

Water Right No. 1219-1

1. Considered 3/25 1981
2. Name of Applicant EARL BACHAND
3. Post Office Address HAWES PT., STURGIS 57785
4. Amount of Water Claimed NO ADD'L (1.05)
5. Source of Water Supply BEAR BUTTE CREEK
6. Water to be used for IRR
7. Acres to be irrigated 97 maximum acre feet
8. Water to be diverted and used in MEADE County
about 4 N. 12 1/2 miles EAST of STURGIS
9. PROOF OF PUBLICATION Received 3-16-81

Not Received _____

APPLICATION

Approved 3/26/81

Subject to Perm. Flow DW 771-1

Not Approved _____

Action deferred _____

Priority

Date

Received 3/26/81 Application Complete yes — no — FEE 150.00

Remarks CHG. IN DIVERSIONS, CHG. IN ACREAGE (4/29/81)

Date information and/or

fee or corrected Application received _____

Period of Annual use _____

WATER
QUALITY

Received yes 3/5/81 no — APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application yes () no — Remarks _____

Disapproved _____

Return _____

Diversion Point PTS. IN

NE⁴NW⁴, SEC. 22 & SE⁴SW⁴

15-T6N-R7E

Lands to be irrigated _____

W¹/₂ SE⁴, E¹/₂ SW⁴, SW¹/₄ SW⁴,

SEC. 15-NE⁴NW⁴ & NW⁴NE⁴

SEC. 22-T6N-R7E

Remarks _____

Driller _____

Licensed yes — no —

Depth _____

WATER
LOSS

Page 2

Water Right No. _____

MAP Map No. 1023-1 Map located in Water Right ✓ Map file _____

Type of Map Aeria Prepared by SCS

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the board on 2/25/81.

BZJ & B.J.W.
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

Transfer of Lands
Re-advertised for 4 weeks

1. Considered: 10-7, 1981 Water Right No. 1214-1
2. Name of Applicant Earl Bachand
3. Post Office Address Howes Rt. Sturgis
4. Amount of Water Claimed No add'l maximum acre feet
5. Source of Water Supply Bear Butte CK
6. Water to be used for IRR. acres to be irrigated 97
7. County MEADE about 4N, 12 1/2 miles E of STURGIS
8. PROOF OF PUBLICATION: Received (M) 9-17-81 Fee
- APPLICATION: Approved 10-7-81 Subject to
- Not Approved Action Deferred

PRIORITY Dated Received 1/26/81 Application complete-yes no FEE 150.00
 Remarks Re advertise 4 wks bring into conformance with the laws
9-14-81
 Corrected Application received Period of Annual Use

WATER QUALITY Received yes no APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes no Remarks
 Disapproved Returned

Diversion Point

 Land to be irrigated:
10 SEC 15 & 22-6N-R7E

WFL: LOG Driller Licensed - yes no
 Depth
 Remarks

Page 2

Water Right No. _____

MAP Map No _____ Map located in water right _____ Map file _____
Type of Map _____ Prepared by _____

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

(Signed) _____

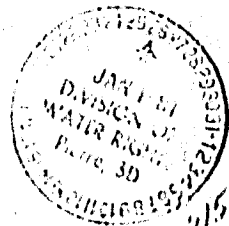
+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____

OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____

ETC. Remarks _____

No. 1214-1Map No. 1023-1 Water Division No. 1 BELLE FOURCHE RIVER District
Above for Office Use 10/12/22

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

Check one of the following:

Now Vested Right Future Use Change in Diversion X Additional Diversion Change in Acreage X Additional Acreage Existing Permit 1. Name of Applicant Earl Bachand Phone No. 605-342-3121Post Office Address Howen Rt., Sturgis State South Dakota 57785
(Street, RR, or Box) (Town) (Zip Code)If a corporation show date and place of incorporation N/A2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & direct labor3. Name of diversion work Earl Bachand Unit #24. Amount of water claimed (cubic feet per second) 1.05 cfs - (part of original water permit - 919-1)5. Source of water supply Bear Butte Creek6. Location of point of diversion Between points 1950' E and 550ft. north of the SW corner of
Sec. 15-T6N-R7E and 2130' E and 200' S of the NW corner of Sec. 22-T6N-R7E on Bear
Butte Creek County Meade7. Annual period or periods during which water is to be used May - September8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 97 acres

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4 Sec. 15-T6N-R7E	16
NE 1/4 Sec. 15-T6N-R7E	16
SE 1/4 Sec. 15-T6N-R7E	15
SW 1/4 Sec. 15-T6N-R7E	29

Land Description	No. Acres Irr.
SW 1/4 Sec. 15-T6N-R7E	10
NE 1/4 Sec. 22-T6N-R7E	7
NW 1/4 Sec. 22-T6N-R7E	4

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 6(1) years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Not Required

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Irrigation pump along Bear Butte Creek in natural hole in creek bottom to pump water into pipe.

B. Works proposed to transport water to place of use.

Pump water with pump from creek to volum gun via underground plastic pipe.

C. Works proposed to apply water to beneficial use.

Volum gun sprinkler system.

Estimated Total Cost \$ 16,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Meade) ss.I, Earl Bachand the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Earl BachandSubscribed and sworn to before me this 23 day of January, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 1214-1

EARL BACHAND HOWES RT. STURGIS

(Applicant)

(Post Office Address)

So. Dak. 57785 With the following qualifications.

(State)

APPROVAL FOR THIS PERMIT AUTHORIZES TRANSFER OF 97 ACRE COVERED UNDER PERMIT N^o 919-1. PERMIT N^o 919-1 HAS BEEN REDUCED TO REFLECT THIS TRANSFER. PRIORITY FOR THIS PERMIT WAS ESTABLISHED UNDER PERMIT N^o 909-1.

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LNEBROCK WATERING, AND WATER PERMIT N^o 751-1 (PRAIRIE VIEW, INC) MUST BE BY-PASSED.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application JANUARY 26, 1981

Date of return to applicant for correction, amendments or changes required JANUARY 26, 1981

Date of receipt of corrected application MARCH 5, 1981

Approved MARCH 25, 1981 Recorded in: Book 22 Page 51

WATER RIGHT PERMIT NO. 1214-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1214-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 23, 1970
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 25, 1983
3. The whole of said work is to be completed on or before MARCH 25, 1986
4. The limit of time from point of beneficial use of water appropriated in accordance herewith is MARCH 25, 1987
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 1.05 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 25, 1987; said water to be used during the following described annual period: MAY - SEPTEMBER

Witness my hand this 17TH day of APRIL, 1981

THE WATER MANAGEMENT BOARD

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1214-1
Earl Bachand (Applicant)
South Dakota 57785 (State)
Honda, Sturgis (Post Office Address)

With the following qualifications
 This Permit is issued and supersedes the Permit issued under the approval date of March 25, 1981.

Approval of this permit authorizes transfer of 97 acres covered under Permit No. 919-1. Permit No. 919-1 has been rejected to reflect this transfer. Priority for this permit was established under Permit No. 919-1.

Low flows as needed for downstream domestic use, including livestock watering, and Water Permit No. 751-1 (Prairie View, Inc.) must be by-passed.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application January 26, 1981
 Date of return to applicant for correction, amendments or changes required January 26, 1981
 Date of receipt of corrected application March 5, 1981
 Approved October 7, 1981, Recorded in Book 22 Page 51

WATER RIGHT PERMIT NO. 1214-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1214-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is October 23, 1970
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before April, 1984
3. The whole of said work is to be completed on or before October 7, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 7, 1987
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 1.05 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 in which water is actually and beneficially applied

for irrigation on or before October 7, 1987; said water to be used during the following described annual period: May - September 5/1-9/30

Witness my hand this 13th day of October, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
 Chief Engineer, Water Rights
 JOHN HATCH

Certificate of Construction Issued 19

Water License Issued 19

REC. HGT/FORM
7/80

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

1214-1

NAME OF APPLICANT Karl Bachand

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

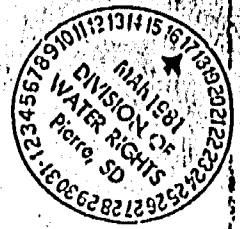
KbA - Kyle clays

If problems with ponding, traction, or runoff occur on these soils they should be returned to permanent vegetation.

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT:

Type of irrigation system recommended for use on this application is center pivot.



CONSERVATION COMMISSION

WI/1 FORM

3/80

Office Use Only

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: _____ OWNERS ADDRESS: _____

COUNTY LAND LOCATED IN: _____ PHONE: _____

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: NE 1/4 of SE 1/4 of SW 1/4 Sec. 15 T4N-R7E
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See Instruction sheet)

Legal Description	Acres	Legal Description	Acres
N 1/2 NE 1/4 Sec. 15 T4N-R7E	10	SW 1/4 Sec. 15 T4N-R7E	10
NE 1/4 SW 1/4 Sec. 15 T4N-R7E	10	NE 1/4 NE 1/4 Sec. 15 T4N-R7E	10
SE 1/4 SW 1/4 Sec. 15 T4N-R7E	10	NE 1/4 NE 1/4 Sec. 15 T4N-R7E	10

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: _____

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT, YEAR OBTAINED:

LEGAL DESCRIPTION: _____
IN WHAT NAME: Note: Transfer acreage (17 ac) from 'pre-1979-1' NW 1/4 T4N-R7E

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 1
8. SALINITY (EC X 10⁶): Day 1000 - 10.0 sample taken
9. SODIUM (SAR): 10
10. ADJUSTED (SAR): _____

RECEIVED

JAN 28 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

by _____ (Individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents hereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

RECEIVED

MAR 02 1981

SUBSCRIBED AND SWORN BEFORE ME THIS _____ day of _____, 19____, at _____, South Dakota.

_____, Notary Public, State of South Dakota.

(NOTARY PUBLIC)

IMPORTANT

Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

Action by the Department of Agriculture of the State Conservation Commission is not the action on any application. In all cases, WATER PERMIT must be obtained from the Board of Water Management.

No. 1214-1

Publish first publication, on or before March 11, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given Earl Bachand

whose post office

address is Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-3, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSB 52:01:01:01 thru 52:01:01:13, for a permit to change the point of diversion and lands to be irrigated to appropriate for beneficial use 1.05 (no additional) cubic feet of water per second of time from Bear Butte Creek through the Earl Bachand Unit #2, /, the point(s) of diversion of which is ~~(xxx)~~ to be located

between points in the NE 1/4, Section 22, and in the SE 1/4 SW 1/4

of Section 15, Twp. 6N, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4, Section 15; NE 1/4 NW 1/4 and NW 1/4 NE 1/4, Section 22, T6N, R7E.

This replaces lands in the NW 1/4, Section 24, T6N, R7E.

This Application No. 1214-1 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room, Watertown, SD upon the 25th day of March, 1981

at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Earl Bachand
Howes Rt, Sturgis, SD 57785

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

No. 1214-1

Publish first publication, on or before August 26, 1981
(to be published for four weeks)

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 7, 1981

To bring the advertising requirements into compliance with State Statutes, the following notice is being re-advertised. This notice does not propose additional Water Rights.

Notice is hereby given Earl Bachand whose post office address is Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-11; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use (1.05) no add'l cubic feet of water per second of time from

Bear Butte Creek through the Earl Bachand Unit #2, the point(s) of diversion of which x (are) to be located between points in the NE 1/4 NW 1/4, Section 22 and in the SE 1/4 SW 1/4

of Section 15, Twp. 0N, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W 1/2 SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4, Section 15; NE 1/4 NW 1/4 and NW 1/4 NE 1/4, Section 22, T6N, R7E. This replaces lands in NW 1/4, Section 24, T6N, R7E

This Application No. 1214-1 will be considered by the Water Management Board at

Staurholt Inn, Brookings SD upon the 7th day of October, 1981 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: Earl Bachand
Howes Rt #1, Box 15
Sturgis SD 57785
SURFACE WATER

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
COUNTY OF MEADE } 89.

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER
Pierre, South Dakota 57501
August 7, 1981
To bring the advertiser's requirements into compliance with State statutes, the following notice is being published. This notice does not provide additional water rights.
Notice is hereby given that Earl Bachand, whose post office address is Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-14; 46-2-1 thru 46-2-11; 46-2-13; 46-3-1 thru 46-3-3; 46-5-1 thru 46-5-11; and Board Rules 53:01.01 thru 53:01.01.01 for a permit to appropriate for beneficial use (1.05) no additional cubic feet of water per second of time from Bear Butte Creek (through the Earl Bachand Unit) at the point(s) of diversion of which (are) to be located between points in the NW 1/4 NW 1/4 Section 22 and in the SE 1/4 SW 1/4 Section 15, Twp. 6N, Range 7E, said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4 SW 1/4 Section 15, NE 1/4 NW 1/4 and NW 1/4 NE 1/4 Section 22, T6N, R7E. This replaces laws in NW 1/4 Section 24, T6N, R7E. This hearing is held at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing. This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.
WATER MANAGEMENT BOARD
(a) Betty Westlund
BETTY WESTLUND
Water Rights Specialist
c/o Earl Bachand
Howes Rt. No. 1, Box 15
Sturgis, SD 57785
SURFACE WATER
Publ Aug. 19 & 26, Sept. 2 & 9, 1981
Meade County Times-Tribune

Vernon J. Allison or Dorothy I. Allison of said county being first duly sworn, on oath says that he/she is the publisher of the MEADE COUNTY TIMES-TRIBUNE, a weekly newspaper published in STURGIS, said COUNTY OF MEADE, and has full and personal knowledge of all the facts herein stated, that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two consecutive weeks next prior to the publication of the notice herein mentioned, and was and is published wholly or in part in an office maintained at said place of publication; that the _____
Notice of Hearing on Application to

Appropriate Water (Earl Bachand) _____
a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for four successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

August 19	1981	198
August 26	1981	198
September 2	1981	198
September 9	1981	198
	198	198
	198	198

that the full amount of the fees for the publication of the annexed notice is \$ 48.58

Vernon J. Allison
10th
Subscribed and sworn to before me this _____ day of
September, 1981.

Dorothy I. Allison
Notary Public
County of Meade, South Dakota

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7957

PIERRE, January 29, 1981

RECEIVED OF Earl Bachand, Howes Route, Box 15, Sturgis, SD 57785

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

Fee for Application for Permit to Appropriate Water No. 1214-1 (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

(7)

7-17-81 Earl B. B. B. 1

5-17-81 Rev 15, By F.S.

49 ft 101' Box Traveling Pump, Sprinkler,
660' 11" Flex. Hose

1370' 6" Alumin. Pipe

Pump Body - Model B37KMBMCCW

Br # 7269544. 13 1/2" Inp Dia

Pumping Est 400 gpm.

Tractor Power Take Off

Pump from Spring also adjacent to
Bear Butte Creek just below bridge on
our pump side. The spring hole is
about 30' deep, with 800' long. &
the water surface is about 2 ft above the
Butte Creek. and was running about
100 fpm at. However the pump could be
put below the spring in Bear Butte Creek

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Heavens Bl. Box 15, Sturgis, SD
Date 11/9/81 57785TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

1214-1.

Water Right Permit No. 1214-1 states that the diversion system is to be constructed by 10/7/86, and that the water is put to beneficial use by 10/7/87.

The diversion system was completed on 4/20/81. Applying the water to beneficial use was completed on 4/20/81 by traveling gun. You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Carl Becklund
(Signature)

Note:

Leroy Murno inspected the irrigation system last spring.

Permit No. 1214-1Water Division 1 Belle Fourche River Water District10120202REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Earl Bachandof Hewes Rt., Sturgis, S.D. 57785 holderof Permit No. 1214-1, bearing date of priority of October 23, 1970authorizing the diversion of 1.05 cu. ft. per second of the waters of Bear Butte Creekfor Irrigation purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water:

Pump: Berkeley Model BJRNBA CCW, Ser# 7269544.
13 1/2" Impeller. pumping 400 gpm.
Tractor Power Take-off.

B. Works used to transport water to place of use,

1320' 8" dia Alum. Pipe
660' 4" Flexible Hose.

C. Works used to apply water to beneficial use.

Boss Traveling Gun

The system is in the following condition: GoodThe point of diversion is located Between Points 1950' E and 550' N of SW Cor. of Sec. 15
T6N R7E and 2130' E and 700' S of NW Cor. Sec. 22, T6N R7EThe works are capable of diverting and conveying to the place of use .89 (400 gpm)
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: The following in Sec. 15.T6N R7E NW 1/4 SE 1/4 - 16 Ac., NE 1/4 SW 1/4 - 16 Ac., SE 1/4 SW 1/4 - 15 Ac.
SW 1/4 SE 1/4 - 29 Ac., SW 1/4 SW 1/4 - 10 Ac.The following in Sec. 22, T6N R7E - NE 1/4 NW 1/4 - 7 Ac.
NW 1/4 NE 1/4 - 4 Ac.comprising a total of 79.97 acres of land. $400 \text{ gpm} \div 450 = .89 \text{ cfs}$

License for .89 cfs.

Date May 13, 1981LeRoy V. Merragh
(Signature)

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1214-1

(1) WHEREAS, On the 26th day of January A. D. 19 81
Earl Bachand

made Water Right Application No. 1214-1 for a permit to use 1.05 cubic feet per second of the waters of Bear Butte Creek

County of Deade State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 1214-1 day of October A. D. 19 81

Permit No. 1214-1 with a date of priority of October 23, 1970

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 7th day of October A. D. 19 86 and for the

application to beneficial use of said water on or before the 7th day of October A. D. 19 87

and,

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 0.89 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate the following land all in T6N, R7E

Section 15	NW $\frac{1}{4}$ SE $\frac{1}{4}$	16 acres (DB)
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	16 " (CA)
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	15 " (CD)
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	29 " (DC)
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	10 " (CC)
Section 22	NE $\frac{1}{4}$ NW $\frac{1}{4}$	7 " (BA)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	4 " (AB)

TOTAL 97 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Earl Bachand

of Howes Rt, Sturgis SD 57785

the holder and owner of said permit No. 14-1 a water right, dating from October 23, 1970 to use of 0.89 cubic feet per second on the waters

of Bear Butte Creek in the County of Heard and State of South Dakota, or so much thereof as may be necessary for the purposes herebelow mentioned, to be diverted at between points 1950'E and 550'N of the SW corner of the SW corner of Section 15, T6N, R7E (D) and 2130'E and 200'S of the NW corner, Section 22, T6N, R7E (BA)

and conducted to and upon portions of land in Sections 15 and 22, T6N, R7E more fully described on the face of this license.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1214-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of December A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:



Chief Engineer, Executive Officer

JOHN HATCH

1214-1
Permit No. _____

Water Diversion No. 1 Belle Fourche River Water District
10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Earl Bachand

_____ the holder _____ of
Permit No. 1214-1, issued upon Application No. 1214-1, bearing date of priority of October 23,
1970 authorizing the diversion of 0.89 cu. ft. per second of the waters of _____
Bear Butte Creek County of Harris, State of South Dakota at _____
between points 1950'E and 550'N of the SW corner of Section 15, T6N, R7E (2)
and 2130'E and 200'S of the NW corner Section 22, T6N, R7E (BA)
_____, for _____ Irrigation _____

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 0.89 (400 gpm) cu. ft. per second of water.

Date December 2, 1982

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9047

PIERRE, December 2, 1982

RECEIVED OF Earl Bachand, Howes Route, Box 15, Sturgis, SD 57785

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>1214-1</u>	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1214-1</u>		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hated
Chief Engineer, Executive Officer
JOHN HATED/ms



1214-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 14, 2000

NOTICE

TO: EARL BACHAND, HC 77 BOX 152, STURGIS, SD 57785 9709

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1214-1. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1214-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 1:30 pm, March 1, 2000 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1214-1 in accordance with applicable provisions of SDCL 46-1-12;
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 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

1214-1

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EARL BACHAND
HC 77 BOX 152
STURGIS SD 57785 9709

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Earl Bachand

C. Signature

Earl Bachand

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

Z 227 670 432

PS Form 3811, July 1999

Domestic Return Receipt

102595 99-M-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2000

1214-1

Earl Bachand
HC 77 Box 152
Sturgis, SD 57785

Dear Mr. Bachand:

I am writing to acknowledge receipt of the information pertaining to your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 1214-1.

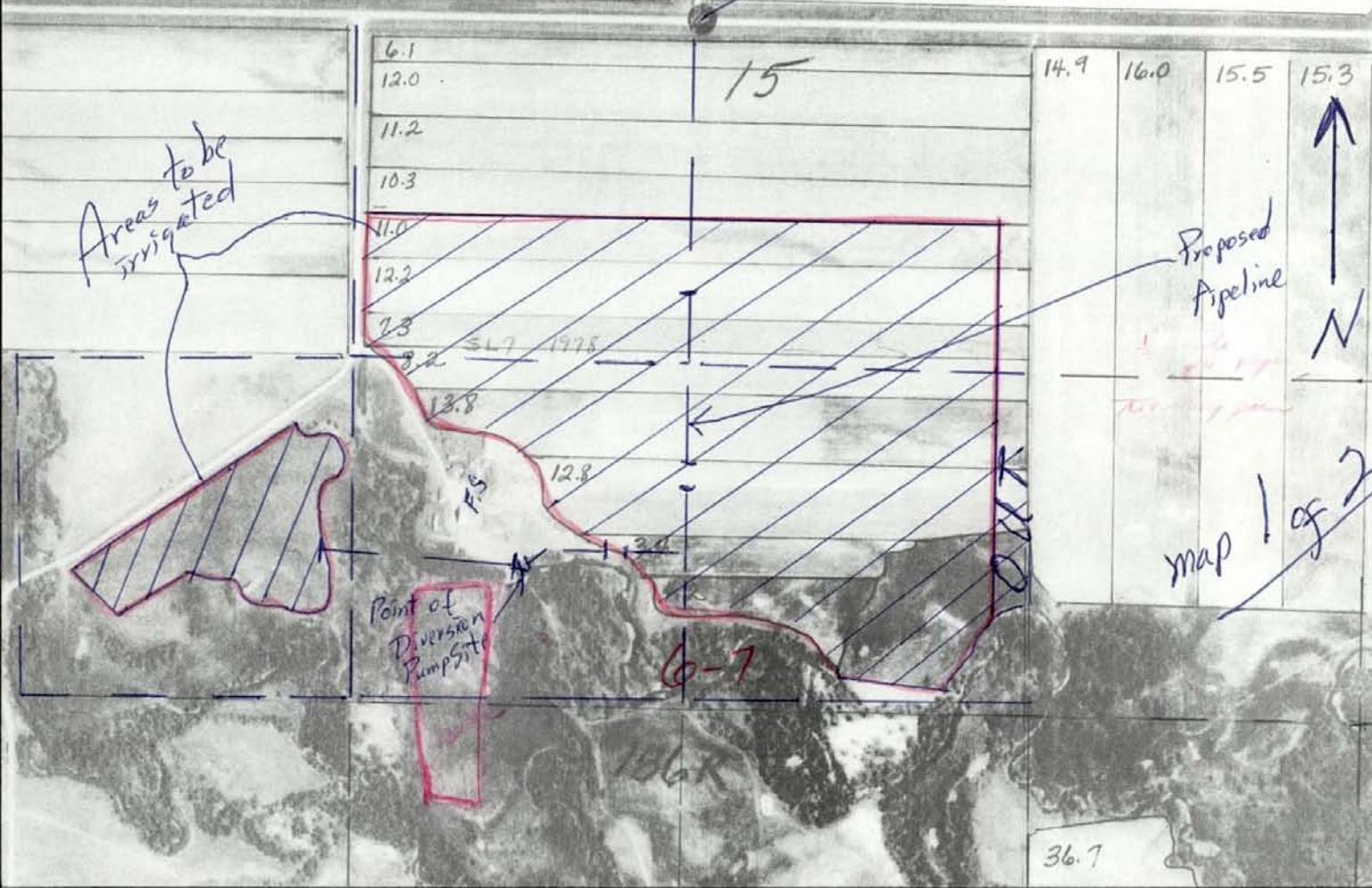
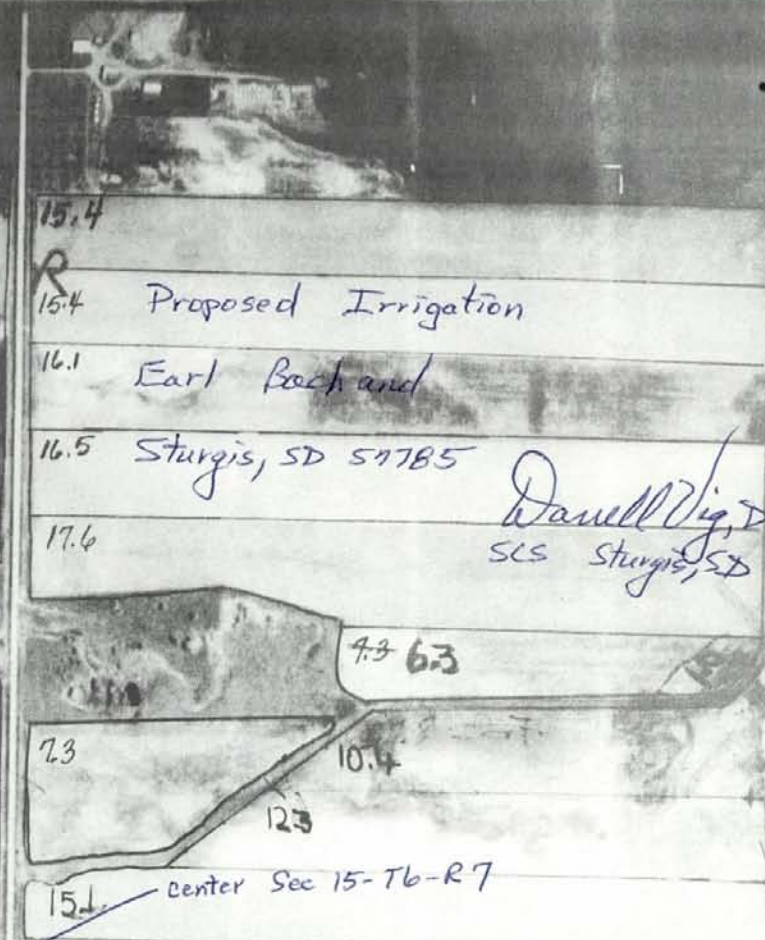
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

MAF No - 1023-1 (APC No 1214-1)



NOT TO SCALE

21.5

See other map

Point of
Diversion



6-7

Division
Point



omit

36.7

15
22
24
T6

R9

Areas to be
irrigated.

Earl Bachand
Sturgis, SD

22

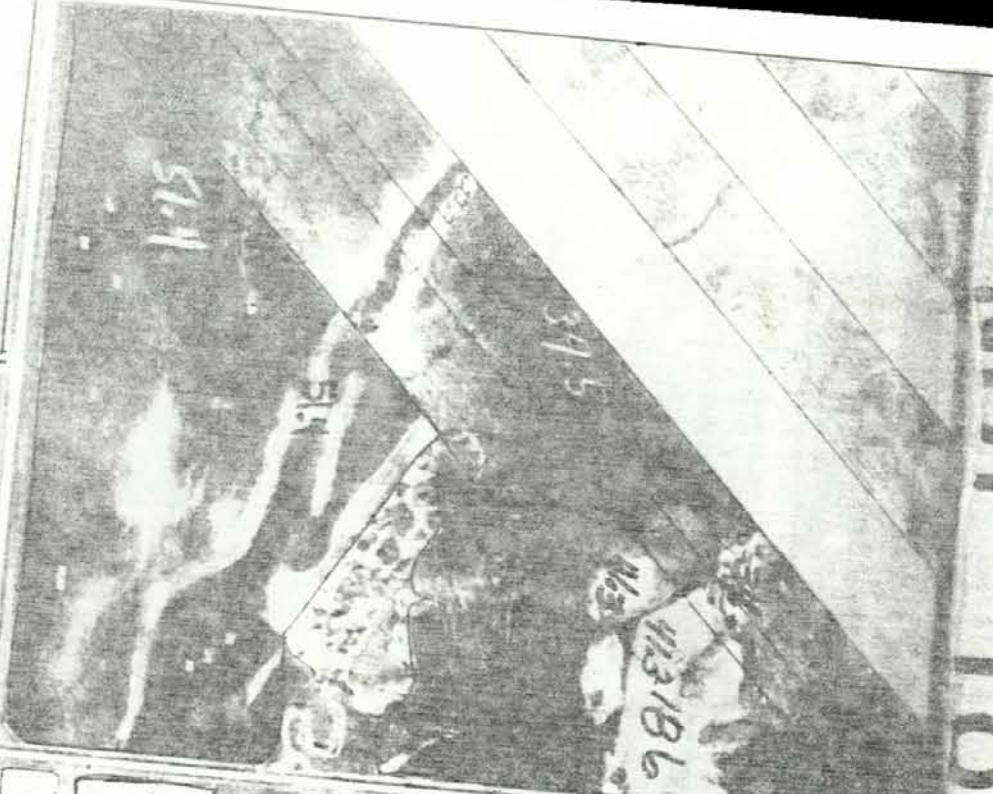
Danell Vig, DE
SES
Sturgis



map 2 of 2

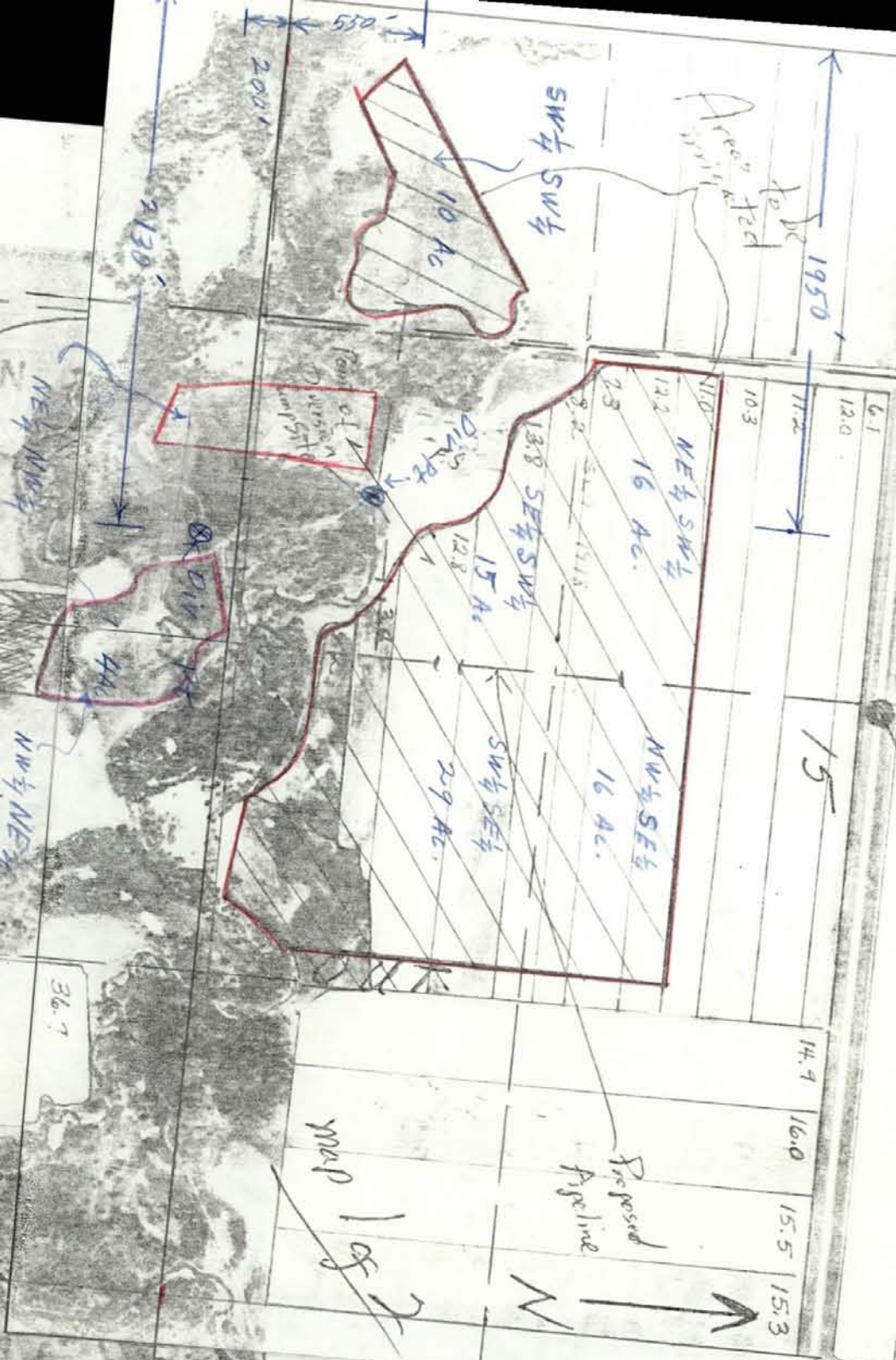
6-7

NOT TO SCALE



15.4	Proposed Irrigation
16.1	Earl Richard
16.5	Sturgis, SD 57085
17.6	
<i>Donall Diggs</i> scs Sturgis, SD	

15.1 Center Sec 15-76-R7



Areas to be irrigated

Permit # 1214-1
Map # 1023-1

Earl Richard
Sturgis, SD

22 Donall Diggs, SC

Sturgis

map 2 of 2

6-7

MAP No 1023-1 APP No 1214-1



**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 3, 2009

1214-1

Benny Bachand
20174 139th Ave
Sturgis SD 57785

Dear Mr. Bachand:

I am writing to acknowledge receipt of the 2009 irrigation questionnaire for Water Right No. 1214-1, held by Earl Bachand. It is my understanding from your notation that you now own the land described in the water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I have misunderstood your notation and you are the renter of the land rather than the owner, please contact me.

Sincerely,

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

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

DEC 16 2009

WATER RIGHTS
PROGRAM

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

No. 1214-1

Date:

Dec 9 - 2009

I/We request that Water Right No. 1214-1

formerly owned by: Earl Bachand

be transferred to: (name & address)

Benny Bachand

20174 139th Ave

Sturgis, SD 57785

Telephone No. 605-347-3403

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

97 acres - W 1/2 SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 15 and NE 1/4 NW 1/4, NW 1/4 NE 1/4 Section 22

T6N, R7E

I/We understand that the validity of Water Right No. 1214-1 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 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 Benny Bachand, the new owner, certify that the above information is true and correct.

Benny Bachand
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/16, 20 09

RECEIVED OF Benny Bachand 20174 139th Ave Sturgis SD 57785

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>1214-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 04273

By Benny Bachand ef
Chief Engineer



**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 16, 2009

1214-1

Benny Bachand
20174 139th Ave
Sturgis SD 57785

Dear Mr. Bachand:

Thank you for following up on the ownership change for Water Right No. 1214-1. The transfer has been completed. The water right formerly held by Earl Bachand is now listed in your name.

Enclosed for your records is Receipt No. 04273 in the amount of \$50.00.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure



1214-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: BENNY BACHAND, 20174 139TH AVE, STURGIS, SD 57785

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1214-1. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1214-1 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1214-1 in accordance with applicable provisions of SDCL 46-1-12;
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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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.



1214-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 1, 2017

1214-1

Benny Bachand
20174 139th Ave
Sturgis SD 57785

Dear Mr. Bachand:

I am writing to acknowledge receipt of your 2016 irrigation questionnaire.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 1214-1. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us