

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

Location Notice
~~Water Right/Permit No.~~ 17-2

Date: 12-2-2010

I/We request that ~~Location Notice~~
~~Water Right/Permit No.~~ 17-2 formerly owned by:
John W. Hunter be transferred to:

New Owner Name: Bar Box Bar Ranch Inc
Address: 12014 Bar Box Bar Drive
City, State, Zip Ardmore SD 57735-7341 Telephone No. 605-459-2310

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

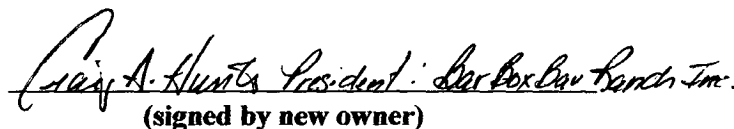
14 acres in NW 1/4 of SE1/4, Section 28
1 acre in NE1/4 of SE1/4, Section 28
5 acres in SE1/4 of SE1/4, Section 28
11 acres in NE1/4 of NE1/4, Section 33
All in T-11S, R-4E, BHM

☒ I understand that the validity of Water Right/Permit No. 17-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Craig A. Hunter, Bar Box Bar Ranch Inc., the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/6, 20 10

RECEIVED OF Craig A Hunter Bar Box Bar Ranch Inc 12014 Bar Box Bar Dr Ardmore SD 57735

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>17-2</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. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

04690

By

Lauren E. Eide
Chief Engineer

STATE OF SOUTH DAKOTA
REISSUED LOCATION NOTICE NO. 17B-2
DIVISION OF LOCATION NOTICE 17-2 INTO 17A-2 AND 17B-2

(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.

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, 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.

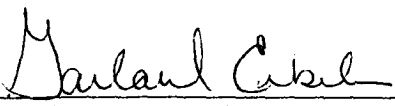
LN No. 17B-2, Bar Box Bar Ranch Inc, 12014 Bar Box Bar Drive, Ardmore SD 57715: irrigation of 31 acres located in portions of Sections 28 and 33; all in T11S-R4E with diversion of 0.44 cfs from Mule Creek and Rineer Draw.

(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. 17B-2 is issued a license, bearing a priority date of January 29, 1906 to appropriate 0.44 cubic feet of water per second from Mule Creek and Rineer Draw to irrigate 31 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:

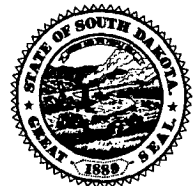
Section 28-T11S-R4E	NW ¼ SE ¼	14 ac
	NE ¼ SE ¼	1 ac
	SE ¼ SE ¼	5 ac
Section 33-T11S-R4E	NE ¼ NE ¼	<u>11 ac</u>
	Total	31 ac

