No. 291-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant T. J. Broadhurst
Postoffice address Belle Fourche, County Butte, State South Dakota

- I. If a corporation X X X X X X
 (a) Name of same X X X X X
 (b) Date and place of incorporation X X X X X
 (c) Amount of capital stock X X X X X
 (d) Amount paid in X X X X X
 (e) Names and addresses of directors X X X X X

(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)

- X X X X
 (b) Cash on hand, \$ X X (c) Treasury stock, \$ X X
 (d) Bonds to be issued, \$ X X (e) Other resources, \$ X X

2. Name of diversion work Broadhurst Irrigation Project3. Amount of water claimed 3.1 cubic feet per second4. Source of water supply Redwater and Falsebottom Creeks

5. Location of point of diversion

From a point on Redwater Creek which lies S 10° 15' W 3250 Ft. from the North Quarter-corner of Sec. 36, T.8 N., R.3 E.-E.M.; Thence in an easterly direction to the confluence of Redwater and Falsebottom Creeks; Thence to the east along Falsebottom Creek to a point which lies S 87° 15' W 1381 Ft. from the east Quarter-corner of Sec. 31, T.8 N., R.3 E.-E.M. on both banks.

(b) Legal subdivisions to be irrigated

NW¹-NE¹-3 Ac., NE¹-NW¹-10 Ac., SE¹-NW¹-5 Ac., NW¹-NE¹-18 Ac., NE¹-NE¹-30 Ac.,
 SE¹-NE¹-18 Ac., Sec. 36, T.8 N., R.3 E.-E.M.
 NW¹-NW¹-33 Ac., NE¹-NW¹-7 Ac., SW¹-NW¹-30 Ac., SE¹-NW¹-25 Ac., SW¹-NE¹-14 Ac.,
 NW¹-SE¹-10 Ac., NE¹-SW¹-12 Ac., NW¹-SW¹-2 Ac., Sec. 31, T.8 N., R.3 E.-E.M.

Total Irrigable 337 Acres.

Amount claimed for engine cooling None(c) Location of plant None(d) Method of developing power None(e) Point where water will be returned to stream through percolation

Map No. 265-1

8. Estimated cost of work:

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

(b) Pumping plant, \$.....

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

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

Dam raises water in Falsebottom. about 2 feet to fill 12 inch flume and diverts only this flume full of water into ditch and returns remainder

II. Dimensions of works: into old creek channel.

(a) Dam: Height feet; length at bottom feet; length at top

..... feet; thickness at bottom feet; thickness at top

feet; slope at front water face; slope at back face

material used in construction

(b) Reservoir: Capacity when filled01 acre feet. Surface area at highwater

Manufacturer's rating.

Rainbird Model 40 - 7/32 X 3/16

Pressure	GPM	Pressure	GPM	Pressure	GPM	Pressure	GPM
25#	12.0	30#	13.1	35#	14.2	40#	15.2

Sprinkler Equipment. (capacity 534 GPM @ 30# PSI)
 500 Ft. 4" aluminum Pipe, 500 Ft. 5" aluminum Pipe 500 Ft. 3" alum' pipe
 40 Rainbird (Model 40) 7/32 X 3/16 sprinkler heads Aprox' 2000.00

20 HP Wagner Electric Motor with 6 in. centrifugal pump " 1000.00

Flooding equipment. (approx. 870 GPM)
 300 Ft. 8" plastic gated pipe 286.00

1-45 HP Alice Chalmers tractor with complete trailer mounted power-takeoff Berkeley centrifugal 5" JRG pump 4000.00

600 ft. 7" LO-HI welded aluminum pipe 1000.00

2010 ft. 7" LO-HI welded pipe 3390.00

1000 ft. canals (capacity 1 Sec. ft.) 250.00

Diversion dam 500 c.y. @ 14¢ 70.00

60 ft. 12" flume 75.00

2 headgates @ \$100.00 200.00

\$ 12,210.00

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 Five (5) years.11. Time required for complete application of water to the proposed beneficial use 5 years.

12. Choice of newspaper for publication of notice of intention to appropriate

Belle Fourche Bee, Belle Fourche, So. Dak.

STATE OF SOUTH DAKOTA

County of Butte ss.

I, J. J. Broadhurst, 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.

