

LN 468-2

LOCATION CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: That Morse Griffis and Roxana B. Griffis, whose postoffice is Argentine, South Dakota, citizens of the United States, above the age of 21 years, being in possession of the following described land, to-wit:

Lots 2, 3, 4 & SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 30, Township 7 South, Range 2 East, and N $\frac{1}{2}$ Section 25, Township 7 South, Range 1 East, B.H.M. in Fall River County, South Dakota,

availing themselves of the right granted them under the provisions of Section 31 of Chapter 130 of the Session Laws of South Dakota of 1907, have located and claim the right to construct a certain dam across a dry draw situated in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 24, Township 7 South, Range 1 East, B.H.M., and have located and claim 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 claim the right of way across any land for the purpose of conveying said water for said purpose.

Said locaters claim for the above purpose ten cubic feet of water per second, whenever available during entire year.

Said location was made on the 10th day of May, 1912.

Witness our hands and seals this 17th day of June, 1912.

Roxana B. Griffis

Morse Griffis

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF FALL RIVER)

On this 17th day of June, 1912, before me, James A. Stewart, a United States Commissioner within and for the county and state aforesaid, personally appeared Morse Griffis and Roxana D. Griffis, to me personally known to be the persons who executed the foregoing instrument, and acknowledged that they executed the same for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

"U. S. Commissioners
Seal Attached"

James A. Stewart
United States Commissioner

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF FALL RIVER)

Filed for record 1st day of July, 1912 at 11 A.M. and recorded in Book 5 P, Page 289.

/s/ J. C. Whaley
Register of Deeds

211 102-2

Location Certificate

Know all men by these presents, That Roxana B. Griffis and Morse Griffis, whose post-office is Custer, South Dakota, citizens of the United States, above the ages of 21 years, being in possession of the following described lands, to-wit: The NE Sec. 25, Township 7 South Range 1 East, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 30, Township 7 South, Range 2 East, B.H.M., in Fall River County, South Dakota, availing themselves of the right granted them under the provisions of Section 31 of Chapter 130 of the Session Laws of South Dakota of 1907, have located and claim the right to construct a certain dam across a dry draw situated in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 23, Township 7 South, Range 1 East, B.H.M., and have located and claim 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 claim the right of way across any land for purposes of conveying said water for said purpose. Said locators claim for the above purpose 15 cubic feet of water per second whenever available, each year.

Said location was made on the 6th day of March, 1909.

Witness our hands and seals this 6th day of March, 1909.

Roxana B. Griffis

Morse Griffis

Locators

State of South Dakota)
) ss
County of Fall River)

On the 6th day of March, 1909, before me, James A. Stewart a United States Commissioner in and for the county and state aforesaid, personally appeared Roxana B. Griffis and Morse Griffis, to me personally known to be the persons who executed the foregoing instrument, and acknowledged that they executed the same for the uses and purposes therein set forth.

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

"U.S. Comm. Seal
Attached"

James A. Stewart
United States Commissioner

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF FALL RIVER)

Filed for record March 9, 1909, at 1 P.M. and recorded in Book 4 Mis.

cc 101.

H. H. Whaley
Register of Deeds

State of South Dakota

LOCATION NOTICE Waiver License No. 468-2

(1) Roxana B. and Morse Griffis
of Custer, South Dakota located and filed Location Notice No. 468-2
made Application No. _____ May 10, 1912 _____ for a right
10.0 cubic feet per second of water from a dry draw
Fall River County, South Dakota for irrigation purposes.
Location Notice
Priority No. 468-2 with a priority date of May 10, 1912
was ~~located & filed by the~~ applicant(s) for diversion of water with construction of the described
water supply system ~~was~~ The system was completed ~~and the water placed~~ and the water placed to beneficial use ~~and~~
~~the water placed~~

Roxana B. and Morse Griffis originally located and filed Location Notice Nos. 103-2 and 468-2. November 20, 1984 these Location Notices were transferred to Herman P. Heck.

The applicable portions of Location Notice No. 103-2 have been incorporated into Location Notice No. 468-2. The March 6, 1909 priority date taken from Location Notice 103-2 is retained for all lands irrigated.

