

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: John C Hunter, PO Box 404, Crawford NE 69339-0404

DATE: December 28, 2010

TELEPHONE: 308 430-9108 (cell phone)

RE: transfer of LN 17A-2

COMMENTS:

I called and spoke with Mr. Hunter regarding the "Notice of Transfer of Ownership" that he and Laurel Hunter filed on Location Notice No. 17-2.

On December 15, 2010 Location Notice No. 17-2 was divided and reissued as LN17A-2 and LN17B-2 based on an ownership change filed by Craig Hunter with Bar Box Bar Ranch.

On December 22, 2010, a "Notice of Transfer of Ownership" was filed by John C & Laurel M Hunter transferring the original location notice to their names. The transfer form was one I had typed out for them a few months ago – prior to knowing that another land owner was involved.

I explained to Mr. Hunter that I would put a notation on the transfer form that the ownership change did not include 31 acres transferred to Bar Box Bar Ranch a few weeks ago. He was unaware another ownership change had been filed.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 2010

LN17A-2
LN32-2
1906-2

John C & Laurel M Hunter
PO Box 404
Crawford NE 69339

Dear Mr. & Mrs. Hunter:

I am writing to acknowledge receipt of the ownership changes you filed for LN17-2, LN32-2 and Vested Water Right No. 1906-2.

The "Notice of Transfer of Ownership" form you submitted for Location Notice 17-2 was applied to No. 17A-2. The reason for this is prior to receiving the transfer form from you, Location Notice No. 17-2 was divided and reissued as LN17A-2 and LN17B-2 to reflect separate ownership. The reissued license for the "A" number was mistakenly sent to John W Hunter since that was the name on the file. I have included the reissued license for you to keep for your records.

The ownership changes have been completed. The location notices and vested right formerly held by John W Hunter are now listed in your names.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'.

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

enclosures: LN17A-2 & receipts for filing fees

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/22, 2010

RECEIVED OF John Hunter PO Box 404 Crawford NE 69339

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>LN17-2</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	50 00

No. **04747**

By Leah Eble
Chief Engineer

RECEIVED

DEC 22 2010

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. LN 17-2 (LN17A-2)

Date: 10/1/10

I/We request that Location Notice No. LN 17-2

formerly owned by: John W Hunter

be transferred to: (name & address) John C. Hunter & Laurel M. Hunter
PO Box 404 Crawford, N.D. 58139-0404
Telephone No. 308-665-1402

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

393 acres – SE ¼ SW ¼, SW ¼ SE ¼ Sec 26; NW ¼ SE ¼, SW ¼ Sec 27; N ½ SE ¼, SE ¼ SE ¼ Sec 28; NE ¼ NE ¼, S ½ NE ¼, SE ¼ Sec 33; NW ¼, W ½ SW ¼ Sec 34, all in T11S, R4E and Lots 1 & 2 Sec 4, T12S, R4E

I/We understand that the validity of Location Notice No. LN ¹⁷32-2 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 Fifty Dollars (\$50.00) 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 John C. & Laurel M. Hunter, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

**31 acres listed above are owned by Bar Box Bar Ranch and have been transferred to them with a license issued under Location Notice No. 17B-2(N 1/2 SE1/4, SE 1/4 SE 1/4 Sec 28 and NE 1/4 NE 1/4 Section 33, T11S, R4E)

(1) John W Hunter, Box B, Ardmore SD 57715 located and filed Location Notice No. 17-2, April 2, 1908 for a right to divert 5.6 cubic feet of water per second (cfs) from Mule Creek and Rineer Draw, Fall River County, South Dakota for irrigation purposes. Location Notice No. 17-2, was validated May 6, 1992 with a priority date of January 29, 1906. The water supply system was completed and the water placed to beneficial use.