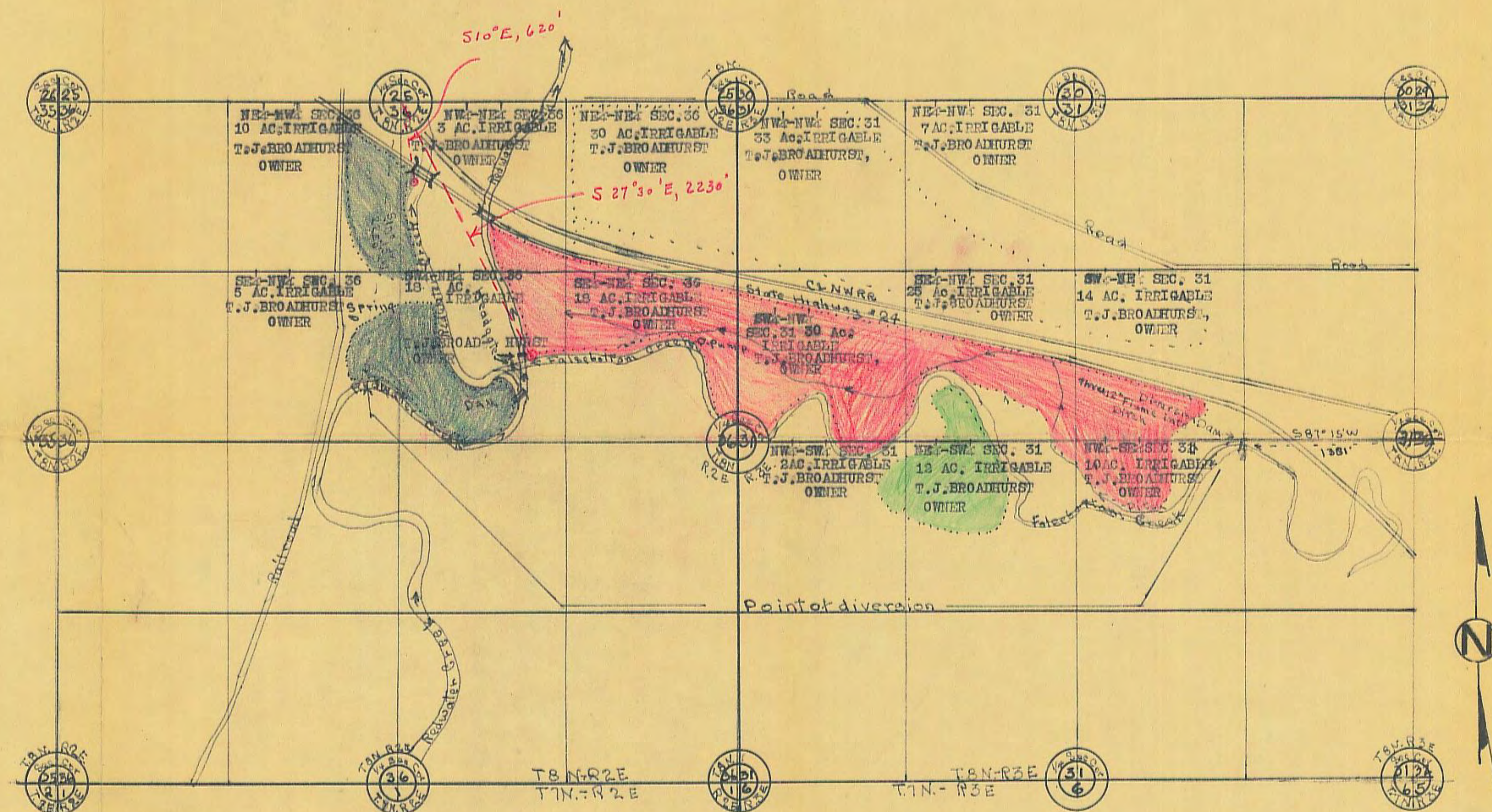
Signed

Subscribed and sworn to before me this 2nd day of January 1957

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

PLAT
OF
THE BROADHURST IRRIGATION PROJECT
IN SECTION 36, T.8 N., R.2 E-3RD AND
SECTION 31 T.8 N., R.3 E-2ND IN BUTTE COUNTY,
SOUTH DAKOTA.



SCALE 1 IN. = 660 FT.
8 IN. = 1 MILE.

CERTIFICATE.

I, CARL M. CORNELL, LICENSED SURVEYOR, IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT, AT THE REQUEST OF T.J. BROADHURST OF BUTTE COUNTY, SOUTH DAKOTA, I HAVE MADE A SURVEY AND PREPARED THIS PLAT OF THE BROADHURST IRRIGATION PROJECT AS A SUPPLEMENT TO HIS APPLICATION TO APPROPRIATE WATER FROM REDWATER AND FALSE BOTTOM CREEKS, IN BUTTE COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE BEARINGS AND DISTANCES OF ALL LINES SHOWN AND THEIR LOCATION, WITH REFERENCE TO GOVERNMENT LAND CORNERS, ARE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SUBSCRIBED AND SWORN TO AT BUFFALO, SOUTH DAKOTA THIS 5TH DAY OF JANUARY 1957.

SIGNED: *Carl M. Cornell*
CARL M. CORNELL, LICENSED SURVEYOR # 144
(SEAL)

SUBSCRIBED AND SWORN TO BEFORE ME AT BUFFALO, SOUTH DAKOTA THIS 5TH DAY OF JANUARY 1957.

M. R. Baum
NOTARY PUBLIC (SEAL)

Map No. 265-1
Appl. No. 291-1

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

Jan 15

1957

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

8:00 a.m. upon the

15

day of

January

1957.

State Water Resources Commission

By:

J. W. Hines

Chief Engineer, Executive Officer

Number of permit 291-1

Date of first receipt of application

Jan 15

1957

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

19

Date of receipt of corrected application

19

Date from which applicant may claim right

(see remarks) June 24, 1879 and Apr. 1, 1940

19

Approved

August 14

1957

Recorded in Book

4

Page

177

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

completed

19

2nd. The whole of said work is to be completed on or before

completed

19

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

completed

19

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 (see remarks) 1.26 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 completed 19; said water to be used during the following described annual period:

April to November inclusive

Witness my hand this

3

day of

December

1957

State Water Resources Commission

By:

J. W. Hines

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 6

1957

Water License Issued

December 6

1957

STATE OF SOUTH DAKOTA

WATER LICENSE No. 291-1...

WHEREAS, On the 15th day of January A. D. 1957

T. J. Broadhurst

of Bella Fourche County of Butte and State of South Dakota

duly made application (No. 291-1) to us for a permit to use 3.1

cubic feet per second of the waters of Radwater Creek and Falsebottom Creek and to record a change of ownership and to change points of diversion of water

County of Butte, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 3rd day of December A. D. 1957

WHEREAS, on the _____ day of _____, A. D. 19____, **1.66 cubic feet per second**
 Permit No. **291-1** was issued to said applicant _____ for the diversion of/said water, and ~~existing~~ **recognizing**
 completion of the works of diversion therein described ~~XXXXXX~~

_____ and for the replication to beneficial use of said
water on or before the _____ day of _____, A.D. 19____,
and,

WHEREAS, On the 21st day of September A. D. 1957

the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.86

_____ cubic feet per second of said waters, as evidenced by our Certificate No. 291-1

dated December 6, 1957 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.86 cubic feet per second of water, with date of priority of June 24, 1879 and April 1, 1940 and,

WHEREAS, On the 21st day of September, A. D. 1957

proof was duly made of the application to beneficial use of 1.86 cubic feet per second of said water; **for irrigation of 130.7 acres of land as described in Permit No. 291-1**
and Certificate of Completion of Works No. 291-1

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 **T. J. Broadhurst**

of **Belle Fourche, South Dakota** the holder and owner of said permit No. **291-1**

a water right, dating from **June 24, 1879 and April 1, 1940** to the use of **0.39 (June 24, 1879)**
1.47 (Apr. 1, 1940) cubic feet per second of the waters of **Redwater Creek and Falsebottom Creek**

In the County of **Butte** and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at **points specified in Permit**
No. 291-1 and Certificate of Completion of Works No. 291-1

and conducted to and upon **the lands specified in Permit No. 291-1 and**
Certificate of Completion of Works No. 291-1

for the purpose of **irrigation**

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and sea of our office at Pierre, South Dakota,
this **6th** day of **December** A. D. Nineteen
Hundred and **Fifty-seven**