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 0.84 cubic feet per second of water for beneficial use. The location of the diversion point(s) are Dam #1 - N 9° W 3390' from the SE
Corner of Section 23 and Dike #2 - N 48° E 2240' from the SW Corner of Section 24 all
in 7S, 1E

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 T 7S, R 1E

Section 25	NW $\frac{1}{4}$ NW $\frac{1}{4}$	18 Acres	(BB)
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	20 Acres	(BC)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	21 Acres	(BD)
TOTAL		59 ACRES	

(4) Pursuant to §16-5-30.1 Herman P. Heck
of Box 441 Edgemont, South Dakota
the holder(s) and/or owner(s) of Location Notice No. 468-2 is issued a license to appropriate water, the right to use
0.34 cubic feet per second of water from a dry draw with a priority date
of March 5, 1909 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 Location Notice No. 468-2 and subject
to South Dakota State Law


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

JOHN HATCH

Permit No. 468-2
LN 103-2Upper Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Herman
P. Heck of Edgemont, S.D. holder of
Permit No. LN 468-2, bearing the priority of March 6, 1912 authorizing
the diversion of 75-10 cu. ft. per second of the waters of dry draw
for irrigation purposes, in Fall River County.

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

A. Works used to divert the water: Storage dam #1 with gated outlet and
diversion dike #2. (see inspection reports).

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

C. Works used to apply water to benefit the field: overflow cuts in the canal along the edge
of the field allow the water to flood the field. check dams in the
canal force the water into the cuts. Flood irrigation.
The system is in the following condition: good

The point of diversion is located Do - N90W 3890' from the SE corner of Sec. 28
and Dike #2 - N88E from the SW corner of Section 28 all in
T7S, R1E.
The works are capable of diverting 3 cfs

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

Water has been put to beneficial use to the maximum extent as follows: NW 1/4, NW 1/4 - 18 acres,
SW 1/4 NW 1/4 - 20 acres and SE 1/4 NW 1/4 - 21 acres all in
Section 25, T7S, R1E

comprising a total of 59 acres of land and the license should be issued for 0.82 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are

LN 103-2 is incorporated into this w/l.
with a priority date of March 6, 1909

Date Sept. 19, 1984

Delvin D. Perry, P.E.
Hydrologist

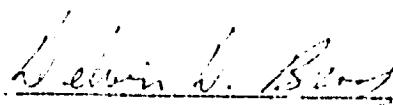
INVESTIGATION REPORT
Location Notices 103-2 and 468-2

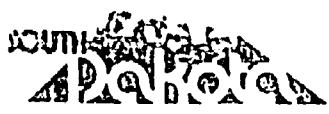
Roxana B. and Morse Griffis located Location Notice 103-2 on March 6, 1909. This was to construct a dam in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T7S, R1E and divert 15 cfs of water to irrigate lands in the N $\frac{1}{2}$ Section 25, T7S, R1E and some lands in Section 30, T7S, R2E.

On May 10, 1912 the Griffis' located Location Notice 468-2. This was to construct a dam in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T7S, R1E and divert 10 cfs of water to irrigate lands in the N $\frac{1}{2}$ Section 25-7-1 and some lands in Section 30-7-2.

The irrigation of lands in Section 30-7-2 has been abandoned. On June 6, 1960 Elsie Griffis transferred the NW $\frac{1}{4}$ of Section 25-7-1 to Herman P. Heck. Mr. Heck is irrigating 59 acres in this quarter from the project that was constructed under Location Notices 103-2 and 468-2.

Dam No.	Dam #1	Dam #2 (D. Heck)
Freeboard	4'	2'
Crest Width	8'	4'
Crest Length	425'	100'
Height	20'	6'
Outlet	12" Cast Iron Pipe	None
Spillway Width	200'	None
Upstream Slope	3:1	2:1
Downstream Slope	3:1	2:1
Surface Area of Impoundment	4 Acres	None
Storage	20 Acre Feet	None
Drainage Area	1400 acres	300 acres


Delvin D. Brosz, P.E.
Hydrologist



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

October 23, 1984

Location Notice
No. 103-2

Herman P. Heck
Box 441
Edgemont SD 57735

Dear Mr. Heck :

Please find enclosed a copy of a Notice of Transfer of Location Notice 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 Location Notice 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,

KAREN SCHLAACK
Administrative Aide

enclosure

NO. LN 105-2
468-2

LOCATION NOTICE
NOTICE OF TRANSFER OF ~~WATER PERMIT~~

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 9/20/84

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

NW $\frac{1}{4}$ NW $\frac{1}{4}$ - 18 acres, SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 20 acres and SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 21 acres

Section 25, T7S, R1E

formerly owned by Roxana B and Morse Griffis

has been transferred to Herman P Heck, Box 441, Edgemont SD 57735

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Location Notice and 468-2
~~Water Right Permit~~ No. 103-2 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 _____) ss.

I, HERMAN P. HECK 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.

Herman P. Heck
(Signed)

Subscribed and sworn to before me this 9th Day of November, 1984.

E. A. Erickson
(Notary Public)



RECEIPT

Division of Water Rights

No 4 9830

South Dakota Department of Water and Natural Resources

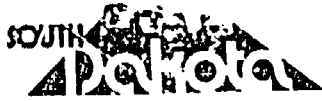
Pierre, November 20, 1961

RECEIVED OF Heron P. Hatch, Box 441, Edgewood, 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 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 for SD LN 103-2 / 468-2	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 J. L. Hatch
Chief Engineer JOHN HATCH (CS)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 20 1995

Herman P. Heck
Box 441
Edgemont, South Dakota 57735

Dear Mr. Heck:

Enclosed herewith is, ^{Location Notice} Water License No. 468-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

NOTE: The applicable portions of Location Notice No. 103-2 have been incorporated into Location Notice No. 468-2.

WNR-817 3/83
Transmittal of Water License



Department of Water & Natural Resources

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

March 23, 1990

468-2
LN486-2

NOTICE

TO: Herman P. Muck
BOX 441
EDGEMONT, SD 57735

FROM: *Del Brosz*
JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

SUBJECT: Low Water Levels in Angostura Reservoir

The water level in Angostura Reservoir on March 6, 1990 was at 3171.1 feet above mean sea level (msl). This is approximately 16 feet below the full elevation of 3187.2 msl. The present estimates are that the Angostura Irrigation District will be able to deliver less than 50% of full service water to project lands during the 1990 irrigation season. We are contacting you to advise you of the actions we have taken due to the low water situation in Angostura Reservoir. Junior Water Right owners above Angostura have been ordered not to use water until Angostura fills.

Since your Water Right No. LN486-2 has a priority date that is senior to the April 11, 1941 priority for Angostura Irrigation Water Right No. 579-2, your permit is not directly affected by the Junior Priority Order. However, I am requesting that all Senior Water Right holders comply with any qualifications and limitations as stated on their water right. With the existing low runoff conditions, we expect to monitor all water rights above Angostura Reservoir.

I want to thank all Water Right Holders above Angostura for the cooperation that we have received up to this time. If you have any questions, please contact Del Brosz (605 773-3352).

LN 468-2

CAMPBELL LAW OFFICE
2630 JACKSON BOULEVARD, SUITE 201
RAPID CITY, SD 57702-3467
PHONE (605) 348-7763
FAX (605) 348-9721
EMAIL ken@taxcrew.com

RECEIVED

MAY 29 2008

**WATER RIGHTS
PROGRAM**

KENNETH G. CAMPBELL
Attorney at Law

May 27, 2008

CYNDI GOETZE
Office Manager

Department of Environment
and Natural Resources
523 East Capitol
Pierre, SD 57501-3182

Attn: Genny McMath

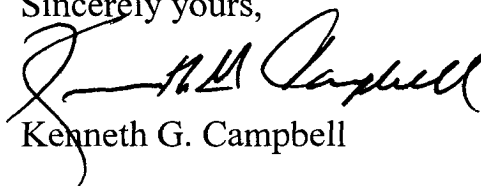
Dear Genny:

You assisted me sometime back with obtaining information on water rights, and I again need your assistance.

