

Beel: 700
10/20/202

1. Considered: 12-2, 1981 Water Right No. 1232-1
2. Name of Applicant MARVIN AGA
3. Post Office Address Box 24, STURGIS 57785
4. Amount of Water Claimed .61 maximum acre feet
5. Source of Water Supply WS - DRY DRAW
6. Water to be used for IRR acres to be irrigated 4.3
7. County MEADE about _____ miles of _____
~~8. PROOF OF PUBLICATION: Received 12/2/81 Not Received~~
11/23/81 APPLICATION: Approved 12/3/81 Subject to OK - water spreading
Not Approved _____ Action Deferred _____

PRIORITY Dated Received 9-29-81 Application complete-yes _____ no _____ FEE \$ 150
Remarks ADD'L ACREAGE ON 1179-1 WHICH WILL BE INCORPORATED
UPON APPROVAL BY WMB

TER ALITY Received yes 11/6/81 no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes no _____ Remarks _____

Disapproved _____ Returned _____
Diversion Point NW⁴ NE⁴ 19-5N-7E
Land to be Irrigated NW⁴ NE⁴ & NE⁴ NE⁴, SEC. 19;
NW⁴ NW⁴, SEC. 20 ALL IN
T5N-R7E

	19	20		

11. LOG Driller _____ licensed - yes _____ no _____
Depth _____
Remarks _____

12/7/81 Called Aga's & informed them the permit had been approved as included above the affidavit.
Betsy Wistad

MAP Map No. 1042-3 Map located In Water Right * Map file _____
 Type of Map SOILS MAP Prepared by SCS E MERNAUGH

+++++

REVIEWED This Application was received within 60 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

11-6-81

Betty Woodard
 (Signed)

+++++

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

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

DATE Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

DECISIONS Remarks _____

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1232-1

MARVIN AGA
(Applicant)

Box 24, STURGIS
(Post Office Address)

SOUTH DAKOTA 57785
(State) With the following qualifications.

The applicable portions of Water Permit No. 1179-1 have been incorporated into this Permit No. 1232-1. The priority dates are .14 for 10 acres from September 15, 1978 and .47 for 33 acres from September 29, 1981.

Date of first receipt of application September 29, 1981
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved December 3, 1981, Recorded in Book 22 Page 332

WATER RIGHT PERMIT NO. 1232-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1232-1 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 .10 from September 15, 1978 and .47 from September 29, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before
3. The whole of said work is to be completed on or before
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is Completed
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 .61 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

This Date , said water to be used during the following described annual period: April 1st to October 31st

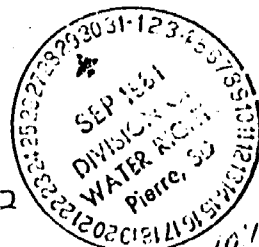
Witness my hand this 17th day of MARCH, 1982

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights
JOHN HATCH

Certificate of Construction Issued MARCH 11, 1982

Water License Issued MARCH 11, 1982

No. 1232-1Map No. 1040-1 Water Division No. 1 Belle Fourche District
989-1 Above for Office Use 10/20/2022

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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☒ Additional Acreage ☒ ON 1179-1

1. Name of Applicant Marvin Aga Phone No. 347 2247
 Post Office Address Box 24 Sturgis State SD 57785
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed

3. Name of diversion work Aga Diversion

4. Amount of water claimed (cubic feet per second) .61

5. Source of water supply dry draw

6. Location of point of diversion 1550 feet West and 130 feet South of the Northeast corner of Section 19, T5N, R7E (NW⁴ NE⁴)

County Meade

7. Annual period or periods during which water is to be used when available APRIL 1 TO OCT 31

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use, Total number of acres to be irrigated 43

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.
<u>NW⁴ NE⁴ 19, T5N, R7E</u>	<u>4</u>
<u>NE⁴ NE⁴ 19, T6N, R7E</u>	<u>29</u>
<u>NW⁴ NW⁴ 20, T5N, R7E</u>	<u>10</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use ---- years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water STURGIS TRIBUNE

12. Principal Features of the Proposed Water Supply System.

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

diversion dike

NOTE: The applicable portions of Permit No. 1179-1 will be incorporated into this Water Permit.

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

ditches

C. Works proposed to apply water to beneficial use.

spreader dikes & ditches/gated culvertsEstimated Total Cost \$ 2,000

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)
) ss.
 County of Meade)

I, Marvin S. Aga 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 Marvin S. AgaSubscribed and sworn to before me this 28 day of September, 1981

Anne J. Fink
 Notary Public (or other qualified officer).
 MY COMMISSION EXPIRES
 January 15, 1982

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

2956

OWNERS NAME: Harvin Agn OWNERS ADDRESS: Box 24

Sturgis, SD 57785

COUNTY LAND LOCATED IN: Meade PHONE: 347-2267

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: Dry Draw Dam - NW 1/4 NE 1/4 Sec 19 T5 R7 No Dam
2. SURFACE WATER SOURCE: Dry draw that only runs during immediate precipitation
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
NW 1/4 NE 1/4 Sec 19 T5 R7	4		
NE 1/4 NE 1/4 Sec 19 T5 R7	29		
NW 1/4 NW 1/4 Sec 19 T5 R7	10		
	43		

4. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: alfalfa and grain mixture
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: _____
8. SALINITY (EC X 10⁶): _____
9. SODIUM (SAR): _____
10. ADJUSTED (SAR): _____

dry draw



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 thereof 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).

SUBSCRIBED AND SWORN BEFORE ME THIS

29 DAY OF Sept., 1981.

Martin J. Garrison
(NOTARY PUBLIC)

Martin J. Garrison
APPLICANT'S SIGNATURE

John H. Stoddard
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

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



CA

**SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION**

NAME OF APPLICANT Marvin Aga

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

All soils should be kept in permanent vegetation such as grass or alfalfa grass mixture.

RECOMMENDED MANAGEMENT

[Faint handwritten signature]

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1232-1.

(1) WHEREAS, On the 29th day of September A. D. 19 81
Marvin Aga

made Water Right Application No. 1232-1 for a permit to use 0.61 cubic feet per second of the waters of a dry draw

County of Meade, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 3rd day of December A. D. 19 81

Permit No. 1232-1, with a date of priority of * .10 cfs from September 15, 1978 and .47 cfs from September 29, 1981.

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~~ recognizing and for the application to beneficial use of said water ~~on or before the~~ day of 11-17-81

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 0.61 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 lands all in T-5N, R-7E

Section 19 NW $\frac{1}{4}$ NE $\frac{1}{4}$ -----4 acres

NE $\frac{1}{4}$ NE $\frac{1}{4}$ -----29 acres

Section 20 NW $\frac{1}{4}$ NW $\frac{1}{4}$ -----10 acres

TOTAL - - - - - 43 acres

*The applicable portions of Water Permit No. 1179-1 have been incorporated into this Water License No. 1232-1.

(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 Marvin Aga

_____ of Sturgis, South Dakota
_____, South D
the holder _____ and owner _____ of said permit No. 1232-1 a water right, dating from September 15, 1978 and
September 29, 1981 to use of 0.61 cubic feet per second of the waters
of a dry draw

in the County of Heade and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1550 ft. west and 180 ft. south of the
NE Corner of Section 19, T-5N, R-7E.

and conducted to and upon portions of Sections 19 and 20, T-5N, R-7E, more fully
described on the face of this License.

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1232-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of March A. D.
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 1232-1

Water Diversion No. 1 Belle Fourche River Water District
10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harvin Aga

_____ the holder _____ of
Permit No. 1232-1, issued upon Application No. 1232-1, bearing date of priority of September 15, 1978
and September 29, 1981 authorizing the diversion of 0.61 cu. ft. per second of the waters of a
dry draw _____ County of Neade, State of South Dakota at a
point 1550 ft. west and 180 ft. south of the NE Corner of Section 19, T-5N,
R-7E
_____, for Irrigation

_____, 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 20 (estimated) cu. ft. per second of water.

Date March 12, 1982


JOHN HATCH, Chief Engineer
Water Rights Division

No. 1232-1

Publish first publication, on or before November 18, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 9, 1981

Notice is hereby given Marvin Aga whose post office

address is Box 24, Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-11, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13. for a permit to appropriate for beneficial

use 0.61 cubic feet of water per second of time from a dry draw (existing)

through the Aga Diversion, the point(X) of diversion of which is (XXX)

to be located in the NW 1/4 NE 1/4

of Section 19, Twp. 5N, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4 NE 1/4 & NE 1/4 NE 1/4, Section 19 and NW 1/4 NW 1/4, Section 20 all in T5N, R7E, additional

acreage on an existing permit.