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 291-1Water Division No. 1 Belle Fourche River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That T. J. Broadhurstof Belle Fourche, County of Butte, and State of South Dakotathe holder of Permit No. 291-1, Issued upon Application No. 291-1, bearing date of priority of June 24, 1879 and April 1, 1940, authorizing the diversion of1.35 cu. ft. per second of the waters of Radwater Creek and False Bottom CreekCounty of Butte, State of South Dakota, at between a point onRadwater Creek S10° 15' W, 2250 feet from N $\frac{1}{2}$ Cor. Sec. 36 T 8 N, R 2 E and a point on False Bottom Creek S 87° 15' W, 1381 feet from the E $\frac{1}{2}$ Cor. Sec. 31, T 8 N, R 3 E for irrigation

purposes, has fully 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 0.35- June 24, 1879, 1.47- April 1, 1940 cu. ft.

per second of water, and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:

T 8 N, R 2 ET. 8 N, R 2 ENE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36 3.0 acresNE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 36 8.7 acresNE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36 0.7 acresSE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 36 4.7 acresSW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36 5.7 acresNW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36 1.8 acresSE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36 19.8 acresSW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 36 12.2 acresT 8 N, R 3 EPriority June 24, 1879 27.4 acresSW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 31 27.2 acresSE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 31 12.5 acresSW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 31 9.6 acresNW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31 0.8 acresNE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31 0.5 acresNW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 31 7.8 acresSE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 31 2.7 acresNE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31 11.4 acresNW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 31 1.6 acresPriority Apr. 1, 1940 103.3 acresWitness my hand this 6th day of December A. D. 1957

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Remarks by State Water Resources Commission:

The following determinations are hereby made a part of this Permit.

No unappropriated water exists from the flows of Redwater Creek and its tributaries with which to grant new irrigation water rights.

Irrigated land in the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SE $\frac{1}{4}$, NW $\frac{1}{4}$, the NW $\frac{1}{4}$, NE $\frac{1}{4}$, and the SW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 36, T 8N, R 2E, lying south of Highway 24, west of Redwater Creek and east of the railroad, comprizing 27.4 irrigated acres, has water rights, in the amount of 0.39 cubic feet per second, covered by the Concordia Ditch filing, with priority dating to June 24, 1879. Change in name and diversion points approved.

Irrigated land in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, the SW $\frac{1}{4}$, NE $\frac{1}{4}$, the NE $\frac{1}{4}$, NE $\frac{1}{4}$ and the SE $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 36, T 8N, R 2E, in the SW $\frac{1}{4}$, NW $\frac{1}{4}$, the SE $\frac{1}{4}$, NW $\frac{1}{4}$, the NW $\frac{1}{4}$, SW $\frac{1}{4}$, the NE $\frac{1}{4}$, SW $\frac{1}{4}$, the SW $\frac{1}{4}$, NE $\frac{1}{4}$ and the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 31, T 8N, R 3E, lying south of Highway 24 and east of Redwater Creek and the Redwater Ditch along both banks of Falsebottom Creek, comprizing 103.3 irrigated acres, has lawfully recognized water rights to 1.47 cubic feet per second of the waters of Falsebottom Creek with priority date of April 1, 1940. Such rights are hereby recognized.

Permit to appropriate water for irrigation of portions of the NE $\frac{1}{4}$, NE $\frac{1}{4}$, of Section 36, T 8N, R 2E, and the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SW $\frac{1}{4}$, NW $\frac{1}{4}$, the NE $\frac{1}{4}$, NW $\frac{1}{4}$, the SE $\frac{1}{4}$, NW $\frac{1}{4}$ and the S $\frac{1}{2}$, NE $\frac{1}{4}$ of Section 31, T 8N, R 3E, located North of Highway 24, is hereby refused.

All areas as shown on Map No. 265-1, Appl. No. 291-1.

REQUESTING AN OFFICIAL SOUTH DAKOTA ATTORNEY GENERAL'S OPINION

*Miss
Secretary General
291-1*

J. W. Grimes

Pierre

South Dakota

April 9, 1957

GENERAL SUBJECT MATTER:

- Extent of "Vested Right" to use of water under Subsection (7)(a), Section 61.0102, Chapter 430, Session Laws of 1955-T. J. Broadhurst, Belle Fourche, South Dakota., Application No. 291-1

1. FACTUAL SITUATION:

On January 15, 1957, Mr. T. J. Broadhurst made water right application (No. 291-1) for 3.1 cubic feet per second from Redwater Creek and its tributary Falsebottom Creek for irrigation of 217 acres of land. The application was in satisfactory form, advertisement duly made and hearings conducted by the Water Resources Commission. Objections to Mr. Broadhurst's application were received from the Belle Fourche Irrigation District, the Redwater Irrigating Association and the West Side Ditch Association, all three being water right holders of long standing to Redwater Creek flows. Mr. Broadhurst appeared before the Water Resources Commission for himself, Mr. Mortimer represented the Red Water Irrigating Association. No one appeared to represent the West Side Ditch Association or the Belle Fourche Irrigation District. Copies of the formal objections and water right application papers are contained in the file attached hereto. Also attached is a copy of the minutes of the Water Resources Commission meeting on March 12, 1957 at which time the advertised hearings were conducted. Sections concerning Mr. Broadhurst's application may be found on pages 5-7 inclusive.