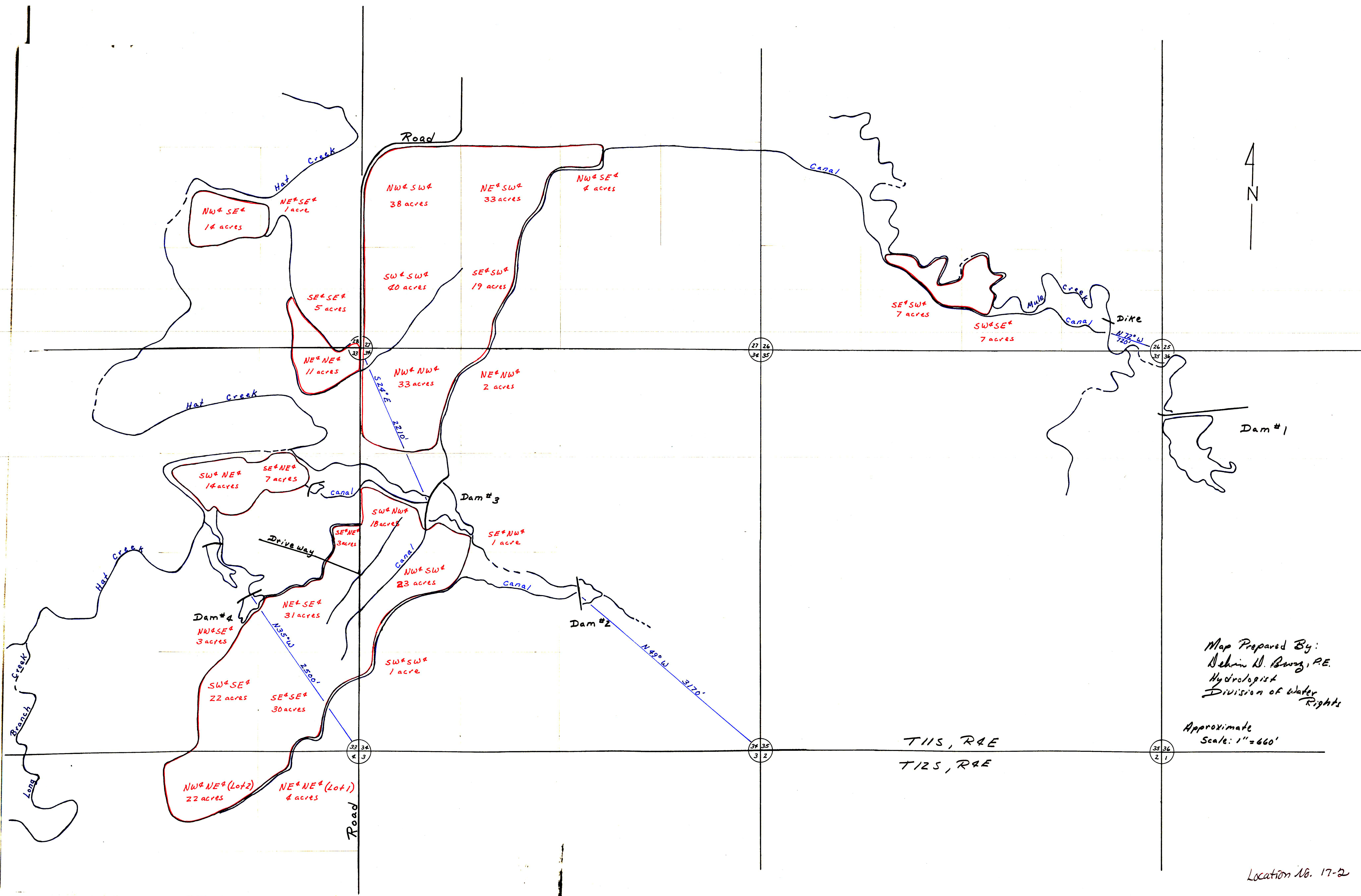
LN No. 17A-2, John W Hunter, Box B Ardmore SD 57715: irrigation of 362 acres located in portions of Sections 26, 27, 33, 34; all in T11S-R4E and Section 4-T12S-R4E with diversion of 5.16 cfs from Mule Creek and Rineer Draw.

LN No. 17B-2, Bar Box Bar Ranch Inc, 12014 Bar Box Bar Drive, Ardmore SD 57715: irrigation of 31 acres located in portions of Sections 28 and 33; all in T11S-R4E with diversion of 0.44 cfs from Mule Creek and Rineer Draw.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Location Notice No. 17A-2 is issued a license, bearing a priority date of January 29, 1906 to appropriate 5.16 cubic feet of water per second from Mule Creek and Rineer Draw to irrigate 362 acres.

The diversion points are located: Dam #1: W ½ NW ¼ Section 36; Dam #2: NW ¼ SE ¼ Section 34; Dam #3: SW ¼ NW ¼ Section 34; Dam #4: NW ¼ SE ¼ Section 33; all in T11S-R4E. The acres authorized for irrigation are as follows:

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Location Notice. No. 17-1.



Map Prepared By:
Behn W. Boring, P.E.
Hydrologist
Division of Water Rights

Approximate
Scale: 1" = 660'

T11S, R4E
T12S, R4E



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PMB 2020
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www.state.sd.us/denr

DEC 15 2010

LN 17A-2

John W Hunter
Box B
Ardmore SD 57715

Dear Mr. Hunter:

Enclosed is Reissued Location Notice No. 17A-2. On December 6, 2010, a Transfer of Ownership was received, transferring portions of the location notice to Bar Box Bar Ranch. The Location Notice is being divided and reissued to reflect separate ownership as follows:

LN No. 17A-2, John W Hunter: irrigation of 362 acres located in portions of Sections 26, 27, 33, 34; all in T11S-R4E and Section 4-T12S-R4E with diversion of 5.16 cfs from Mule Creek and Rineer Draw

LN No. 17B-2, Bar Box Bar Ranch Inc: irrigation of 31 acres located in portions of Sections 28 and 33; all in T11S-R4E with diversion of 0.44 cfs from Mule Creek and Rineer Draw.

As long as you use the water beneficially, as stated in the Location Notice, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure