

Water Right Number 1127-1

1. Considered 3-28, 19 77

2. Name of Applicant MERLE & DORIS BASTIAN

3. Post Office Address RED OWL

4. Amount of Water claimed 4.3

5. Source of Water supply SULPHUR CREEK & DRY DRAW (190 ACFT)

6. Water to be used for IRRIGATION

Acres to be irrigated 301.5

7. Water to be diverted and used in MEADE County

about 7N miles of RED OWL

8. Proof of Publication

Received 3-21-77

Not Received _____

9. Application

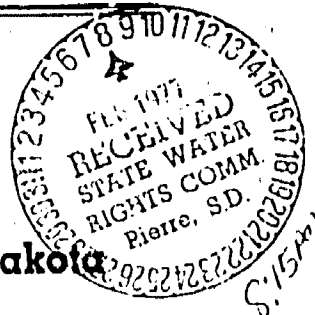
Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

No. 1127-1Water Division No. 1 SULPHUR CREEK District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Merle C. & Doris A. Bastian
Postoffice address Red Owl S.D. 57222, County Meade, State S.D.

- I. If a corporation No
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
Employment of others
- (b) Cash on hand, Adequate (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ USDA

2. Name of diversion work Irrigation System No. 1
3. Amount of water claimed 4.3 cubic feet per second
4. Source of water supply Runoff from unnamed creek and Sulphur Creek.
5. Location of point of diversion See attached sheet
- _____ on _____ bank MEADE County.
6. Annual period or periods during which water is to be used when available
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? combination
- (a) Number of acres to be irrigated 301.5 acres.

(b) Legal subdivisions to be irrigated see attached sheet

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use stockwater
Name any of the above uses claimed _____
- (b) Amount of power to be generated _____ horse power.
Amount claimed for engine cooling _____
- (c) Location of plant _____
- (d) Method of developing power _____
- (e) Point where water will be returned to stream _____

Map No. 938-1

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$30,000.00

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures Dam-----

\$6,000.00

Total, \$30,000.00

9. Description of diversion work:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Earth dam, dam will be filled from Sulphur Creek when runoff is inadequate.

II. Dimensions of works.

(a) Dam: Height 25 feet; length at bottom 84 feet; length at top 676 feet; thickness at bottom 140 feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 2:1; material used in construction earth

(b) Reservoir: Capacity when filled 193.2 acre feet. Surface area at highwater mark 22.2 acres.

Elev.

75.0

85.0

95.0

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE- FEET CAPACITY
	10	
	20.0	0.0
	10.0	48.3
	0.0	193.2

(c)* Head gate: 11th NONE feet; height feet; Material -----

(d) Canal: Total length -----miles.

LOCATION BFLOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate Faith Independent. Faith S.D., 57626

STATE OF SOUTH DAKOTA

County of Yell ss.

I, -----, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Mark C. Bastian

Subscribed and sworn to before me this

24th

day of

August

1977

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING
LIVESTOCK WATERING, MUST BE BY-PASSED
APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 190 ACRE FEET
OF WATER ANNUALLY.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, APRIL 15, 1977

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

9 a.m. upon the 8TH day of FEBRUARY, 1977.

State Water Resources Commission

By:

John H. Hetch
Chief Engineer, Executive Officer

Number of permit 1127-1

Date of first receipt of application FEBRUARY 8, 1977

Date of return to applicant for correction, amendments or changes required as follows: FEBRUARY 8, 1977

Date of receipt of corrected application FEBRUARY 14, 1977

Date from which applicant may claim right FEBRUARY 8, 1977

Approved MARCH 23, 1977 Recorded in Book 17 Page 264

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 23, 1977

2nd. The whole of said work is to be completed on or before MARCH 23, 1977

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

MARCH 24, 1986

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

5th. The prior 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 4.3 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 23, 1986, said water to be used during the following described annual period:

WHEN AVAILABLE

Witness my hand this 15TH day of APRIL, 1977

State Water Resources Commission

By:

John H. Hetch
Chief Engineer, Executive Officer

Certificate of Construction issued _____, 19____

Water License Issued _____, 19____

Location	Section	Township	Range	Acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	20	10 N	13 E	36.2
NW $\frac{1}{4}$ NE $\frac{1}{4}$	29	10 N	13 E	27.3
NE $\frac{1}{4}$ NE $\frac{1}{4}$	29	10 N	13 E	33.1
SE $\frac{1}{4}$ NE $\frac{1}{4}$	29	10 N	13 E	3.3
NW $\frac{1}{4}$ NW $\frac{1}{4}$	28	10 N	13 E	26.2
SW $\frac{1}{4}$ NW $\frac{1}{4}$	28	10 N	13 E	0.9
NW $\frac{1}{4}$ SW $\frac{1}{4}$	28	10 N	13 E	15.4
SW $\frac{1}{4}$ SW $\frac{1}{4}$	28	10 N	13 E	13.4
NE $\frac{1}{4}$ SW $\frac{1}{4}$	28	10 N	13 E	40.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	28	10 N	13 E	28.9
NW $\frac{1}{4}$ SE $\frac{1}{4}$	28	10 N	13 E	31.2
SW $\frac{1}{4}$ SE $\frac{1}{4}$	28	10 N	13 E	26.8
NE $\frac{1}{4}$ SE $\frac{1}{4}$	28	10 N	13 E	18.8
Total				301.5

POINTS OF DIVISION

Number	Location	
1	2574'	N 287° 45' E NE Corner Sec 29-10-13
2	4026'	N 265° 45' E NE Corner Sec 28-10-13
3	3168'	N 207° 30' E NE Corner Sec 28-10-13
4	1848'	N 17° 30' E SW Corner Sec 28-10-13

No. _____



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Savanne R. Butler hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the South Independent

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 Faith

County of Meade and State of South Dakota; that the said notice was published in said newspaper on the following two dates:

March 9, 16, 1977

Savanne R. Butler
(Signature)

Editor
(Title)

March 17, 1977
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
February 25, 1977
Notices hereby given that Merle C. and Doris A. Bastian, whose post office address is Red Owl, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.3 cubic feet of water per second of time from a Dry Draw at Sulphur Creek through the Bastian Irrigation System No. 11 the point of diversion of which is to be located in the SW 1/4 SE 1/4 Section 20, NW 1/4 NW 1/4 SE 1/4, NW 1/4 SW 1/4 of Section 28, Twp. 10N, Range 13E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4 SE 1/4 Section 20, NW 1/4 SE 1/4 NE 1/4 Section 29, W 1/4 NW 1/4 SW 1/4 SE 1/4, SW 1/4 SE 1/4 Section 28, T10N, R13E. This application No. 1127-1 will be considered by the Water Rights Commission at their office at Pierre upon the 23rd day of March, 1977, at 10:00 A.M. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
By: ss-Burton F. Jones
BURTON F. JONES
Water Rights Specialist
March 9, 16, 1977

No. 1127-1
TO: WATER RIGHTS COMMISSION
Joe Foss Building
Pierre, South Dakota 57501
Dear Sirs:

Date Mar 17, 1977

We are in receipt of your letter of 2-25, 19 77 enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. 1127-1, which was first published in our issue of March 9, 19 77.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Sincerely,

Savanne R. Butler



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1127-1

January 4, 1985

Merle C & Doris A Bastian
St Rt 1, Box 21
Red Owl SD 57777

Dear Mr. & Mrs. Bastian:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1127-1 has been completed. Your final water right document, the Water License, can now be issued.

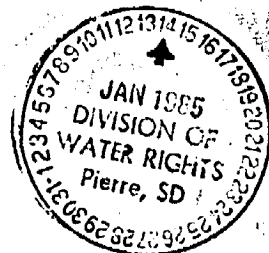
Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Administrative Aide



NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

DWNR-814 8/83

Permit No. 1127-1Lower Cheyenne Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Merle C. and Doris A. Bastian of S+R+I, Box 21 Red Owl, SD 57777 holder ofPermit No. 1127-1, bearing the priority of February 8 19 77 authorizingthe diversion of 4.3 cu. ft. per second of the waters of Sulphur Creek and a dry drawfor irrigation purposes, in Meade County.

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

motor: General Electric pump: Cornell, imp. 7 7/8"
 M.N. 5K324JL146A M.N. 4YB50-2
 Sshp., 3555 rpm S.N. 25138

A. Works used to divert the water:
 motor: Marathon electric pump: Berkeley
 M.N. FN 404TTDS7661AA WFI S.N. 7842396
 S.N. 93969-12/20-3 M.N. B8GPBM
 160hp., 1775 rpm imp. 11 5/8 in.

B. Works used to transport water to place of use:
 Pipeline: size - 6 in. 8 in. 15 in.

type - Aluminum Aluminum PVC
 length - 1320 ft. 1860 ft. 2100 ft.

C. Works used to apply water to beneficial use:
 Towlines (3) T&L Gated pipe
 length - 1320 ft (each) length - 1320 ft
 sprinklers - Rainbird diam. - 8 in.
 spacing - 40 ft. spacing - 20 in.
 The system is in the following condition good

Dam. information:

crest height 35 ft
 spillway height 28 ft no outlet tube
 crest width 12 ft
 crest length 670 ft
 spillway length 300 ft
 spillway width 100 ft
 approx. storage 80 ac-ft

The point of diversion is located Sulphur Creek: 825 ft S and 260 ft E from NW corner of sec 28; Storage dam: NW 1/4 SW 1/4 of sec. 28; all in T10N-R13E

The works are capable of diverting and conveying to the place of use 1.55 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:

	Acres		Acres
<u>NW 1/4 SW 1/4 sec. 28 - T10N-R13E</u>	<u>10.9</u>	<u>NW 1/4 SE 1/4 sec. 28 - T10N-R13E</u>	<u>15.0</u>
<u>NE 1/4 SW 1/4 "</u>	<u>30.5</u>	<u>SW 1/4 SE 1/4 "</u>	<u>26.1</u>
<u>SW 1/4 SW 1/4 "</u>	<u>0.7</u>		
<u>SE 1/4 SW 1/4 "</u>	<u>11.7</u>		

comprising a total of 94.9 acres of land and the license should be issued for 1.36 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date Aug. 28, 1984

Ron Duvall
 (signature)

LICENSE FOR PERMIT NUMBER 1127-1

1. Legal location of wells: _____

dams & structures: _____

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 _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines <u>6 in.</u>	<u>8 in.</u>	<u>15 in.</u>
b) type <u>Aluminum</u>	<u>Aluminum</u>	<u>PVC</u>
c) length <u>1320 Ft</u>	<u>1860 Ft</u>	<u>2100 Ft</u>

4. Dam information:

a) height to crest 35 Ft
b) height to spillway 28 Ft
c) crest width 12 Ft
d) crest length 670 Ft
e) spillway length 300 Ft
f) spillway width 100 Ft
g) approx. storage 80 ac-Ft

i) Outlet tubes:

1) diameter none
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

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: (3) T+L

1) length 1320 (ench) feet
2) make, model & number of sprinklers Rainbird
3) spacing of sprinklers 40 Ft
4) nozzle size _____
capacity 700 GPM

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 1320 ft
- 2) diameter 8 in
- 3) spacing of gates 20 in

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

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:

Pumpsite at Sulphur Creek:

motor: Marathon electric

M.N. FN 404TDS7661AA W FI

S.N. 93969-12/20-3

100hp., 1775rpm

pump: Berkeley

S.N. 7842396

M.N. B86PBM

imp. 11 5/8 in.

motor: General Electric

M.N. SK324JL146A

50hp., 3555 rpm

pump: Cornell, imp. 7 7/8 in.

M.N. 4YB50-2

S.N. 25138

Pumpsite at dam:

State of South Dakota
Water License No. 1127-1

(1) Marle C. and Doris A. Bastian
of Star Route #1, Box 21, Red Owl, South Dakota 57777
made Application No. 1127-1, February 8, 1977 for a water permit to appropriate
4.3 cubic feet per second of water from Sulphur Creek and a dry draw
Needle County, South Dakota for Irrigation purposes.
Permit No. 1127-1, with a priority date of February 8, 1977
was approved March 23, 1977 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 23, 1982 and for the application to beneficial use of said
water on or before March 24, 1986.

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 1.36 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on Sulphur Creek: 825'S and 260'E from
NW Corner of Section 28; storage dam: NW1/4SW1/4 of Section 28; all in T10N, R13E.

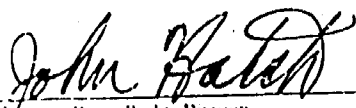
and

(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 land all in T10N, R13E, Section 28

NW1/4SW1/4	10.9 Acres	(CB) ✓
NE1/4SW1/4	30.5	(CA)
SW1/4SW1/4	0.7	(CC)
SE1/4SW1/4	11.7	(CD)
NW1/4SE1/4	15.0	(DB) ✓
SW1/4SE1/4	26.1	(DC)
TOTAL	94.90 ACRES	

(4) Pursuant to §16-5-30.1 Merle C. and Doris A. Bastian
of Star Route #1, Box 21, Red Owl, South Dakota 57777
the holder(s) and/or owner(s) of Water Permit No. 1127-1 is issued a license to appropriate water, the right to use
1.36 cubic feet per second of water from Sulphur Creek and a dry draw with a priority date
of February 8, 1977 from the location specified in (2) of this license. The water to be
conducted to and upon land 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. 1127-1 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources **JOHN HATCH**
January 21, 1985

RECEIPT

Division of Water Rights

No 4. 9893

South Dakota Department of Water and Natural Resources

Pierre, ~~XXXXXXXXXX~~ January 14, 19 85

RECEIVED OF Merle C. Bastian, SR#1, Box 21, Red Owl SD 57777

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. <u>#1127-1</u>	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms

No. 1127-1

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
WATER RIGHTS DIVISION
Phone (605) 773-3352

January 21, 1985

Merle C. and Doris A. Bastian
Star Route #1, Box 21
Red Owl, South Dakota 57777

Dear Mr. & Mrs. Bastian:

Enclosed herewith is, Water License No. 1127-1. 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 Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

WNR-817 3/83
Transmittal of Water License



January 9, 1998

1127-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: MERLE C BASTIAN, HCR 1 BOX 21, RED OWL, SD 57777

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) 1127-1. 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) 1127-1 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 ADDRESS completed 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:

MERLE C BASTIAN
HCR 1 BOX 21
RED OWL SD 57777

4a. Article Number

2179 157 171

4b. Service Type

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

7. Date of Delivery

1-13-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Merle C. Bastian*

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

PS Form 3811, December 1994

102565-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



1127-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 1998

1127-1

Merle C Bastian
HC 78 Box 540
Union Center, SD 57787

Dear Mr. Bastian:

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. 1127-1.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

Licensing of Irrigation Water Permit for Stock Watering

NAME: Glen Myers

ADDRESS: 17943 Triple Creek Rd., Red Owl, SD 57777

DATE: April 1, 1998 COUNTY: Meade TELEPHONE: 605 985-5231

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

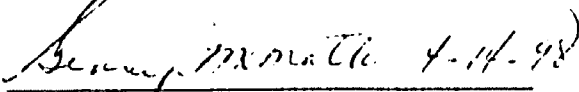
REQUEST

Mr. Myers is the new owner of land described in Water Right No. 1127-1. He stated in an April 1, 1998, telephone conversation that he does not intend to irrigate but uses the storage dam for stock watering purposes. He wanted to maintain the water right for the storage dam only.

The water use system, including the storage dam, was investigated for licensing purposes in 1984. The storage dam is located in the NW ¼ SW ¼ Section 28, T10N, R13E and is capable of storing 80 acre feet of water. The dam has been in place for numerous years.

RECOMMENDED ACTION

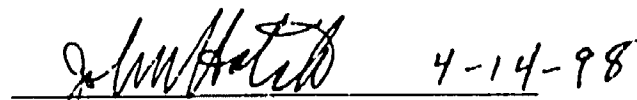
Based on the above request, it is recommended that the water license be issued for stock watering.

 4-14-98

Genny McMath, Environmental Scientist
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.

 4-14-98

John Hatch, Chief Engineer
Water Rights Program

1127-1

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON: Glen Myers

ADDRESS: 17943 Triple Creek Rd, Red Owl, SD 57777

COUNTY: Meade

DATE: April 1, 1998

TELEPHONE: 605 985-5231

RE: Water Right No. 1127-1 for Merle C Bastian

COMMENTS:

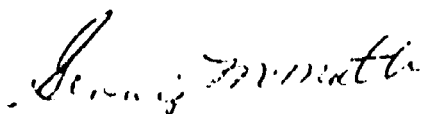
The 1997 irrigation questionnaire returned by Merle Bastian stated they sold the ranch and the new owner was not interested in irrigation.

On April 1, 1998, I contacted the Meade County Assessor's office to obtain the name(s) of the new owner. They had "M. M. Land Company % Glen Myers" as the new owner.

I contacted Mr. Myers regarding the water right and he confirmed that he did not intend to irrigate. I explained that the water right could not be cancelled if the storage dam (80 acre feet) still existed. He indicated the dam was present and used for stock watering only.

I explained that we could reissue the water license for domestic stock water use deleting any reference to irrigation. He said that was fine and agreed that it would cover the use now being made from the dam. The only requirement he would have at this time would be to file an ownership change with the water right.

The water use system, including the storage dam was investigated in August, 1984. At this time, I do not believe another investigation is required in order to reissue the water license.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 15, 1998

1127-1

Glen Myers
17943 Triple Creek Rd
Red Owl, SD 57777

Dear Mr. Myers:

I am contacting you in regard to our April 1st conversation concerning Water Right No. 1127-1 currently listed in the name of Merle C Bastian.

It is my understanding that you own the land but do not irrigate. Under South Dakota Water Law, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock water, stock watering may be added to the water right if the Chief Engineer makes a finding that existing water rights will not be impaired.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the Water Right. Please review the form for accuracy and make any necessary corrections. You will need to complete the portion titled "*be transferred to: (name & address)...*". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

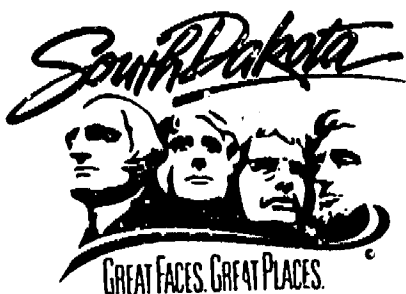
Upon receipt of the completed transfer form and filing fee, Water Right No. 1127-1 will be transferred to your name. The water license will then be reissued to reflect the change from irrigation to stock watering use.

If you have any questions concerning the procedure for reissuing the water license or completion of the transfer form, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
605 773-3352

encl.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 10, 1998

1127-1

Glen Myers
17943 Triple Creek Rd
Red Owl, SD 57777

Dear Mr. Myers:

I am contacting you in follow-up to my letter of April 15th regarding the transfer of Water Right No. 1127-1 currently listed in the name of Merle C Bastian. This is just a reminder that we still need to get the water right updated by transferring it to your name.

In case you have mislaid the original transfer form, I am including another one to be used for filing the ownership change. Please review the form for accuracy and make any necessary corrections. You will need to complete the portion titled "*be transferred to: (name & address)...*". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

Upon receipt of the completed transfer form and filing fee, Water Right No. 1127-1 will be transferred to your name. The water license will then be reissued to reflect the change from irrigation to stock watering use.

If you have any questions concerning the procedure for reissuing the water license or completion of the transfer form, please give me a call.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
605 773-3352

encl.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1127-1

Date: 6-17-98



I/We request that Water Right No. 1127-1

formerly owned by: Merle C Bastian

be transferred to: (name & address) Glen L Myers 12943 Tipin Creek Rd.

Rel Oak SD 57222 Telephone No. 605-925-1531

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

storage dam located: NW 1/4 SW 1/4 Section 28, T10N, R13E

I/We understand that the validity of Water Right No. 1127-1 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 Meade)

I/We GLEN MYERS 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.

[Signature]
(Signed)

Subscribed and sworn to before me this 18th day of June, 19 98.

[Signature]
(Notary Public)

My Comm. Expires 10/24/2002

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

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415807

Pierre, June 22 19 98

RECEIVED OF Glen L. Myers, 17943 Triple Creek Rd., Red Owl, SD 57777
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. 1127-1

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John Hatch 

1127-1

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON: Glen Myers

ADDRESS: 17943 Triple Creek Rd, Red Owl, SD 57777

COUNTY: Meade

DATE: June 22, 1998

TELEPHONE: 605 985-5231

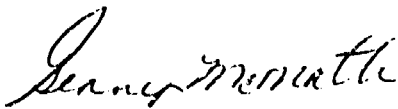
RE: Source of water used

COMMENTS:

The original water license issued for Water Right No. 1127-1 specified sources of water as Sulphur Creek and a dry draw. An underground pipeline from Sulphur Creek had been constructed to help supply the dry draw storage dam used for irrigation purposes.

Mr. Myers does not intend to irrigate, but uses the existing dam for stockwater purposes. I called him to find out whether he still diverts through the pipeline from Sulphur Creek or if the storage dam is maintained solely by the dry draw. He indicated the pipeline is there, but he does not use it and does not intend on using it. The storage dam receives adequate water from the dry draw.

I told him the license would be reissued for stock water purpose and will specify the source of water as being from the dry draw.



Genny McMath
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 22 1998

1127-1

Glen L Myers
17943 Triple Creek Road
Red Owl, SD 57777

Dear Mr. Myers:

Enclosed is your Reissued Water License No. 1127-1 and Receipt No. 415807 in the amount of \$2.50 which you paid for filing an ownership change. The water right has been transferred from Merle C Bastian to your name.

The water license was reissued to delete the irrigation portion and allow use of water from a dry draw storage dam for stock watering purposes. This was done pursuant to SDCL 46-5-31.1 which states that 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 impair existing water rights.

As long as the water is used beneficially, as stated in the water license, SD Water Laws provide that you have a continuing right to the use of the water. If you have any questions concerning the enclosed water license, please contact Genny McMath at (605) 773-3352.

Very truly yours,

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

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1127-1

(1) Merle C and Doris A Bastian were issued Water License No. 1127-1, January 21, 1985 for water right to divert 1.36 cubic feet of water per second from Sulphur Creek and a dry draw, Meade County, South Dakota for irrigation purposes. Water Right No. 1127-1, with a priority date of February 8, 1977 was approved issued to the permit holders for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

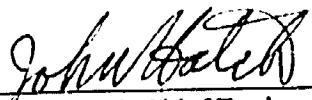
On June 19, 1998, Water Right No. 1127-1 was transferred from Merle and Doris Bastian to Glen L Myers.

Irrigation use from the permitted storage dam has been abandoned and/or forfeited. Pursuant to SDCL 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 impair existing water rights.

(2) It is certified that the water right holder complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to store 80 acre feet of water for beneficial use. The storage dam is located in the NW ¼ SW ¼ Section 28, T10N, R13E.

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

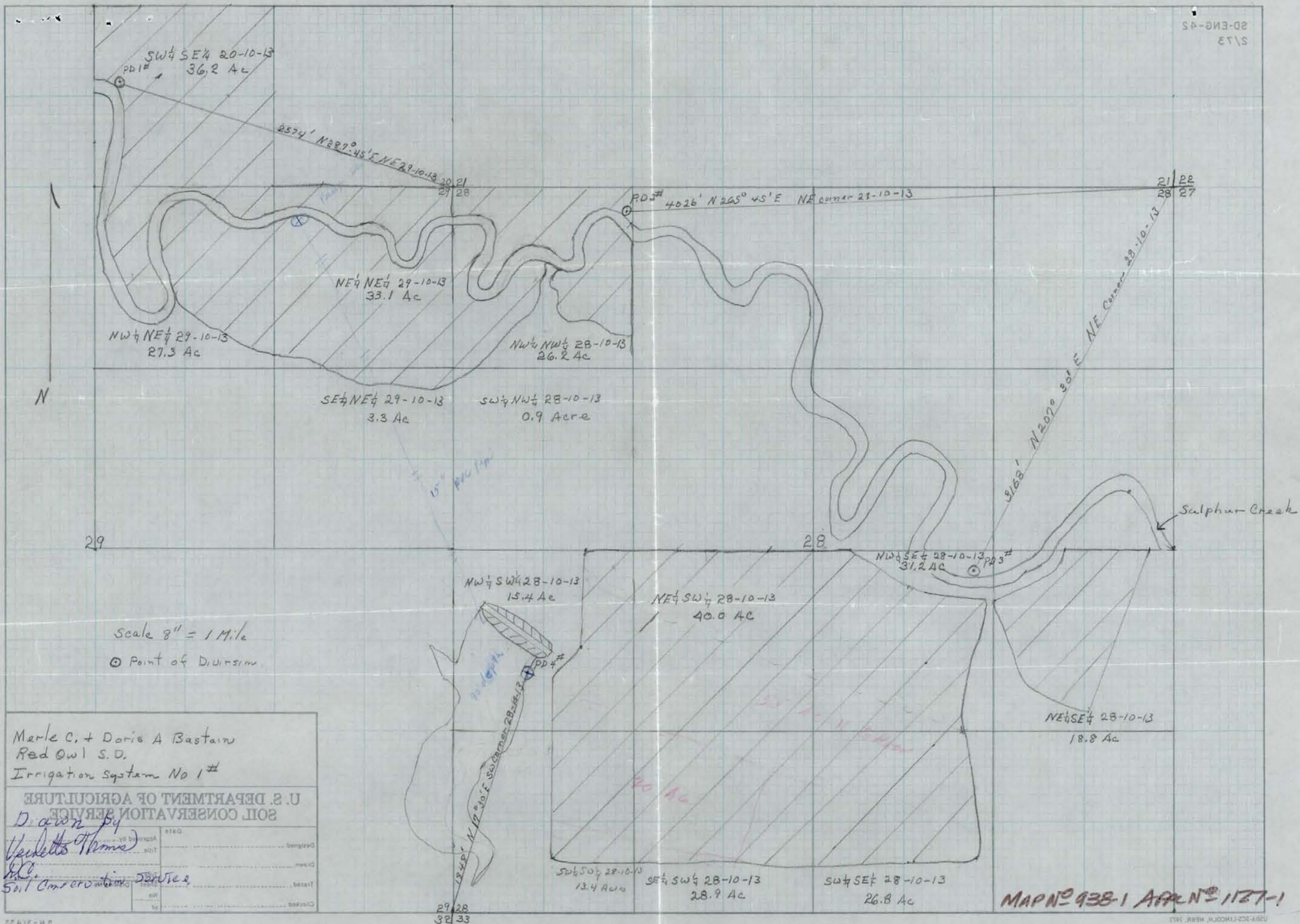
(4) Pursuant to South Dakota Water Law 46-5-30.1 Glen L Myers, 17943 Triple Creek Road, Red Owl, SD 57777 the holder and/or owner of Water Right No. 1127-1 is issued a license to appropriate water, the right to store 80 acre feet of water from a dry draw with a priority date of February 8, 1977 from the location specified in (2) of this license, for domestic use (livestock watering purposes). This license is subject to any limitations or qualifications listed in Water Permit No. 1127-1 and subject to South Dakota State Law.


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

JUN 22 1998

date





NOT TO SCALE

NOT TO SCALE

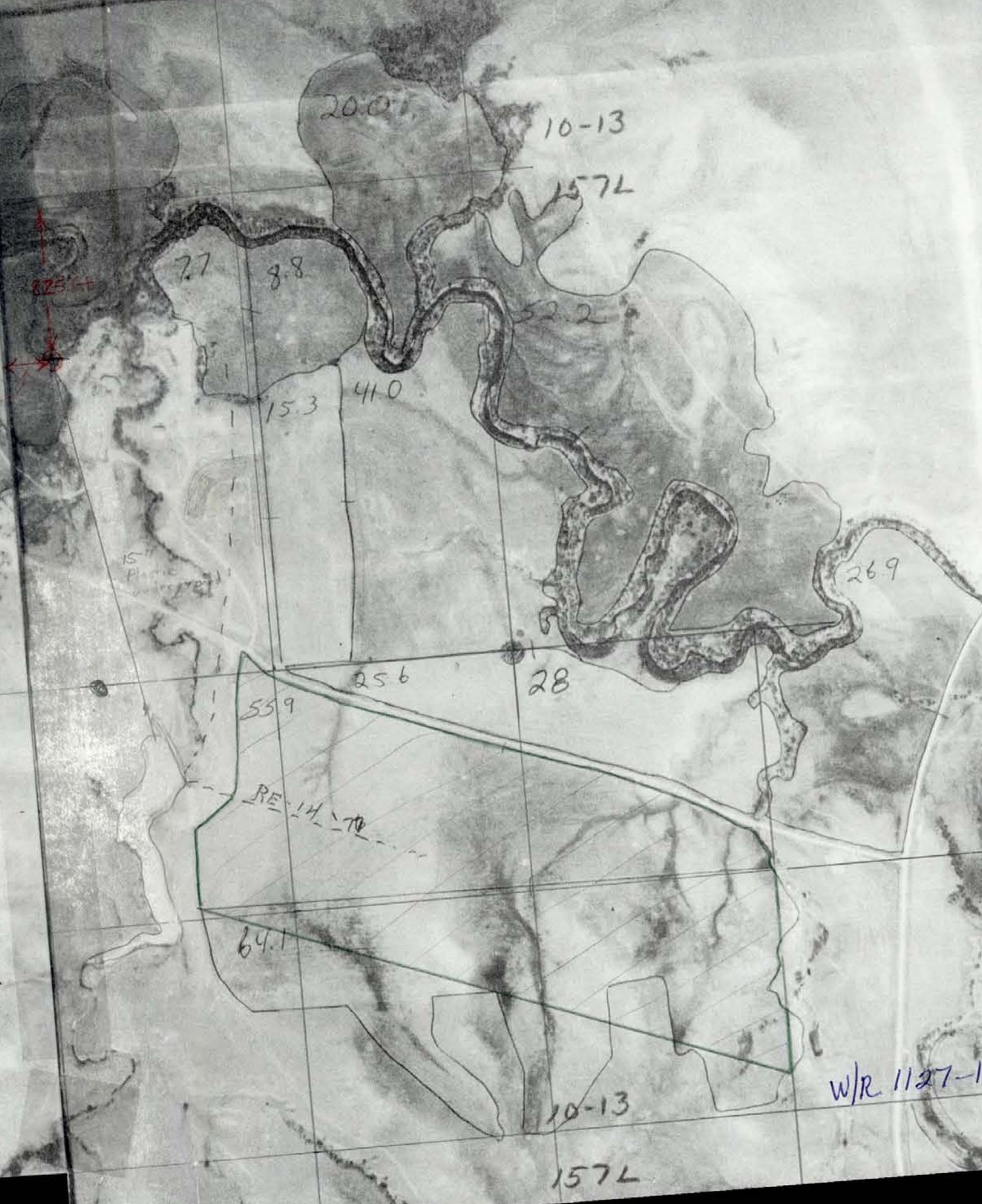


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Ron Duwall
Water Resources Eng.

1127-1

10-13



W/R 1127-1