This Application No. 1232-1 will be considered by the Water Management Board at

Howard Johnson Motel, 3300 W Russell, Sioux Falls SD upon the 2nd day of December, 1981

at 10A .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 Circuit Court and the State Supreme Court 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.

For the Water Management Board

BETTY WESTLUND, Water Rights Specialist

cc: applicant

No. 1232-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Meade) ss.

I, Dorothy L. Allison hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Meade County Times-Tribune

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 Sturgis of _____

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

November 18, 1981

November 25, 1981

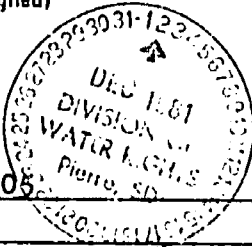
Dorothy L. Allison
(Signature)

co-publisher
(Title)

11-29-81

(Date Signed)

Cost of Printing: 22.05
60 lines @20.41
8 pt type, 13 pica
1st publication.....12.25
2nd publication..... 9.80
(less 20%)



NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE
WATER

Notice is hereby given Marvin Aga whose post office address is Box 24, Sturgis, South Dakota, has made an application in accordance with the provisions of SDCL 47-1-1 thru 46-1-9, 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-3-1 thru 46-3-9, 46-3-10 thru 46-3-22, 46-5-25, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 0.61 cubic feet of water per second of time from a dry draw (existing) through the Aga Diversion, the point of diversion of which is to be located in the NW 1/4 NE 1/4 of Section 19, Twp. 5N, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4 NE 1/4 & NE 1/4 NE 1/4, Section 19 and NW 1/4 NW 1/4, Section 20 all in T5N, R7E, additional acreage on an existing permit.

This Application No. 1232-1 will be considered by the Water Management Board at Howard Johnson Motel, 3300 W. Russell, Sioux Falls, SD upon the 2nd day of December, 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 witness 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board
(s) Betty Westlund
BETTY WESTLUND,
Water Right Specialist
Publ November 18 & 25, 1981
Times-Tribune

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

Nº 4 8490

PIERRE, September 29, 1961

RECEIVED OF Harvin Aga, Box 24, 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. 1232-1 (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 of map	
Fee for	
Fee for (any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/66

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

Nº 4 8724

PIERRE, February 17, 1982 19 82

RECEIVED OF Harvin or Karel Aga, Box 24, 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. 1232-1	
Fee for Inspecting Beneficial Use, and Issuing Water License No. 1232-1	50.00
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 Hatch*
Chief Engineer, Executive Officer
JOHN HATCH/85

Permit No. 1232-1Water Division 1 Belle Fourche River Water DistrictREPORT 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 Marvin Agd
 of Box 24, Sturgis S.Dak. 57785 holder
 of Permit No. 1232-1, bearing date of priority of .14 cfs from September 15, 1978
 authorizing the diversion of .61 cu. ft. per second of the waters of dry draw
 for 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:

Diversion Dike.

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

Ditches

C. Works used to apply water to beneficial use.

Spreader Dikes and Ditches with Gated Culverts.The system is in the following condition: GoodThe point of diversion is located 1550 ft West and 180 ft. South of the
Northwest Corner of Section 19, T5N R7EThe works are capable of diverting and conveying to the place of use 20 cfs (est)
 cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in T5N R7E

<u>Section 19</u>	<u>Section 20</u>
<u>NW 1/4 NE 1/4 - 4 Ac.</u>	<u>NW 1/4 NE 1/4 - 10 Ac.</u>
<u>NE 1/4 NE 1/4 - 29 Ac.</u>	

comprising a total of 43 acres of land.

Note: the applicable portions of permit # 1179-1
 are incorporated into this permit.

license for .61 cfs.Date April 14, 1981
Leroy J. Mernagh
 (Signature)

10 ac = .14 cfs
 33 ac = .41 cfs
 .61