

STATE OF SOUTH DAKOTA

LOCATION NOTICE WATER LICENSE NO. 618-2

(1) George M Flier located and filed Location Notice No. 618-2, April 1, 1938 for a right to store 25 acre feet of water from a dry draw, Custer County, South Dakota, for irrigation purposes. Location Notice No. 618-2 with a priority date of April 1, 1938 was located and filed by the applicant for diversion of water and construction of the described water supply system. The system was completed and the water placed to beneficial use.

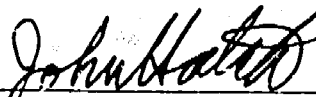
February 15, 1996, Location Notice No. 618-2 was transferred to Richard Rausch.

An investigation of Location No. 618-2 found the irrigation use from the permitted storage dam had been abandoned and/or forfeited. Pursuant to 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer makes a finding that adding stock watering use to the license will not be impair existing water rights.

(2) It is certified that the applicant 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 store 0.30 acre feet of water for beneficial use. The location of the diversion point is NE 1/4 NW 1/4 Section 5-T3S-R11E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for stock watering purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Rausch, HCR 89 Box 257, Hermosa SD 57744 the holder and/or owner of Location Notice No. 618-2 is issued a license to appropriate water, the right to store 0.30 acre feet of water from a unnamed dry draw with a priority date of April 1, 1938 from the location specified in (2) of this license, for the purpose of stockwatering. This license is subject to any limitations or qualifications listed in Location Notice No. 618-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 26 1996

date



4' Tall.

LOCATION NOTICE *div. purposes*

State Publishing Co., Pierre, S. D.

KNOW ALL MEN BY THESE PRESENTS:

THAT George M. Blair whose post office is Folsom, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to-wit: 6 1/2 section 5 township 35 range 11 E B. H. M. in Custer County, South Dakota. Said lands comprising Desert Entry No. Land District, availing himself of the right granted himself under the provisions of Section 31 of Chapter 180 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 NE 1-4 of the NW 1-4 section 5 township 35 range 11 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 2.5 cubic feet of water per second during the following described annual periods February 1 to October inclusive each year.

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

From the NW cor. Sec 5, T. 35, R. 11 E, 90 rods east and 4 rods south to the point of diversion

The ditch will run in a southerly direction to and on said land for a distance of 3300 feet.

Said location was made on the 15th day of October 1913

Witness my hand and seal this 30th day of March 1913

George M. Blair
Locator.

State of South Dakota,

County of Custer } ss.

On the 31st day of March 1913, before me Lylia Carroll, the Register of Deeds, a notary public in and for the County and State aforesaid, personally appeared George M. Blair 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.

Lylia Carroll
Register of Deeds, Custer Co. S. D. Notary Public.

Pierre, South Dakota, April 1 1913

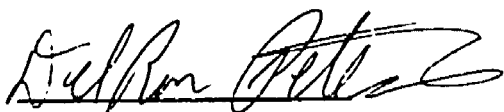
This is to certify that the foregoing location notice was received at this office at 9:00 o'clock AM, upon the first day of April 1913, and after examination it was filed for record

Dean W. Lunske
State Engineer.

- 1) Height to crest 4 feet
- 2) Height to primary spillway 3.5 ft.
- 3) Height to secondary spillway ft
- 4) Crest width 5 feet
- 5) Crest length 70 feet
- 7) Spillway width
- 8) Approx. storage 0.30 ac-ft
- 9) Approx. storage to crest
- 10) Date constructed: October 15, 1937

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by N/A
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A



DelRon Peters

DENR Natural Resources Engineer

February 2, 1996

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

July 24, 1996

**Subject: Change in use of a irrigation diversion dam for Location Notice No. 618-2,
Richard Rausch.**

An inspection of Location Notice No. 618-2 found that the cancellation of the irrigation portion of location notice and retaining the stockwater portion for stockwater only does not impair other water rights or domestic use. SDCL 46-5-31.1 provides that a diversion dam may be utilized for stock watering if permitted irrigation use from a storage dam is abandoned or forfeited without application or publication of a notice of hearing if no diversion is made from the stock dam and does not increase the potential for impairment with existing water rights.

Location Notice No. 618-2 has a priority date of April 1, 1938 and is located in the NW 1/4 NW 1/4 Section 8 T3S-R11E.

⁵ks
No adverse effects or interference with existing water rights are expected. The change in use of the dam covered by Location Notice No. 618-2 with a April 1, 1938 priority date can be approved.



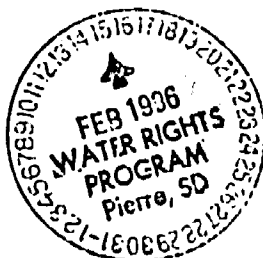
DelRon Peters
Natural Resources Engineer
Water Rights Program

 8-7-96

John Hatch, Chief Engineer
Water Rights Program
Dept. of Environment and Natural Resources

NOTICE OF TRANSFER OF OWNERSHIP

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



Location Notice No. 618-2

Date: FEBRUARY 9, 1996

I/We request that Water Location Notice No. 618-2

formerly owned by: George M. Flier

be transferred to: Richard Rausch HCR 89 Box 257 Hermosa, SD 57744

Telephone No. (605) 255-4270

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

NE 1/4 NW 1/4 Section 5 T3S-R11E.

I/We understand that the validity of Water Permit No. 618-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Richard Rausch 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.

Richard Rausch
(Signed)

Subscribed and sworn to before me this 9th day of February, 1996.

Steve Smith
(Notary Public)

My Commission expires 5-4-97

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.

RECEIPT

414793

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, February 15, 1996

RECEIVED OF Richard Pausch, HCR 89, Box 257, Hermosa, SD 57744

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 Obtain Future Use Permit No. _____ after period of _____ s.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ Location Notice No. 618-2 _____		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

LN 618-2-



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

Richard R Rausch
HC 89, Box 257
Hermosa SD 57744

Dear Mr. Rausch:

The Water Management Board has validated the enclosed Vested Water Right No. 496-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board. The applicable of Location Notice Nos. ~~548-2~~ 617-2, 619-2 and 3275-2 have been incorporated into Vested Water Right No. 496-2. ⁵⁹⁴⁻²

Also, enclosed is Location Notice Water License No. 618-2 and the receipts for the transfer of the location notices and water right to your name.

As long as you use the water beneficially, as stated in the water licenses, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures

LN 618-2

RECEIVED

FEB 16 2021

WATER RIGHTS
PROGRAM

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

ATTORNEYS AT LAW

KENNETH L. HEISTERKAMP
GENE R. BUSHNELL
EDWARD C. CARPENTER
DONALD A. PORTER
JOSEPH R. LUX
HEATHER LAMMERS BOGARD[†]
JESS M. PEKARSKI

[†]Also available at Spearfish office
115 N. 7th Street, Suite 3
Spearfish, SD 57783

+ Also admitted in North Dakota

* Also admitted in Wyoming

^Also admitted in Nebraska

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

Telephone: (605) 343-2410

Fax: (605) 343-4262

PHILLIP R. STILES
JONATHAN P. MCCOY*
MICHAEL F. STEVE^
KRISTEN E. BASHAM
REECE R. WEBER

J.M. COSTELLO
1923-2007

WILLIAM G. PORTER
1926-2004

February 10, 2021

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

Re: Notice of Transfer of Ownership
Our File No. 212083

To Whom It May Concern:

Please find enclosed Notice of Transfers of Ownership and a check in the amount of \$100.00 for the filing fees.

Thank you for your attention to this matter and please do not hesitate to contact our office with any questions or concerns.

Sincerely,


Jess M. Pekariski

JMP/arb
Enclosures

LN618-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date February 16, 2021RECEIVED OF Costello Porter Hill Heisterkamp Bushnell & Carpenter LLP PO Box 290 Rapid City SD 57709

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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>LN618-2</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 Eric Gronlund
 Chief Engineer
 VM

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

PAID

FEB 16 2021

Ck# 079435

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

FEB 16 2021

WATER RIGHTS
PROGRAM

Water Right/Permit No. LN618-2

Date: February 2021

I/We request that Water Right/Permit No. LN618-2 formerly owned by:
Richard Rausch be transferred to:

New Owner Name: Jacob Rausch and Melanie Rausch
Address: 16080 Lower Spring Creek Road
City, State, Zip Hermosa SD 57544 Telephone No. 57744

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

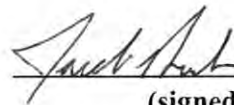
See Attached Exhibit A

☒ I understand that the validity of Water Right/Permit No. LN618-2 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, Jacob Rausch, 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.

EXHIBIT A

Township 2 South, Range 11 East of the Black Hills Meridian, Custer County, South Dakota:

Section 19: S1/2SE1/4

Section 28: N1/2NE1/4; SW1/4NE1/4; SE1/4NE1/4; E1/2NW1/4; W1/2NW1/4; SW1/4;
NE1/4SE1/4; W1/2SE1/4; SE1/4SE1/4

Section 29: SE1/4; E1/2SW1/4NE1/4; E1/2NE1/4

Section 30: NE1/4

Section 31: NE1/4SE1/4

Section 32: NE1/4; W1/2; SE1/4

Township 3 South, Range 11 East of the Black Hills Meridian, Custer County, South Dakota:

Section 4: SW1/4NW1/4; SW1/4; W1/2SE1/4

Section 5: All

Section 6: NE1/4

Section 8: E1/2NE1/4; NW1/4NE1/4

Section 9: W1/2NW1/4

Township 2 South, Range 11 East of the Black Hills Meridian, Pennington County, South Dakota:

Section 19: PT SE1/4SE1/4



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2021

496-2
LN618-2

Jacob & Melanie Rausch
16080 Lower Spring Creek Rd
Hermosa SD 57744

Dear Mr. & Mrs. Rausch:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted on your behalf for changing ownership on Location Notice No. 618-2 and Vested Water Right No. 496-2.

The ownership changes have been completed. Nos. LN618-2 and 496-2 formerly held by Richard Rausch are now listed in your names.

The receipts for the filing fees are being sent by copy of this letter to the law firm who paid the fees. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath". The signature is fluid and cursive.

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

c: Jess M Pekarski w/ Costello, Porter, Hill, Heisterkamp, Bushnell & Carpenter, LLP