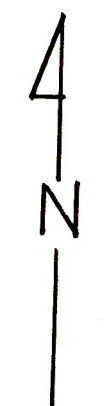
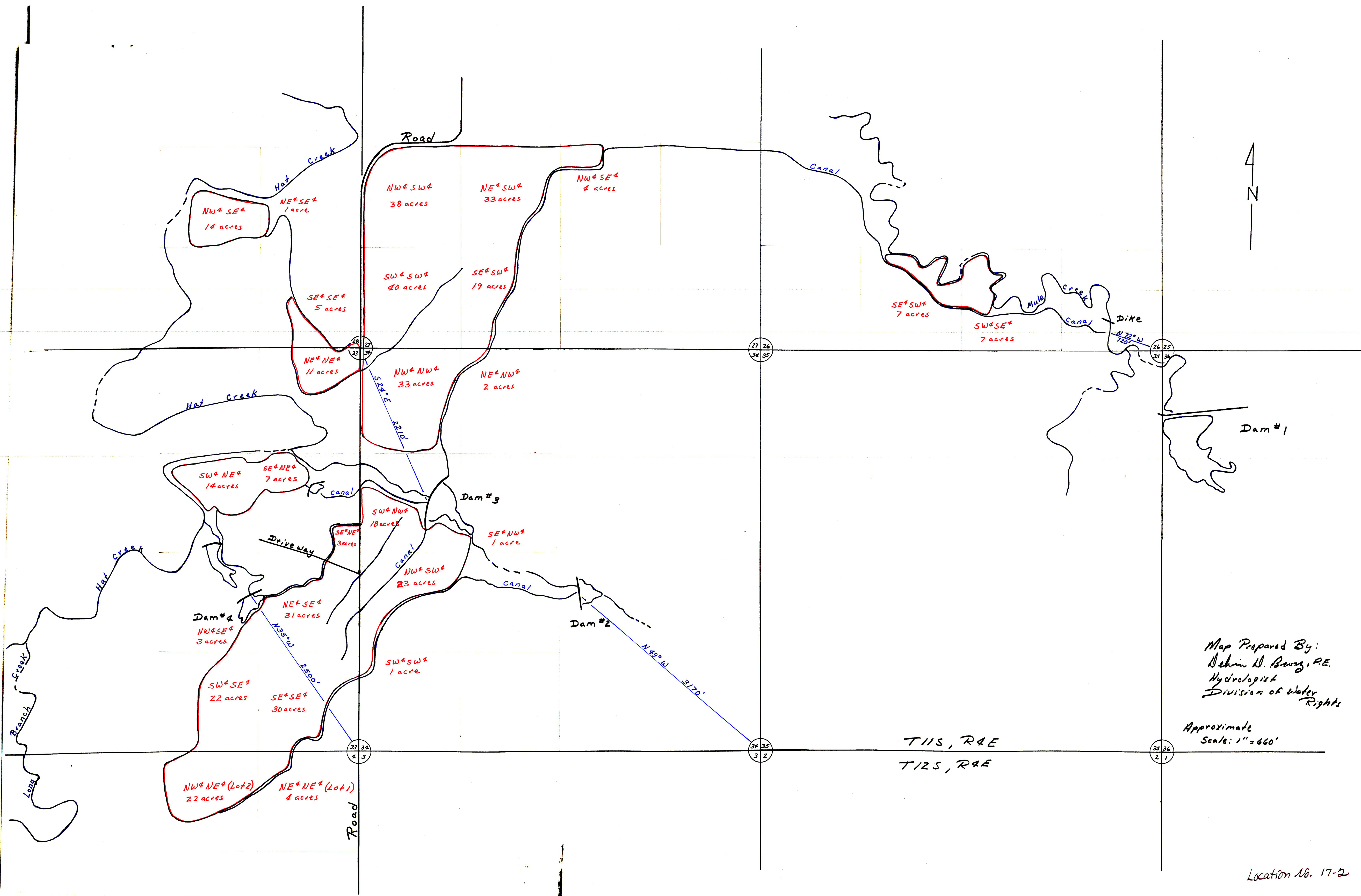
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Location Notice No. 17-2.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 15 2010

date





Map Prepared By:
Devin D. Boring, P.E.
Hydrologist
Division of Water Rights

Approximate
Scale: 1" = 660'

T11S, R4E
T12S, R4E



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 15 2010

LN 17B-2

Bar Box Bar Ranch Inc
c/o Craig A Hunter
12014 Bar Box Bar Drive
Ardmore SD 57715

Dear Mr. Hunter:

Enclosed is Reissued Location Notice No. 17B-2. On December 6, 2010, a Transfer of Ownership was received, transferring portions of the location notice to Bar Box Bar Ranch. Enclosed is the receipt for payment of the transfer fee. 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.

The diversion point locations for the 31 irrigated acres you own remain the same as authorized by Location Notice 17-2. You indicated to Eric Gronlund of my staff that once the transfer and reissuance of the water right occurred that you will likely request a change of diversion point location to irrigate your authorized acres. The request will need to include a map showing the location of intended new diversion point from either Mule Creek or Rineer Draw. Once a request is received it will be reviewed and can only be approved if the change does not increase the potential for interference with existing diversions.

You also indicated possibly storing water when available for use during dry times or application at a rate greater than the 0.44 cubic feet of water per second (200 gpm) authorized by Reissued Location Notice 17B-2. If this is the case, a new water permit will need to be obtained for the storage component of the irrigation system.

The acres you hold are in close proximity to Hat Creek. Please be aware that changing the diversion point location to Hat Creek is not permissible. Hat Creek is considered a separate water source and therefore will require a new water permit. Given the existence of downstream prior rights including the Angostura Irrigation District, it is unlikely that any new appropriations from Hat Creek will receive a favorable recommendation.

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 regarding the reissuance of this Location Notice or requesting a change of diversion point, please contact Eric Gronlund at 605 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosures