ~~irrigation~~ of the following land in T1S, R10E:

Section	NE 1/4 SW 1/4	Acres
Section 17	NE 1/4 SW 1/4	15.3
	NE 1/4 SW 1/4	27.8
	SW 1/4 SW 1/4	28.5
Section 18	SW 1/4 NE 1/4	11.2
	SE 1/4 NE 1/4	8.7
	NW 1/4 SE 1/4	7.6
	NE 1/4 SE 1/4	28.8
	SE 1/4 SE 1/4	5.5
Section 20	NE 1/4 NE 1/4	13.0
Total Acres		153.4

(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 Victor E., Warren D., and Richard S. Anderson

of Midland, Texas
the holder s and owner s of said permit No. 981-2 a water right, dating from January 7, 1969
to use of 2.2 cubic feet per second of the waters
of Rapid Creek
in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at

a point 441 feet West and 1270 feet North of the E. Corner, Sec. 18, T1S, R10E

and conduct to and upon portions of Sections 17, 18 and 20, T1S, R10E more fully described
on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 981-2 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 February A. D.

Nineteen Hundred and Seventy-six

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer

John Hatch

Permit No. 981-2

Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Victor E., Warren D., and Richard S. Anderson

_____ the holder _____ of
Permit No. 981-2, issued upon Application No. 981-2, bearing date of priority of January 7, 1969
_____ authorizing the diversion of 2.2 cu. ft. per second of the waters of _____
Rapid Creek County of Pennington, State of South Dakota at _____
a point 441 ft. West and 1270 feet North of the E $\frac{1}{4}$ Corner, Sec. 18, 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 4.0 cu. ft. per second of water.

Date February 5, 1976

WATER RIGHTS COMMISSION

By _____

JOHN F. L. H., Chief Engineer

on or before
(First Publication February 27, 1969)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 27, 1969

Notice is hereby given that Victor E., Warren D., & Richard S. Anderson whose postoffice address is Rapid City S. Dak., ~~has~~ ^{have} made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.2 cubic feet of water per second of time from ~~the~~ Rapid Creek through the Anderson Irrigation System, the point of diversion of which is to be located on the right bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 18 Twp. 1 S Range 10E. Said water to be used for the purpose of providing irrigation on ~~the fol-~~ ^{portions of} lowing described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18; W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17;
NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, T18, R10E.

~~None~~ ~~is~~ ~~to~~ ~~be~~ ~~used~~ ~~for~~ ~~any~~ ~~other~~ ~~purpose~~ ~~than~~ ~~that~~ ~~of~~ ~~irrigation~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of March, 1969, 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:

~~State Water Resources Commission~~

Burton F. Jones

Water Rights Specialist

cc: Victor E. Anderson
202 E. Var. Buren
Rapid City, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Pennington } ss.

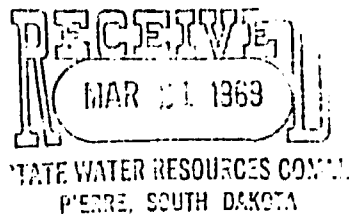
W. C. Wagman Being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Rapid City Journal a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Rapid City County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb. 27, Mar. 6, 13, 20

in each and every issue of the full number thereof, the first publication being made on the 27th day of February 19 62 and the last publication on the 20th day of March 19 62, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager ~~XXXXXXXXXXXXXXXXXXXX~~ of the said newspaper.

Subscribed and sworn to before me this 20th day of March A. D. 19 69

Notary Public Pennington County, S. D.



Feb. 27, March 6, 13, 20
APPROPRIATION OF WATER
Office of State Water Resources
Commission
Pierre, S.D., January 27, 1969
Notice is hereby given that Victor E. Warren D. and Richard S. Anderson, whose post office address is Rapid City, S. D., have made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 7.1 cubic feet of water per second cfs from Rapid Creek through the Anderson Irrigation System, the point of diversion of which is to be located on the right bank of said stream in the SE 1/4 of the NE 1/4 of Section 18 Twp. 15 Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
S 1/2 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4, Section 19; W 1/4 SW 1/4 and SE 1/4 SW 1/4, Section 17; NE 1/4 NE 1/4, Section 21, T15, R10E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 24th day of March, 1969, 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 of all information presented.
State Water Resources Commission
By: Burton F. Jones
Water Rights Specialist
cc: Victor E. Anderson
222 E. Van Buren
Rapid City, S.D.

Permit No. 981-2Water Division 2 Rapid Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

TO: Water ~~Resource~~ Commission, State Office Building No. 2, Pierre, South Dakota 57501

Victor E.

Warren D.

Richard S.

I have this day made a thorough examination of the water use system constructed by Anderson of Box 1884, Midland, Texas holder of Permit No. 981-2, bearing date of priority of January 7, 1969 authorizing the diversion of 2.2 cu. ft. per second of the waters of Rapid Creek 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: 50 H.P. General Electric
Model No. 5K326AK205
Serial No. DE1473746
6 inch Berkeley
Model No. B6JRBM CW
Serial No. 6961898

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

550 feet 10" aluminum
250 feet 10" PUC

- C. Works used to apply water to beneficial use.

2600 feet of main canal
7 spreader dike to flood irrigate

The system is in the following condition: good

The point of diversion is located 441' west and 1270' north of east quarter corner of Section 18, T1S, R10E, BHM

The works are capable of diverting and conveying to the place of use 4.0

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: See Attachment

comprising a total of 153.4 acres of land.

SUB DIVISIONSECTIONAREA

SW $\frac{1}{4}$ NE $\frac{1}{4}$	18	11.2 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	18	8.7 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	18	7.6 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	18	28.8 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	18	5.5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	17	16.3 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	17	27.8 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	17	28.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	20	19.0 acres

All in T1S, R10E, B. H. M.

TOTAL 153.4 acres



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

981-2

No. _____

May 5, 1986

Tom Metzger
Flack, Hoffman Inc.
2138 Jackson Boulevard
Rapid City, South Dakota 57702

Dear Mr. Metzger:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

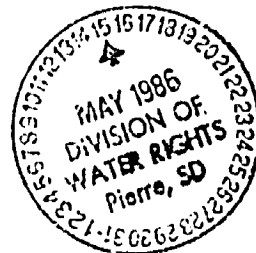
NOTE: The enclosed copy of Water License No 981-2 is for your records.
If you have any questions - please advise.



(605) 341-5000

2138 JACKSON BOULEVARD
RAPID CITY, SOUTH DAKOTA 57702

May 14, 1986



Water Rights
Foss Building,
Pierre, South Dakota 57501

Dear Sirs:

Enclosed please find the Notice of Transfer of Water Permit on ground formerly owned by Victor, Warren and Richard Anderson and transfer to new owners Odom and Odom. Also enclosed find \$2.50 to cover filing fees.

The address for Odom and Odom is: HCR01 Box 3C, Phillip, SD 57567.

Any further questions, please notify me at Flack-Hoffman, Inc.

Sincerely,

A handwritten signature in cursive script, reading 'Tom Metzger'.

Tom Metzger
Flack-Hoffman, Inc.

TM/mq

HOMES

FARMS

RANCHES

BUSINESSES

INCOME PROPERTY

INDUSTRIAL LOCATIONS

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: May 13, 1986

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

153.4 Acres - N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20; all in T1S, R10E.

formerly owned by Victor, Warren & Richard Anderson

has been transferred to ODOM AND ODOM Odom & Odom HCR 1 Box 3C Philip SD 57501
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 981-2 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 Div. 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.

I, RICHARD S ANDERSON 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.

Richard S Anderson
(Signed)

Subscribed and sworn to before me this 13th Day of May, 1986.

Winifred W. Boone
(Notary Public)

Winifred W. Boone
Notary Public
State of Texas
My Comm. Expires 7/23/88

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410447

Pierre, May 15, 1986

RECEIVED OF Flack-Hoffman Inc. 2138 Jackson Blvd. Rapid City, SD 57702 FOR Odom & Odom
the following amount in fees for services rendered as provided for by law: HCR 1, Box 3 C
Philip SD 57567

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>981-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer JOHN HATCH (MS)

FILED

CAMERA OPERATOR

No. 981-2

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

May 15, 1986

Flack-Hoffman, Inc.
2138 Jackson Boulevard
Rapid City, South Dakota 57702

RE: Odom & Odom Water Permit transfer

Dear Sir:

Enclosed is receipt No. 410447 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 981-2.

Our records now show ~~you~~ ^{Odom & Odom, HCR 1, Box 3C, Philip, SD} as the owner of this Water Right.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

Water Rights Division - DWR
Conversation or File Documentation

File No. 981-2

NAME OF PERSON OR FILE: Odum + Odum

ADDRESS: _____ COUNTY Pennington

DATE: 2/19/87 TELEPHONE _____

RE: Re-advertising Permit

COMMENTS:

Water Permit 981-2 was originally advertised
incorrectly. The application permit was also
incorrect but the map submitted with the
application was correct. The permit was
licensed and the error was continued.

In the original permit the land was listed
as 19 acres in the NE 1/4 NE 1/4 of Section 20-
T15-R10E. It was also advertised this way.
The map shows 19 acres in the NE 1/4 NW 1/4 of
Section 20. The permit was licensed in
1975 and the license listed the land as
the NE 1/4 NE 1/4 of Sec. 20. The permit needs
to be re-advertised to correct the
original mistake by the applicant. Since the
permit has been licensed the mistake was
carried through by this office. The mistake
should have been corrected when the license
was issued. The permit should be re-advertised
and this office assume the cost for
re-advertising since the mistake should have
been corrected in 1975.

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

4/82

NAME: Tim Tallent

Natural Resources Engineer.

South Dakota
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

April 2, 1987

Odom & Odom
HCR 1, Box 3C
Philip, South Dakota 57567

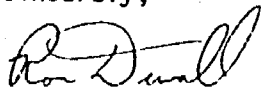
Dear Sirs:

I am contacting you regarding the inspection of Water Right No. 981-2.

The notice published for the permit in Rapid City Journal on February 20, March 6, 13 and 20, 1969 contained an error regarding the legal description of a portion of the land to be irrigated. The correct legal description is the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20, T1S-R10E not the NE $\frac{1}{4}$ NE $\frac{1}{4}$ as originally advertised. Therefore, Water Right No. 981-2 will be readvertised to correct the error contained in the original advertisement. The readvertisement will be paid by the Division of Water Rights.

After readvertisement is completed on Water Right No. 981-2 the license will be reissued to correct this error.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

No. 981-2

Instruction to Newspaper - Publish first publication of the following Notice on or before April 9, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

READVERTISEMENT NOTICE OF HEARING on Application No. 981-2 to ~~Appropriate Water~~
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that Odom and Odom whose mailing address is
HCR 1, Box 30 Philip, South Dakota has made an application for a permit

water permit on January 7, 1969. Readvertisement of this notice is to correct the original notice published on February 20, March 6, 13 and 20, 1969 for Permit Application No. 981-2. The original notice contained an error regarding the legal description of a portion of the land to be irrigated. The correct legal description is the NE1/4, section 20-T1S-R10E not the NE1/4 as originally advertised. Water Right No. 981-2 authorizes a water appropriation of 2.2 cfs from Rapid Creek to irrigate 153.4 acres. This readvertisement does not authorize any increase in water appropriation from Rapid Creek or increase the number of irrigated acres.

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

APPROVAL of Application No. 981-2 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, May 6, 1987 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 April 24, 1987. 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, 46-5-8-1, 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, DWNR, 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 April 24, 1987.

April 9, 1987

READVERTISEMENT OF
NOTICE OF HEARING
ON APPLICATION NO. 981-2

Notice is hereby given that Odum and Odum whose mailing address is HCR 1, Box 30 Philip, South Dakota made an application for a water permit on January 7, 1989. Re-advertisement of this notice is to correct the original notice published on February 20, March 6, 13 and 21, 1989 for Permit Application No. 981-2. The original notice contained an error regarding the legal description of a portion of the land to be irrigated. The correct legal description is the NE 1/4 NW 1/4 Section 20, T15-410E, not the NE 1/4 NE 1/4 as originally advertised. Water Right No. 981-2 authorizes a water appropriation of 2.2 cfs from Rapid Creek to irrigate 133.4 acres. This re-advertisement does not authorize any increase in water appropriation from Rapid Creek or increase the number of irrigated acres.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 981-2 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, May 4, 1987 at 10:00 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 SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason 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 46-1-12 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-18; 46-2A-12; 46-2A-14; 46-2A-15; 46-5-1 thru 46-5-13 thru 46-5-15; 46-5-24; 46-5-25; 46-5-30.2; 46-5-30.4; 46-5-31; 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, Joe Foss Bldg., Pierre, S.D., (605 773-357) 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 April 24, 1987.

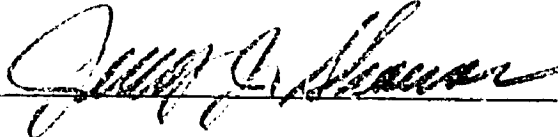
Affidavit of Publication

STATE OF SOUTH DAKOTA

County of Pennington

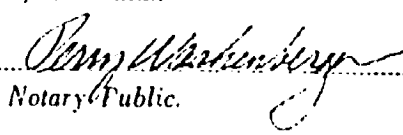
ss.

I, Jerry J. Shoener, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee 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 as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid 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, and has been admitted to the United States mail under the second class mailing privilege 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 two successive weeks, the first publication thereof being on the ninth day of April, 1987, that the fees charged for the publication thereof are eighty-two Dollars and forty-two cents.



Subscribed and sworn to before me this 16th day of

April, 1987


Notary Public.





Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

No. 981-2

April 2, 1987

Rapid City Journal
PO Box 450
Rapid City, South Dakota 57709

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Odom & Odom

Application No. 981-2, in Pennington County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on, or before April 9, 1987.

Please bill the Water Rights Division for the cost of the publications.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is return with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

RON DUVAL
Natural Resources Engineer

***** CUT HERE

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

We are in receipt of your letter of _____, 198 enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. _____ which was first published in our issue of _____, 1984. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

Equal Opportunity Employer

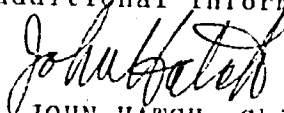
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED
WATER PERMIT APPLICATION NO. 981-2

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. 981-2, Odom and Odom, HCR 1, Box 3C, Philip SD.

The Chief Engineer is recommending APPROVAL of Application No. 981-2 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 Bureau of Reclamation regarding releases of water from Deerfield and Pactola Reservoirs.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 1, 1987

Permit No. 981-2, LN-599-2, LN600-2
 Upper Cheyenne
 10120110 Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Odom & Odom
 of HC R 01 Box 36, Philip, SD holder of
 Permit No. 981-2, LN-599-2, LN600-2, bearing the priority of January 7 1969
December 15 1924 authorizing
 the diversion of 2.2 cu. ft. per second of the waters of Rapid Creek
Antelope Creek
 for Irrigation purposes, in Pennington County.

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

A. Works used to divert the water:

Rapid Creek: 6 inch Berkeley
 model: B65 RBM CW
 Serial #: 6961898

S.H.P. General Electric
 model: 5K326AK205
 Serial #: 0E1473746

Antelope Creek: Diversion Dam
 7' high, 318' Long, crest width 7'

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

Rapid Creek: 550' - 10" Aluminum
 250' - 10" PUC

Antelope Creek: Earth Cut Canal
 9' wide by 6' high - side slopes 1:2

C. Works used to apply water to beneficial use:

Spreader Dikes and ditches.
 7000' of main canal

The system is in the following condition Rapid Creek system - good Antelope Creek Diversion Works - fair

The point of diversion is located Rapid Creek - 441' west and 1270' north of East quarter corner

Section 18-T15-R10E; Antelope Creek - 4090' N22E of SW corner Section 18-T15-R10E
4.0 cfs - Rapid Creek
20 cfs - Antelope Creek

The works are capable of diverting and conveying to the place of use
 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: All Lands in T15-R10E

11	SW 1/4 NE 1/4 Sec 18	4	SE 1/4 SE 1/4 Sec 18	1	NW 1/4 NW 1/4 Sec 20
5	SE 1/4 NE 1/4 Sec 18	13	NW 1/4 SW 1/4 Sec 17	11	NE 1/4 NW 1/4 Sec 20
9	NW 1/4 SE 1/4 Sec 18	28	SW 1/4 SW 1/4 Sec 17		
29	NE 1/4 SE 1/4 Sec 18	30	SE 1/4 SW 1/4 Sec 17		

comprising a total of 141 acres of land and the license should be issued for 2.01 cfs
See Attached Explanation

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date May 8, 1987

Tam Tallgren
 (signature)
 Natural Resources Engineer

Water Rights Division - DWRH
Conversation or File Documentation

File No. 981-2

NAME OF PERSON OR FILE: Adam + Adam

ADDRESS: _____

COUNTY Pennington

DATE: 5/8/87

TELEPHONE _____

RE: Explanation of irrigation system.

COMMENTS:

This system consists of two diversion points; one from Rapid Creek and one from Antelope Creek.

The diversion dam on Antelope Creek is capable of diverting the entire flow of Antelope Creek to irrigate 141 acres of land. These 141 acres have ditch and spreader ditches used to flood irrigate. During drier periods water from Rapid Creek is pumped to the main canal irrigating these 141 acres. The two systems are not operated at the same time. Water from Rapid Creek is only pumped when there is no flow in Antelope Creek.

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: Jim Hallgren

4/82

LICENSE FOR PERMIT NUMBER 981-2

LN 599-2

LN 600-2

1. Legal location of wells: _____

Rapid Creek Diversion: 441' W and 1270' N of East water corner Sec 18-T1S-R10E
dams & structures: Antelope Creek Diversion: 4090' N 22° E at SW corner Section 18-T1S-R10E

2. Well information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make Berkeley Motor a) make General Electric
b) model B63 RBM CW b) model no. SK326AK205
c) size 6 inch c) horsepower rating 50
d) capacity 1800 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 10" 10"
b) type PVC Aluminum
c) length 250' 550'

4. Dam information:

a) height to crest 7'
b) height to spillway -
c) crest width 7'
d) crest length 318'
e) spillway length -
f) spillway width 9'
g) approx. storage none
h) Distribution lines or canals:
1) size 9" x 6"
2) type Earth Cut
3) length 7000'

i) Outlet tubes: None

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
-----	----	-------------

Not Needed

✓

✓

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

State of South Dakota

REISSUED Water License No. 981-2

Victor, Warren and Richard Anderson

of Midland, Texas were issued Water License No. 981-2

made Application No. February 5, 1976 for a right to appropriate

2.20 cubic feet per second of water from Rapid Creek

Pennington County, South Dakota for irrigation purposes.

Water License

Water License No. 981-2, with a priority date of January 7, 1969

was approved and issued to applicant(s) for diversion of water with construction of the described water supply system ~~not~~ completed ~~on or before~~ and for the application to beneficial use of said water ~~on or before~~ completed.

Water Right No. 981-2 was transferred on May 15, 1986 to Odom and Odom, Philip, South Dakota.

The applicable portions of Location Notice Nos. 599-2 and 600-2 are incorporated into this Water License No. 981-2. The lands being irrigated from Antelope Creek authorized by Location Notice Nos. 599-2 and 600-2 are essentially the same as those covered under Water License No. 981-2 irrigated from Rapid Creek.

Priority dates for Reissued Water License No. 981-2 are as follows: Diversion of water from Antelope Creek to irrigate the lands described in #3 of this license will retain a priority date of December 15, 1924 (Location Notice Nos. 599-2 and 600-2). Diversion of water from Rapid Creek to irrigate the lands described in #3 of this license will retain a priority date of January 7, 1969 (Water Right No. 981-2)

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 2.01 cubic feet per second of water for beneficial use. The location of the diversion point(s) are: Rapid Creek - 441' West and 1270' North of the E $\frac{1}{4}$ Corner of Section 18, T1S, R10E; Antelope Creek - 4090' N22 $^{\circ}$ E of the SW Corner Section 18, T1S, R10E.

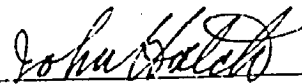
and

(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 lands all in T1S, R10E

Section 17	NW $\frac{1}{4}$ SW $\frac{1}{4}$	13 Acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	28 Acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	30 Acres
Section 18	SW $\frac{1}{4}$ NE $\frac{1}{4}$	11 Acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	5 Acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	9 Acres
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	29 Acres
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	4 Acres
Section 20	NW $\frac{1}{4}$ NW $\frac{1}{4}$	1 Acre
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	11 Acres
	TOTAL	141 ACRES

(4) Pursuant to §46-5-30.1 Odom & Odom
of HCR 01, Box 3 C, Philip, South Dakota 57567
the holder(s) and/or owner(s) of Water ^{Right} ~~Permit~~ No. 981-2 is issued a license to appropriate water, the right to use
2.01 cubic feet per second of water from Rapid Creek and Antelope Creek with a priority date
of January 7, 1969 & December 15, 1924 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. 981-2 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
NOV 2 1987
JOHN HATCH

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

THAT V. C. Anderson

whose post office is

Rapid City

South Dakota, a citizen of the United States, above the age of

21 years, being in possession of the following described land, to-wit:

18 township 1 S. range 10 E. B. H. M.

in Perrin County, South Dakota. Said lands comprising Desert Entry No.

1 Dist. District, availing him self of the right granted under the provisions

of Section 31 of Chapter 150 of the Session Laws of South Dakota of 1907, has located and claims the right to

construct a certain dam across dry draw situated in the SE 1/4 of the NW 1/4 section 15

township 1 S. range 10 E. B. H. M. and has located and claims the right to construct

ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above

described, and claims the right of way across any land for the purpose of conveying said waters for said purpose.

Said locator claims for the above purpose 76 cubic feet of water per second during the follow-

ing described annual periods whole year inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the NW corner Sec 16, approx 1000 feet east and 2400 feet south of said

The ditch will run in a generally direction to and on said

land for a distance of approx 1500 feet.

Said location was made on the 15 day of December 1914

Witness my hand and seal this 15 day of December 1914

V. C. Anderson

Locator.

Witnesses:

V. L. Anderson

Richard S. Anderson

State of South Dakota,

County of Perrin

On the 15 day of December 1914, before me C. E. Feigel

a notary public in and for the County and State aforesaid, personally

appeared V. C. Anderson to me personally known to be the person who executed

the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

C. E. Feigel

Notary Public.



Pierre, South Dakota, February 21 1915

This is to certify that the foregoing location notice was received at this office at 6:30 o'clock A. M.

upon the 7 day of February 1915, and after examination it was held pending

ready to inquiry on acreage irrigated, and later filed with note

John Berg

State Engineer.

Not Approved: (1) Locator claims more water than allowed by law

(2) Two prior locations covering practically same land files

John Berg

State Engineer

LOCATION NOTICE

KNOW ALL MEN BY THESE PRESENTS:

THAT V. E. Anderson whose post office is Reed City, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: Section 15 township 1 N range 10 E B. H. M. in Pennington County, South Dakota. Said lands comprising Desert Entry No. Land District, availing himself of the right granted under the provisions of Section 31 of Chapter 110 of the Session Laws of South Dakota of 1907, has located and claims the right to construct a certain dam across a dry draw situated in the SE 1-4 of the NW 1-4 section 15 township 1 N range 10 E B. H. M. and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described, and claims the right of way across any land for the purpose of conveying said waters for said purpose. Said locator claims for the above purpose 70 cubic feet of water per second during the following described annual periods whole year inclusive each year.

The location of the point of diversion of the reservoir is as follows:

From the Northwest corner of said Section (15), approximately 1200 feet east, and 1500 feet south thereof,

The ditch will run in a southeasterly direction to and on said land for a distance of approximately 100 feet.

Said location was made on the 15 day of December 1914.

Witness my hand and seal this 15 day of December 1914.

V. E. Anderson Locator.
Attest: V. E. Anderson

State of South Dakota, ss.
County of Pennington

On the 15 day of December 1914, before me C. E. Feigel, a notary public in and for the County and State aforesaid, personally appeared V. E. Anderson to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal, the day and date above written.

C. E. Feigel
Notary Public.

Pierre, South Dakota, February 27 1915.

This is to certify that the foregoing location notice was received at this office at 6:30 o'clock A. M., upon the 7 day of February 1915, and after examination it was held pending reply to inquiry on acreage irrigated and later filed with note attached as below John Dier State Engineer.

Not approved: (1) Locator claims more water than allowed by law.
(2) Two prior locations covering practically same land titles.
John Dier
State Engineer.

South Dakota
Department of
Water & Natural Resources

Joe Foss Build'ng
623 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

NCV 2 1987

Odom & Odom
HCR 01, Box 3 C
Phillp, South Dakota 57567

Dear Mr. Odom:

Enclosed is your Water Right License No. 981-2. The water license has been reissued to the extent of what is actually being used. The relicense is based on a May 8, 1987 inspection of your water use system.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

Department of Water & Natural Resources

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

January 29, 1988

ODOM & ODOM - Tom Odom
HCR 01 BOX 3C
PHILIP, SD 57567

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

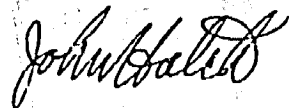
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 981-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 981-2 to require the Irrigation "Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.



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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

981-2

Ralph A. Kemnitz
Thomas C. Barnett Jr.
Associate
Thomas J. Deadrick DDS JD
Legal Assistant
Becky Buhmann PLS. CIA

KEMNITZ & BARNETT
P.O. BOX 489
PHILIP SOUTH DAKOTA 57567

Philip, SD
(605) 859 2510
Wall, SD
(605) 273 2575
Kadoka, SD
(605) 837-2146

February 10, 1988

Water Management Board
Water Rights Division
Joe Foss Building
Pierre, SD 57501-3181

ATTN: Ron

Re: Odom & Odom; '37 survey

Dear Ron:

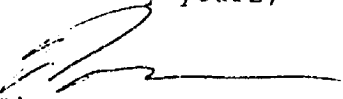
My clients have prepared the irrigation survey for 1987. As per our telephone conversation, the survey does not reflect any diversion from Antelope Creek. As you know, Antelope Creek, commonly referred to as Dry Creek, flows only for a short period of time in the spring when there is sufficient run off to fill domestic dams up stream and overflow into Odom's flood irrigation system.

It is my understanding that upon receipt of the enclosed survey, it will not be necessary for Odom & Odom or I, in their behalf, to appear before the Water Management Board at its March meeting and that this agenda item will be cancelled. If I have misunderstood our telephone conversations and that an appearance is still necessary, please contact me immediately.

If you have any questions concerning the survey, please do not hesitate to contact me.

I remain

Sincerely yours,


Thomas C. Barnett, Jr.

TCB/jfh

Enclosure

cc: Odom & Odom



SOUTH DAKOTA Department of
Water & Natural Resources

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

February 16, 1988

981-2

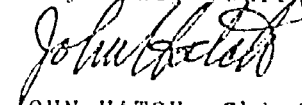
Tom Odom
Odom & Odom
PO Box 489
Philip SD 57567

Dear Mr. Odom:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 981-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

cc: Tom Barnett, Attorney
PO Box 489
Philip SD 57567

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

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

June 1, 1980

Jim Hollenbeck
Farm Credit Services
PO Box 3130
Rapid City, SD 57709

Dear Mr. Hollenbeck:

Enclosed, as you requested, are copies of the map and Water Right No. 981-2. Water Right No. 981-2 is currently listed in the name of Odom & Odom. Also enclosed is a copy of Vested Water Right No. 2039-2 for Hawthorne Ditch Company.

If you have any questions, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



981-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

ODOM & ODOM
TOM ODOM
HCR 01 BOX 5
PHILIP SD 57567

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 981-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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. Following the hearing, the Water Management Board can:

1. Amend Permit No 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1. and/or 2. for additional services.
- Complete Items 3. and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

981-2

ODOM & ODOM
TOM ODOM
HCR 01 BOX 5
PHILIP, SD 57567

4a. Article Number

P837 692 736

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

5. Date of Delivery

2-8-95

5. Signature (Addressee)

Tom Odom

5. Signature (Agent)

6. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1991-32-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

981-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1995

981-2

Tom Odom
Odom & Odom
HCR 1 Box 5
Philip, SD 57567

Dear Mr. Odom:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.

The questionnaire 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,

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

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

NOTICE OF TRANSFER OF OWNERSHIP

No. 981-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: April 25, 1996

I, We request that Water Permit/Right No. 981-2 Owner & Owner Partnership
formerly owned by: Owner & Owner Partnership
be transferred to: (name & address) James W. Peterson, LLC

Box 606, Pierre, South Dakota, 57501 (telephone No.) 605-224-4300

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

SEE ATTACHED "EXHIBIT A"

I, We understand that the validity of Water Permit/Right No. 981-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Sturgis)

I, We James W. Peterson, LLC being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

James W. Peterson, LLC
(Signed)

Subscribed and sworn to before me this 25 day of April, 1996.

James W. Peterson, LLC
(Notary Public) 4/23/96

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

EXHIBIT A

JERALD W. PETERSON, L.L.C.

EXHIBIT 'A'

SECTION 8	SECTION 17	SECTION 18	SECTION 19
SW1/4NW1/4	SE1/2SW1/4	E1/2SE1/4	NE1/4
W1/2SW1/4	SW1/4NW1/4	SE1/2NE1/4	
NE1/4SW1/4	NE1/2NW1/4	SE1/4NW1/4	
E1/2 SW1/4SE1/4	NE1/2SW1/4	W1/2SE1/4	
SE1/4SW1/4	SE1/4NW1/4	NE1/4SW1/4	
201 ACRES	320 ACRES	320 ACRES	160 ACRES
	SECTION 20		
	NW1/4NW1/4		
	NE1/4NW1/4		
	80 ACRES		

ALL LOCATED IN
TOWNSHIP ONE SOUTH, RANGE 10 EAST, B.H.M., PENNINGTON
COUNTY, SOUTH DAKOTA

RECEIPT

Division of Water Rights

415146

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 11, 19 96

RECEIVED OF Pat Donahue, Ft Pierre, SD

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 981-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

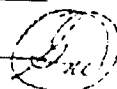
Total

250

By

Chief Engineer

JOHN HATCH



981-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 5, 1996

No. 981-2

Jerald W. Peterson, L.L.C.
Box 606
Pierre, SD 57501

Dear Mr. Peterson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 981-2.

Our records now show you as the owner of Water Right No. 981-2.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Cheryl F. Frost', is written over the typed name.

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. 981-2

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: MARCH 7, 1997

I, We request that Water Permit/Right No. 981-2

formerly owned by: JEROLD W. PERKINSON

be transferred to: (name & address) JOE D. AND FERDIE E. McCLAREN
RT. 1, Box 92, CUSTER S. DAK. 57730 (telephone No.) 673-4889

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

I/We understand that the validity of Water Permit/Right No. 981-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

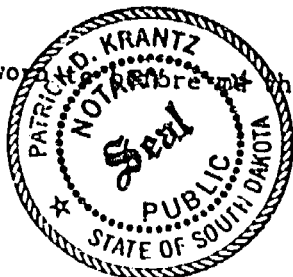
STATE OF SOUTH DAKOTA)

County of STANLEY)

I/We PATRICK D. KRANTZ being first duly sworn on my oath depose and say that the relation to the above described undertaking is that of Owner, that I have read the foregoing statement, and that I know of my own personal knowledge that the herein stated is true.



Subscribed and sworn to before me this 7th day of MARCH, 1997.



Jerry W. Peterson L.L.C.
(Signed)

Patrick D. Krantz
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water 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.

WARRANTY DEED

JERALD W. PETERSON, L.L.C., A LIMITED LIABILITY COMPANY, of Box 606, Pierre, So. Dak. 57501, Grantor, for and in consideration of One Dollar and other valuable consideration GRANTS, CONVEYS, AND WARRANTS to JOE D. MCCLAREN AND FEROL E. MCCLAREN, Husband and Wife, of Rt. 1, Box 92 H. Custer, So. Dak. 57730, Grantee, the following described real estate in the County of Pennington, and the State of South Dakota:

TOWNSHIP 1 SOUTH, RANGE 10 EAST OF THE BLACK HILLS MERIDIAN,
PENNINGTON COUNTY, SOUTH DAKOTA.

SECTION 9: SWXNWX; WXSX; NXSX

SECTION 17: NW/4SW/4

SECTION 18: EXSEY

SECTION 20: N $\frac{1}{2}$ NW $\frac{1}{4}$

TOWNSHIP 1 SOUTH, RANGE 10 EAST OF THE BLACK HILLS MERIDIAN,
PENNINGTON COUNTY, SOUTH DAKOTA.

SECTION 8: SE½SW¼; ONE ACRE TRACT IN THE SW CORNER OF THE
W½SE¼; MORE PARTICULARLY DESCRIBED IN BOOK 19
OF DEEDS ON PAGE 22 IN THE OFFICE OF THE
REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH
DAKOTA

SECTION 18: ~~S~~NEX; ~~S~~EXNW; ~~W~~XSE; ~~N~~EXSW

SECTION 19: NEXT

SECTION 30: SE14

INCLUDING:

- A. All oil, gas and mineral estate held by Grantor.
- B. Any interest in rights-of-way or easements reserved or established on other properties, providing access to the demised premises.

SUBJECT TO THE FOLLOWING:

- A. Exceptions and reservations contained in the United States Patent and all prior valid exceptions and reservations of oil, gas and minerals.
- B. Highway and public utility rights-of-way and easements as described, platted, or established by prescription.



- 

\$ _____

GRANTOR :

STATE OF SOUTH DAKOTA)
COUNTY OF *STANLEY*) SS. . .

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

My commission expires:

8-16-2001

Prepared By
Gerald M. Baldwin
Attorney at Law
516 Mt. Rushmore Road
Cortez, CO 81301
605.573.1111

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

415292

Pierre, _____ March 27, 1997

RECEIVED OF Joe E. and Feral E. McClaren, Rt 1, Box 92, Custer, SD 57730
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Water Right No. 981-2 _____		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	2	50

By John Hatch Chief Engineer

981-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 21, 1997

No. 981-2

Joe D. and Ferol E. McClaren
Rt 1, Box 92
Custer, SD 57730

Dear Mr. and Ms. McClaren:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 981-2

Our records now show you as the owner of Water Right No. 981-2.

Sincerely,

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

enclosure



981-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JOE D AND FEROL E McCLAREN, RR 1 BOX 92, CUSTER, SD 57730

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, in 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN addressed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

981-2

JOE D AND FEROL E McCLAREN
RR 1 BOX 92
CUSTER SD 57730

4a. Article Number

7 179157123

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

Date of Delivery

1-12

5. Received By: (Print Name)

Joe D. McClaren

6. Signature: (Addressee or Agent)

X

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

981-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3187

January 26, 1998

981-2

Joe D & Ferol E McClaren
RR 1 Box 92
Custer, SD 57730

Dear Sirs:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 981-2.

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,

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



981-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: JOE D AND FEROL E McCLAREN, RR 1 BOX 92H, CUSTER, SD 57730

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, in 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

981-2

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOE D AND FEROL E McCLAREN
RR 1 BOX 92H
CUSTER SD 57730

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Ferol McClaren

C. Signature

X Ferol McClaren

☐ Agent

☒ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2227 670 382



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2000

Tim or Deb McClaren
PO Box 13
Caputa, SD 57725-0013

Dear Mr. & Mrs. McClaren:

Thank you for calling about the ownership change needed for Water Right No. 981-2. Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 981-2.

Please review the form and complete by signing it in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50. The check or money order for the filing fee can be made payable to the "Water Rights Program".

If you have any questions, please get in touch with me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 981-2



Date: _____

I/We request that Water Right No. 981-2

formerly owned by: Joe D and Ferol E McClaren

be transferred to: (name & address) Tim or Deb McClaren, PO Box 13, Caputa, SD 57725-0013

Telephone No _____

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

141 acres - W 1/4 SW 1/4, SE 1/4 SW 1/4, Section 17; S 1/4 NE 1/4, N 1/4 SE 1/4, SE 1/4 SE 1/4 Section 18; N 1/4 NW 1/4 Section 20, T1S, R10E

I/We understand that the validity of Water Right No. 981-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

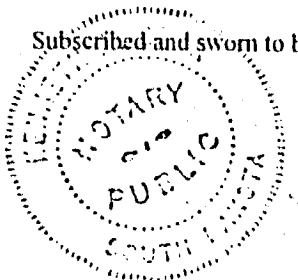
STATE OF SOUTH DAKOTA)

County of Pennington)

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

Tim McClaren
(Signed)

Subscribed and sworn to before me this 8th day of February, 2000.



KENNETH A. DEER
1st COMMISSION EXPIRES
AUGUST 23, 2001

Kenneth A. Deer
(Notary Public)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2000

981-2

Tim or Deb McClaren
PO Box 13
Caputa, SD 57725-0013

Dear Mr. & Mrs. McClaren:

Thank you for sending in the transfer of ownership and the 1999 irrigation questionnaire for Water Right No. 981-2.

You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 981-2. The questionnaire was received in our office prior to the Water Management Board meeting and the matter has been deleted from the agenda.

The transfer has been completed and the water right is now listed in your names. Enclosed is your Receipt No. 416383 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

enclosure

981-2

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>Deb McClaren</u> B. Date of Delivery <u>1-24-01</u>	
1. Article Addressed to: TIM OR DEB McCLAREN PO BOX 13 CAPUTA SD 57725 0013		C. Signature <u>x Deb McClaren</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) <u>7000 0600 0026 9814 3161</u>		4. Restricted Delivery? (Extra Fee) ☐ Yes	

PS Form 3811, July 1999

Domestic Return Receipt

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981-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: TIM OR DEB McCLAREN, PO BOX 13, CAPUTA, SD 57725 0013

FROM: Ron Drivall, Natural Resources Engineer
for Garland Ebele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 981-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

February 2, 2001

981-2

Tim or Deb McClaren
PO Box 13
Caputa, SD 57725-0013

Dear Mr. & Mrs. McClaren:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 981-2.

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,

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



981
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3188
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: TIM OR DEB McCLAREN, PO BOX 13, CAPUTA, SD 57725 0013

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

SENDER COMPLETES THIS SECTION

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1. Article Addressed to:

TIM OR DEB McCLAREN
PO BOX 13
CAPUTA SD 57725 0013

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

Tim McLaren

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below:

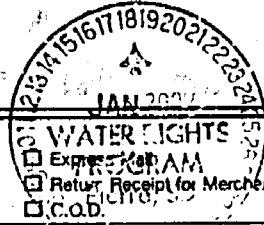
☐ No

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☒ Certified Mail

☐ Registered

☐ Insured Mail



☐ Express Mail
☐ Return Receipt for Merchandise
☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. 7001 2510 0004 4797 4890

PS Form 3811, July 1999

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2002

981-2

Tim or Deb McClaren
PO Box 13
Caputa, SD 57725-0013

Dear Mr. & Mrs. McClaren:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 981-2.

I completed a questionnaire for you based on our January 17th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

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

Sincerely,

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



981-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: TIM OR DEB McCLAREN, PO BOX 13, CAPUTA, SD 57725 0013

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



981-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8725

Your item was delivered at 11:35 am on February 23, 2004 in CAPUTA, SD 57725. The item was signed for by T MACLAREN.

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SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8725

TIM OR DEB McCLAREN
PO BOX 13
CAPUTA SD 57725 0013

Waiver of Signature ☐ YES ☐ NO

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 23, 2004

981-2

Tim or Deb McClaren
PO Box 13
Caputa SD 57725-0013

Dear Mr. & Mrs. McClaren:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. I completed a questionnaire for you based on our February 23rd telephone conversation.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 981-2. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

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

Sincerely,

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



981-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 20, 2005

NOTICE

TO: TIM OR DEB McCLAREN, PO BOX 13, CAPUTA, SD 57725 0013

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 981-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before **February 25, 2005**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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



981-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1695

Your item was delivered at 11:39 am on January 27, 2005 in CAPUTA, SD 57725. The item was signed for by D MCCLAREN.

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2301 3460 0000 8516 1695

TIM OR DEB McCLAREN
PO BOX 13
CAPUTA SD 57725 0013

Waiver of Signature ☐ YES ☐ NO

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523 EAST CAPITOL
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www.state.sd.us/denr

February 2, 2005

981-2

Deb McClaren
PO Box 13
Caputa SD 57725

Dear Ms. McClaren:

I am writing to acknowledge receipt of the information for your 2004 irrigation questionnaire. I completed a questionnaire for you based our February 1st telephone conversation (copy enclosed for your records).