I represent the Herman P. Heck Estate, and the estate is contemplating selling its real estate described on the attached Exhibit "A". Can you provide me with copies including the description of any water rights held on this property, and the name or names held in said water rights so they can be transferred to the new owner or owners. If convenient, you can email me the information.

If you have any questions please give me or Cyndi a call. Thank you in advance for your assistance in this matter.

Sincerely yours,



Kenneth G. Campbell

KGC/cg
Enclosures

PC: Doris Seabeck
Carolyn Fines
Lawrence Middaugh

water-rights-heck.let

RECEIVED

MAY 29 2008

WATER RIGHTS
PROGRAM

PROPERTY INTEREST

This appraisal considers fee simple title to the described lands subject to all valid rights for existing roads, highways, utility lines, and other existing easements.

LEGAL DESCRIPTION

<i>Legal</i>	<i># Acres</i>
T7S, R1E, Fall River Co.	
Section 12 -N½ -NW¼SW¼	360.00
Section 25 -that pt of NW¼ lying W of RR & Hwy	70.00
-E½SW¼ -NW¼SW¼ -pt of SE¼ lying W of RR &	199.69
R/W	
-SW¼SW¼	40.00
Section 26 -S½NW¼	80.00
-S½	320.00
T7S, R2E, Fall River Co.	
Section 28 -W½SE¼ -E½SW¼ -NW¼SW¼	200.00
Section 29 -NE¼SE¼ -E½NE¼	120.00
Section 31 -N½NE¼ -SE¼NE¼ -NW¼ less RD & RR	263.01
Section 32 -W½NW¼ -SE¼NW¼ -E½SW¼	200.00
Section 33 -N½SE¼ -E½NW¼ -W½NE¼ less NE¼SE¼	200.00
T8S, R2E, Fall River Co.	
Section 5 -Lot 3 -SE¼NW¼	85.66
TOTALS	2,138.36

McMath, Genny

From: McMath, Genny
Sent: Thursday, May 29, 2008 9:44 AM
To: 'ken@taxcrew.com'; 'cyndig'
Subject: Water Rights held by Herman Heck



421-2.pdf (1 MB) LN468-2.pdf (378 KB)

Ken and Cyndi,
The attached files are of water rights held by Herman Heck.

Once the land changes hands, the "Notice of Transfer of Ownership" form can be downloaded from our website. The form needs to be signed by the new owner(s) and submitted with a \$2.50 filing fee (for each transfer filed).

<http://www.state.sd.us/denr/des/waterrights/watrightsapps.htm>

Once you get to the link....scroll down the page until you see: "Notice of Transfer of Ownership of a Water Use Permit/Right" That is the form needed for filing an ownership change. When filling out the form, only the land covered under each water right needs to be listed on the transfer form.

If I can be of any further assistance, please let me know.

Genny
Water Rights Program
DENR
773-5455

FARRELL, FARRELL & GINSBACH, P.C.**LAWYERS**

441 NORTH RIVER STREET
HOT SPRINGS, SOUTH DAKOTA 57747

PHONE: 605.745.5161

FAX: 605.745.3154

EMAIL: farrellginsbach@gwtc.net

MARTIN P. FARRELL (1940-1995)

JANE M. FARRELL, OF COUNSEL

PATRICK M. GINSBACH

JAMES G. SWORD

COURTNEY R. STOTTLER

November 23, 2010

RECEIVED

NOV 29 2010

**WATER RIGHTS
PROGRAM**

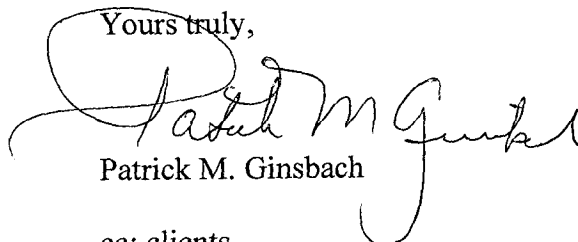
PMB 2020
DENR- Water Rights Program
523 East Capitol Ave.
Pierre, SD 57501-3182

Re: Water Permit No. 421-2 and 468-2

Dear Sir/Madame:

Enclosed please find the notice of transfer of ownership of the two water rights from Herman P. Heck to Doris Seabeck and Thomas Seabeck Trust dated March 27, 2009. I am also enclosing a check in the amount of \$100.00. If you have any questions please feel free to contact me.

Yours truly,



Patrick M. Ginsbach

cc: clients

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/29, 2010

RECEIVED OF Doris Seabeck & Thomas Seabeck Trust 914 Lincoln St Casper WY 82601

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>LN 468-2</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.

04682

By

David E. Eide
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

NOV 29 2010

WATER RIGHTS
PROGRAM

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

Location Notice
~~Water Right/Permit~~ No. 468-2

Date: Oct. , 2010

I/We request that ~~Location Notice~~ ~~Water Right/Permit~~ No. 468-2 formerly owned by:

HERMAN P HECK be transferred to:

New Owner Name: Doris Seabeck and Thomas Seabeck Trust dated March 27, 2009

Address: 914 Lincoln Street

City, State, Zip Casper WY 82601 Telephone No.

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

Township 7 South, Range 1 EBHM, Fall River County, SD:
Section 25: that part of the NW1/4 lying West of RR and Highway, E1/2SW1/4; NW1/4SW1/4;
pt of SE1/4 lying West of RR and R/W

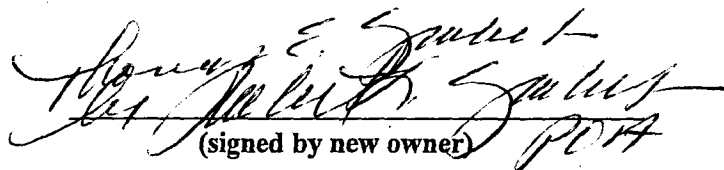
Location Notice

★ I understand that the validity of ~~Water Right/Permit~~ No. 468-2 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, Doris Seabeck & Thomas Seabeck Trust, 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.

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

Water Right/Permit No. 421-2Date: Oct., 2010.I/We request that Water Right/Permit No. 421-2 formerly owned by:HERMAN P HECK be transferred to:New Owner Name: Doris Seabeck and Thomas Seabeck Trust dated March 27, 2009Address: 914 Lincoln StreetCity, State, Zip Casper WY 82601 Telephone No. _____

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

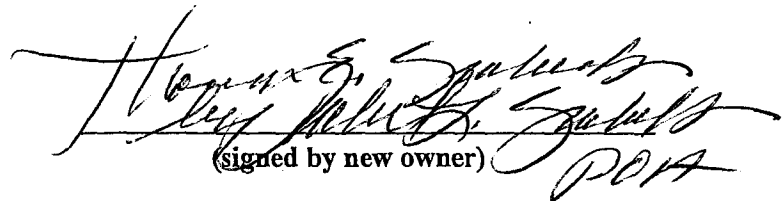
Township 7 South, Range 1 EBHM, Fall River County, SD:
Section 25: SW1/4SW1/4
Section 26: S1/2NW1/4; S1/2

☒ I understand that the validity of Water Right/Permit No. 421-2 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, Doris Seabeck & Thomas Seabeck Trust, 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.



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 9, 2010

421-2
LN468-2

Doris Seabeck
& Thomas Seabeck Trust
914 Lincoln St
Casper WY 82601

RE: Water Right No. 421-2 and Location Notice No. 468-2

Dear Sirs:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" forms and filing fees you submitted. The ownership changes have been completed.

Water Right No. 421-2 and Location Notice No. 468-2 formerly held by Herman P Heck are both now listed in the name of "Doris Seabeck and Thomas Seabeck Trust". Enclosed for your records are Receipt Nos. 04681 and 04682 in the amount of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures

c: Patrick M Ginsbach, Farrell, Farrell & Ginsbach

File No. 421-2

LN468-2 ✓

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Doris Seabeck and Thomas Seabeck Trust

DATE: December 9, 2010

RE: ownership changes for Water Right Nos. 421-2 and LN 468-2 (formerly Herman Heck)

COMMENTS:

In reviewing the transfer forms submitted for the ownership changes I note that the legal descriptions for Nos. 421-2 and 468-2 were on the wrong forms. The legal descriptions they listed on the form for 421-2 were actually those authorized under LN 468-2 and vice-versa.

Since all of the legal descriptions were listed and the forms signed by the power of attorney for Doris Seabeck and Thomas Seabeck Trust, ownership was transferred for both Water Right No. 421-2 and Location Notice No. 468-2.

A copy of both transfer forms will go in both files to reflect everything was transferred.



Genny McMath
Environmental Scientist

LN468-2

RECEIVED

FEB - 1 2013

WATER RIGHTS
PROGRAM

Water Rights Program,

Getting you know I sold the Buddy
Heck Ranch in Edgemont S.D. This past
Nov. It may be under SEABECK TRUST.

The new owners are DUSTIN & LINDSAY LUPER
28997 CASCADE TROND
PROVO, S.D. 57735

Regards,
Seabek



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2013

LN468-2
421-2

Dustin & Lindsay Luper
28997 Cascade Rd
Provo SD 57735

Dear Mr. & Mrs. Luper:

Recently we received a letter from Robert Seabeck indicating he sold the property by Edgemont to you. For local reference, he called it the "Buddy Heck Ranch". This land has two water rights on it. Location Notice No. 468-2 authorizes diversion of water from a dry draw and Water Right No. 421-2 authoring diversion of water from the Cheyenne River (copies enclosed).

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change on each water right. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

There are a few things I want to make you aware of about the water rights.

- Water Rights can be forfeited if they are not used. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.
- All irrigators in South Dakota (with exception of those with water spreading systems) are required to report annually how much water they divert from their particular water source. The irrigation questionnaires are mailed to irrigators in October every year and are typically due back in our office by the first week in December. For purposes of the two water rights to be transferred to you, Location Notice No. 468-2 is for a spreader system and no reporting is required. Annual reporting is required for Water Right No. 421-2 for irrigation from the Cheyenne River. The form is required each year whether or not irrigation took place.
- Water Right No. 421-2 authorizing diversion of water from the Cheyenne River carries a priority date of April, 1956 and is junior to the Bureau of Reclamation's water right for storage of water in Angostura Reservoir. In any given year, if the reservoir does not fill, the Bureau may exercise their senior water right status over junior rights. This means that shutoff orders would be issued to any junior water right holders who divert from the Cheyenne River or immediate tributaries and would be in effect until the reservoir would get the equivalent of an annual fill.

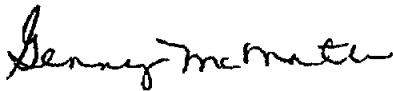
Page 2

Dustin & Lindsay Luper

As a point of clarification, if shutoff orders are issued, this would be considered a year of legal excuse for not irrigating and would not count towards the three year "use it or lose it" scenario explained above dealing with forfeiture of a water right.

You may keep the enclosed copies of the water rights. Please complete and return the transfer forms along with the filing fee to get the water rights transferred to your names. If you have any questions after reading the above information, please give us a call.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

RECEIVED

MAR 18 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. LN468-2

Date: _____

I/We request that Location Notice No. 468-2

formerly owned by: Doris Seabeck and Thomas Seabeck Trust

be transferred to: (name & address) Dustin & Lindsay Luper
28997 Cascade Rd, Provo SD 57735

Telephone No. _____

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

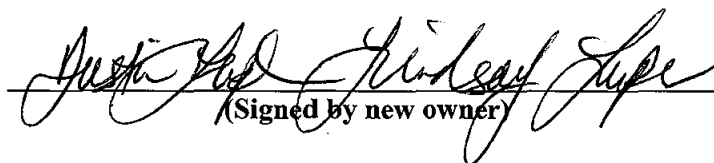
59 acres – NW ¼ NW ¼ and S ½ NW ¼ Section 25, T7S, R1E

I/We understand that the validity of Location Notice No. 468-2 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 Dustin and Lindsay Luper, 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 3/18, 20 13

RECEIVED OF Dustin Luper 28997 Caswade Rd Provo SD 57735

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

Fee for Application for Permit No. _____ and to put water to beneficial use _____	to Appropriate Water, to construct	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 _____	LN468-2		
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. 06240

By

Garrett Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2013

LN468-2
421-2

Dustin & Lindsay Luper
28997 Cascade Rd
Provo SD 57735

Dear Mr. & Mrs. Luper:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 421-2 and Location Notice No. 468-2.

The ownership changes have been completed. Water Right No. 421-2 and Location Notice No. 468-2 formerly held by Doris Seabeck and Thomas Seabeck Trust are now listed in your names.

Enclosed for your records are Receipt Nos. 06245 and 06246 in the amount of \$50.00 each. The receipts are for the filing fees you paid.

In my first letter to you I discussed Water Right No. 421-2 and how it is subject to shutoff orders if the Bureau of Reclamation exercises their senior water right. Shutoff orders were officially issued on March 6, 2013 to all junior water right holders upstream of Angostura Dam. Enclosed is a copy of that order.

If you have any questions, please let us know.

Sincerely,

A handwritten signature in black ink that reads 'Genny McMath'. The signature is written in a cursive, flowing style.

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

enclosures

LN 468-2

RECEIPT

WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date January 21, 2020

RECEIVED OF Everett/Dawn Engelbert 27449 Dewey Rd. Burdock 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	\$
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 468-2 <u>(Location Notice)</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Jeanne Goodman
Chief Engineer me

JAN 21 2020

For assistance call (605) 773-3352

Ck# 5139

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

LOCATION NOTICE
Water Right/Permit No. 468-2

Date: 1/1/20

I/We request that Water Right/Permit No. 468-2 formerly owned by:

DUSTIN LUPER

be transferred to:

New Owner Name:

S. Everett, Dawn + Miles Englebert

Address:

27449 Dewey Rd

City, State, Zip

Burdock

SD

57735

Telephone No.

605-890-0293

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

TOWNSHIP 7 SOUTH, RANGE 1 EAST BHM

SECTION 25: THAT PART OF THE NW 1/4 LYING WEST OF RR AND HIGHWAY,
E 1/2 SW 1/4, NW 1/4 SW 1/4, pt of SE 1/4 LYING W. OF RR AND R/W

☒ I understand that the validity of Water Right/Permit No. 468-2 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, S. Everett, Dawn + Miles Englebert, the new owner, certify that the above information is true and correct.

S. Everett Englebert Dawn Englebert
(signed by new owner) miles Englebert

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

JAN 21 2020

WATER RIGHTS
PROGRAM

LN468-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2020

421-2
LN468-2

S Everett, Dawn & Miles Englebert
27449 Dewey Rd
Burdock SD 57735

Dear Sirs:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 421-2 and Location Notice No. 468-2.

The ownership changes have been completed. The water right and location notice formerly held by Dustin & Lindsay Luper are now listed in your names.

Enclosed are receipts for the filing fees you paid. If I can answer any questions for you, please let me know.

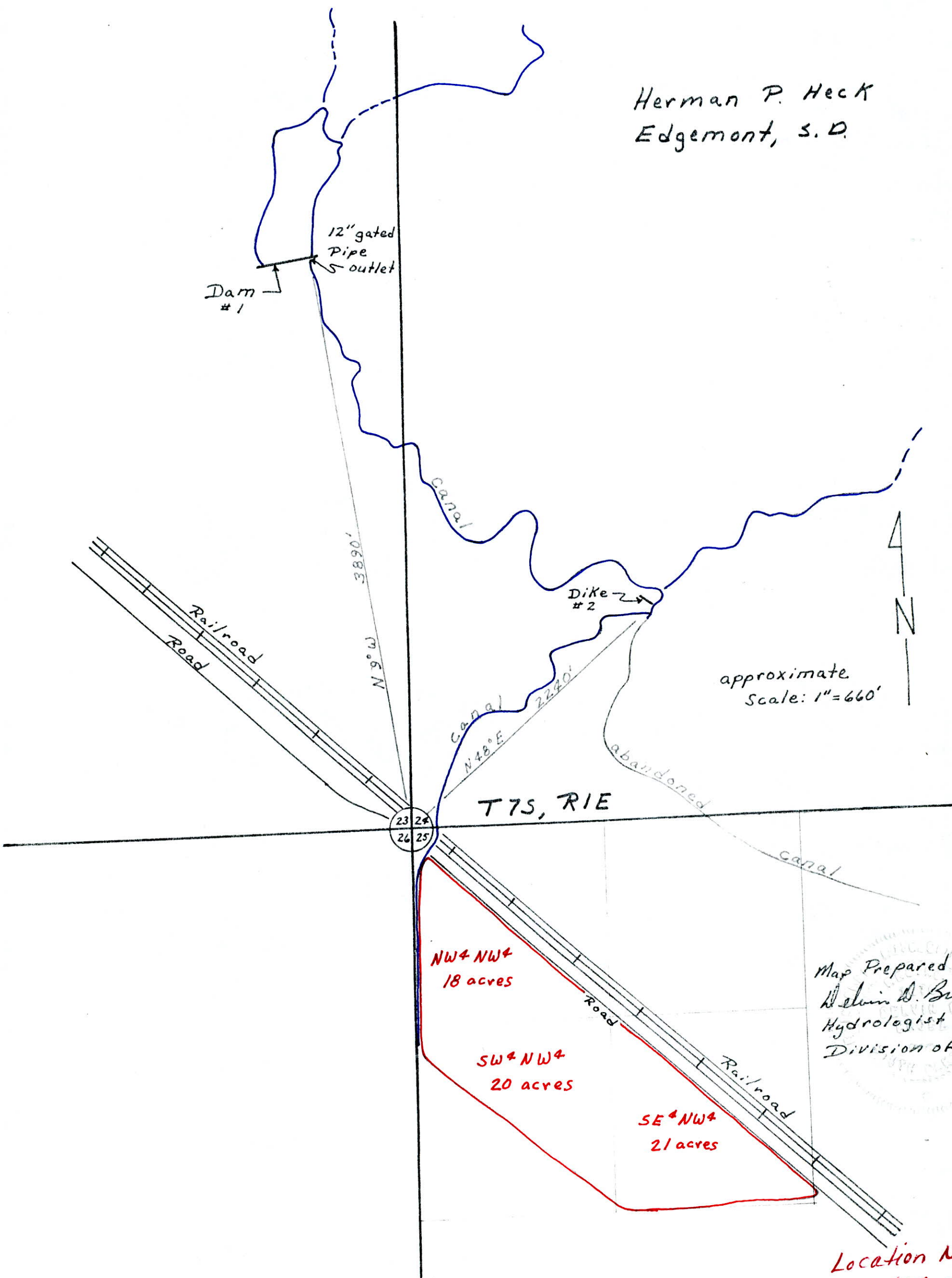
Sincerely,

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

enclosures

Herman P. Heck
Edgemont, S.D.

Dam #1
12" gated
Pipe
5' outlet



approximate
Scale: 1" = 660'

T7S, R1E

NW 1/4 NW 1/4
18 acres

SW 1/4 NW 1/4
20 acres

SE 1/4 NW 1/4
21 acres

Map Prepared By:
Helvin D. Bray, P.E.
Hydrologist
Division of Water
Rights

Location Notice
468-2

LN468-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 3, 2020

LN 468-2

Everett & Dawn Englebert
27449 Dewey Rd
Burdock SD 57735

Dear Mr. & Mrs. Englebert:

I am writing in follow-up to our phone conversation concerning the ability to change acres for irrigation under Location Notice No. 468-2. An application form and instruction sheet are enclosed.

If your application is for a change of acreage only, no additional water and no additional land, the March 6, 1909 priority date associated with No. LN468-2 can be retained. I made notations on the instruction sheet about the fee involved. The fee will be \$100 for the application and \$200 for licensing.

I am not sure if I ever sent you a copy of the original water license and map. I have included a copy in the event you do not have one. If you have any questions, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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