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 981-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Also enclosed is a copy of the water right and a partially completed "Notice of Transfer of Ownership" form. If the land is sold, the water right will need to be transferred to the new owner(s). The form will need to be completed, signed (by the new owner) and returned to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the "Water Rights Program."

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 981-2

Date: MARCH 10, 2005

I/We request that Water Right No. 981-2

formerly owned by: Deb or Tim McClaren, PO Box 13, Caputa SD 57725

be transferred to: (name & address) CAPUTA LAND COMPANY, LLC
PO BOX 139 CAPUTA S.D. 57725

Telephone No. 605 393 9781

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

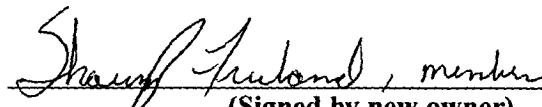
141 acres - portions of the SW 1/4 Section 17, S 1/2 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4 Section 18 and the
N 1/2 NW 1/4 Section 20, T1S, R10E (as described in Water Right No. 981-2)

I/We understand that the validity of Water Right No. 981-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We CAPUTA LAND COMPANY, LLC, the new owner, certify that the above information is true and correct.


(Signed by new owner)
Shawn Freeland member

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.

RECEIVED

APR 11 2005

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 11, 20 05

RECEIVED OF Caputa Band Company, 23630 Wise Hart Rd., Caputa SD 57725

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	2	50
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>SEL-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. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

001015

By

Darland Eiche

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 11, 2005

981-2

Shawn Freeland
Caputa land Company, LLC
PO Box 139
Caputa SD 57725-0139

Dear Mr. Freeland:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" form and filing fee you submitted for filing an ownership change with Water Right No. 981-2. The transfer has been completed. The water right formerly listed in the name of De or Tim McClaren is now listed in the name of Caputa land Company, LLC.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a sample copy for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

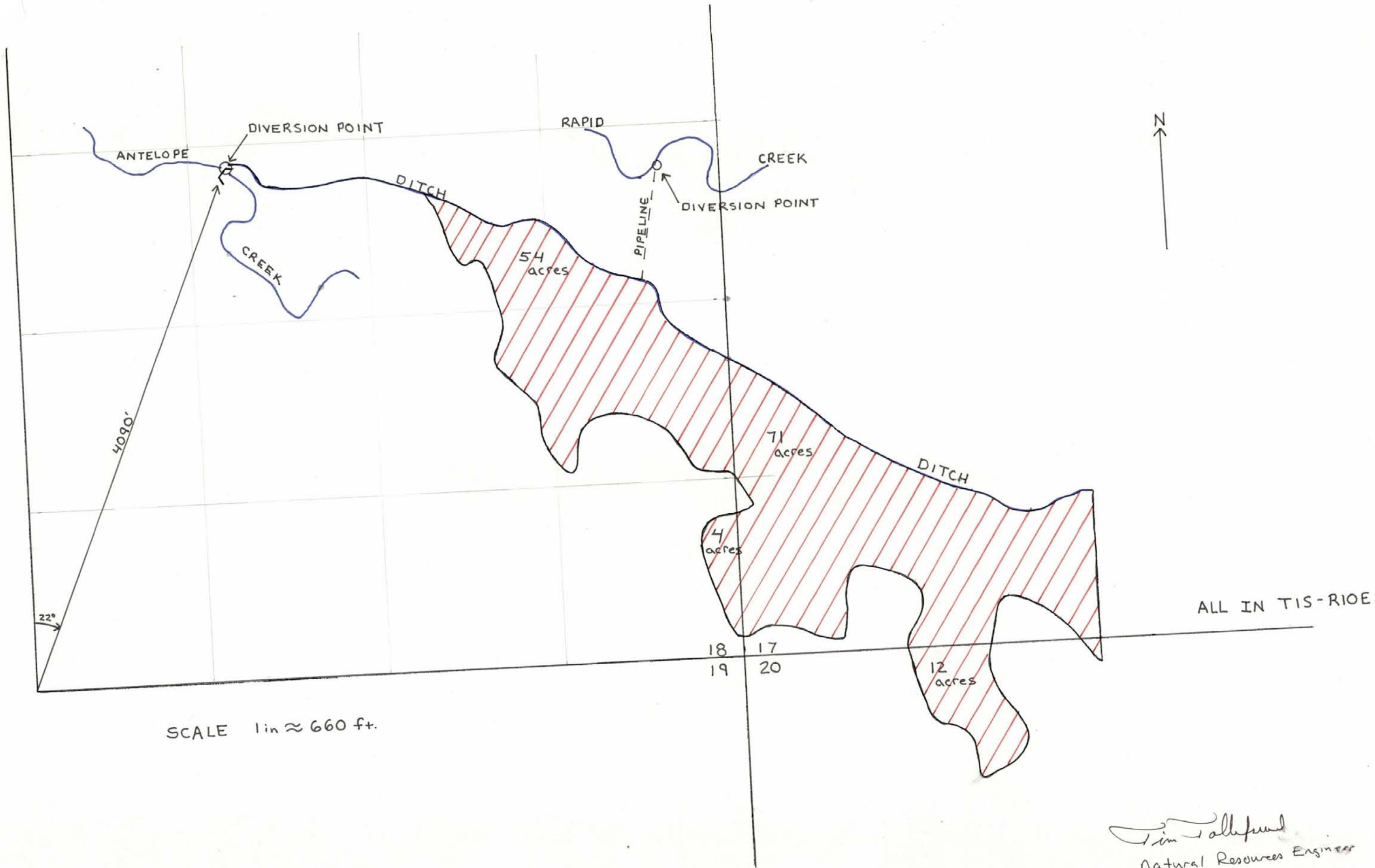
An additional item I wanted to make you aware of is that in order to maintain water rights, they need to be used. I am including excerpts of our water laws and Water Management Board rules dealing with this issue.

Also enclosed is your Receipt No. 001845 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure



Tim Tallford
Natural Resources Engineer
5/8/87
981-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 18, 2008

NOTICE

TO: CAPUTA LAND COMPANY, LLC, SHAWN FREELAND, MEMBER, PO BOX 139,
CAPUTA, SD 57725 0139

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, 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) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<http://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

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Label/Receipt Number: 2303 2160 0000 0802 3882
Status: **Delivered**

Your item was delivered at 12:00 PM on January 26, 2008 in CAPUTA, SD 57725. The item was signed for by S FREELAND.

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Small text, possibly "United States Postal Service"



Small text, possibly "United States Postal Service"

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3882	CAPUTA LAND COMPANY, LLC SHAWN FREELAND, MEMBER PO BOX 139 CAPUTA SD 57725 0139	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel		



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2008

981-2

Shawn Freeland
Caputa Land Company LLC
PO Box 139
Caputa SD 57725-0139

Dear Mr. Freeland:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 981-2.

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,

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

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



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 22, 2010

NOTICE

TO: CAPUTA LAND COMPANY, LLC, SHAWN FREELAND, MEMBER, PO BOX 139,
CAPUTA, SD 57725 0139

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, 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) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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://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.

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 7781

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 9:58 AM on January 25, 2010 in CAPUTA, SD 57725. The item was signed for by K FREELAND.

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Detailed Results:

- Delivered, January 25, 2010, 9:58 am, CAPUTA, SD 57725
- Notice Left, January 23, 2010, 10:21 am, CAPUTA, SD 57725
- Arrival at Post Office, January 23, 2010, 9:18 am, CAPUTA, SD 57725

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U.S. POSTAL SERVICE

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 7781

CAPUTA LAND COMPANY, LLC
SHAWN FREELAND, MEMBER
PO BOX 139
CAPUTA SD 57725 0139

Waiver of Signature ☐ YES ☐ NO

Postmark Here

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**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 28, 2010

981-2

Shawn Freeland
Caputa Land Co LLC
PO Box 139
Caputa SD 57725-0139

Dear Mr. Freeland:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 981-2.

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,

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

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



981-2
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 18, 2013

NOTICE

TO: CAPUTA LAND COMPANY, LLC, SHAWN FREELAND, MEMBER, PO BOX 139,
CAPUTA, SD 57725 0139

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, 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) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2013

981-2

Shawn Freeland
Caputa Land Company LLC
PO Box 139
Caputa SD 57725-0139

Dear Mr. Freeland:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 981-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

PROPOSED IRRIGATION IN SECTIONS 17, 18 & 20
T1S, R10E, B.H.M. FOR VICTOR E. ANDERSON,
WARREN D. ANDERSON & RICHARD S. ANDERSON

I, Joseph H. Hilt, Registered Professional Engineer & Land Surveyor, do hereby certify that this map was made from notes taken during an actual survey made under my direction & that it correctly shows the location of the diversion points with respect to a Government Section Corner, the location of Rapid Creek, the location of Rapid Creek, the location & total length of the pipe line, & the lands to be irrigated for Victor E. Anderson, Warren D. Anderson, & Richard S. Anderson, as requested.

IN WITNESS WHEREOF I have hereunto set my hand & seal this 16th day of December 1968.

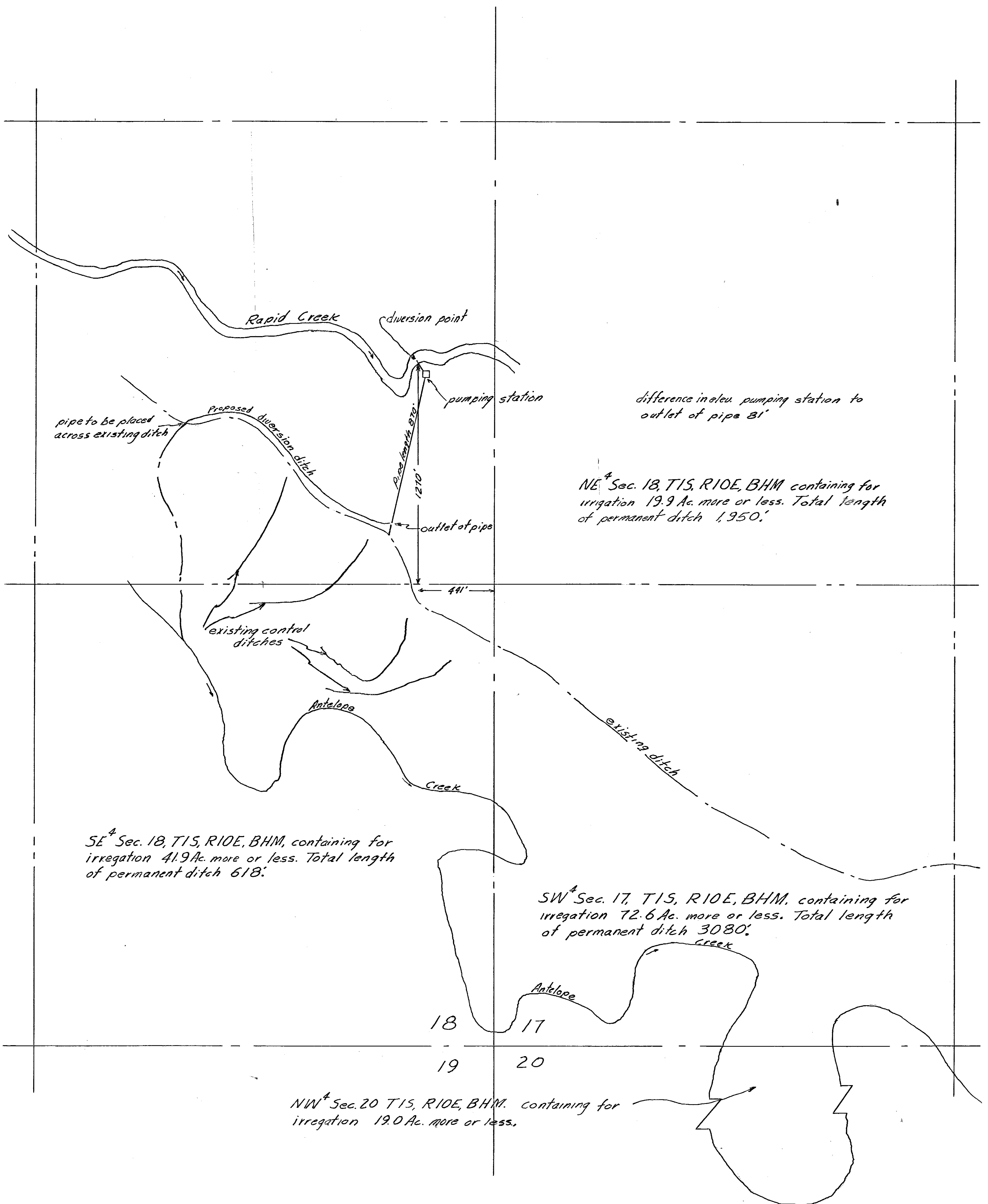
Joseph H. Hilt
Registered Professional Engineer
& Land Surveyor

STATE OF SOUTH DAKOTA
COUNTY OF PENNINGTON

On this 16th day of December 1968, before me Thos. B. Veal the undersigned officer, personally appeared Joseph H. Hilt, known to me to be the person whose name is subscribed to the above written instrument and acknowledge that he executed the same for the purpose therein contained.

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

Thos. B. Veal
Notary Public



Map NE&SW-2 (App. NE&SW-2)



981-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: CAPUTA LAND COMPANY, LLC, SHAWN FREELAND, MEMBER, PO BOX 139,
CAPUTA, SD 57725 0139

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire has not been submitted for Permit No(s) 981-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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 on **Wednesday, March 4, 2026 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) 981-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** 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 Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: GXGATL**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 3, 2026

981-2

Shawn Freeland
C/O Caputa Land Company LLC
PO Box 139
Caputa, SD 57725

Dear Mr. Freeland,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). 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,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us