As amplified by the attached material, Mr. Broadhurst is the owner of land riparian to both Redwater Creek and Falsebottom Creek. He has developed an irrigation system using water from these creeks and has been irrigating the land described in his water right application for a period of about fifteen years including the three years immediately prior to July 1, 1955. During this period he used about the quantity of water requested in his application. On March 19, 1955 Mr. Broadhurst filed a Dry Draw Location Notice (file copy attached) for the dam he uses on Falsebottom Creek. No other water right filing, prior to Mr. Broadhurst's present application has been found.

2. SPECIFIC QUESTION OR QUESTIONS TO BE ANSWERED:

Irrespective of the date of priority, does Mr. Broadhurst have a "vested right" to the water applied for under provisions of Subsection (7)(a), Section 61.0102, Chapter 430, Session Laws of 1955.

If above answer is yes, what date of priority of water use is established by his beneficial use of water.

3. YOUR CONTENTION AND ARGUMENTS:

Subsection (7)(a), Section 61.0102, Chapter 430, Session Laws of 1955, seems to state quite clearly that Mr. Broadhurst's use of water entitled him to recognition of a "vested right" in the amount of water and for the purpose for which used. He is a riparian owner. He has actually applied water to beneficial use during the three year period immediately prior to the effective date of the Session Laws of 1955. Under these conditions the cited section seems to provide recognition of his "vested right". If so his right should be made a matter of record in the Office of the Water Resources Commission.

Priority of right, being generally covered in South Dakota water laws by application of water to beneficial use, would indicate that Mr. Broadhurst may establish priority as of the date beneficial use was initiated, subject to satisfactory proof of the date of initiation. However, he did not file evidence of his dry draw dam location until March 18, 1955 and he did not make application for use of water from other sources in accordance with provisions of law.

XX

Since it seems to be the intent of Subsection (7)(a), Section 61.0102, Chapter 430, Session Laws of 1955, to recognize riparian interests in water to the extent stated, it seems administratively clear that Mr. Broadhurst has a vested right with priority dating back to the initiation of beneficial use, the latter, under present evidence being subject to his being able to furnish proof of date to the satisfaction of the Water Resources Commission.

4. LIST ALL INTERESTED PARTIES SUPPORTING YOUR CONTENTIONS:

Not applicable.

5. OPPOSING VIEWS AND ARGUMENTS:

Other than official action by the Water Resources Commission, both supporting and opposing views are given in the official water right file of Mr. T. J. Broadhurst (No.291-1), the official minutes of the meeting of the Water Resources Commission on March 12th and 13th, 1957 and the official dry draw Location Notice by Mr. Broadhurst, all of which are attached.

6. LIST ALL INTERESTED PARTIES WITH OPPOSING VIEWS:

Not applicable.

7. STATUTES, LAWS AND ATTORNEY GENERAL'S OPINIONS INVOLVED:

To my knowledge the Statutes and Laws involved are Chap. 430, Session Laws of 1955; Chap. 61, SDC 1939; Chap. 61, SDC 1919. Laws of Dakota Territory are involved only to the extent that water rights of some objectors predate State laws. I know of no Attorney General's opinions which may be involved.

8. REMARKS:

Please return the attached material. They constitute the official file of the Water Resources Commission.

C O P Y

P R O T E S T

Comes now the Redwater Irrigating Association, a corporation, of Belle Fourche, Butte County, South Dakota, and protests the allowance of a permit to T. J. Broadhurst whose postoffice address is Belle Fourche, South Dakota, under his application for a permit to appropriate for beneficial use 3.10 cubic feet of water per second of time from the Redwater and False Bottom Creek through the Broadhurst Irrigation Project between a point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, T8N, R2E, B.H.M. and a point of diversion of which is to be located on the Northerly bank of said streams in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 Twp. 8 N Range 3 E.B.H.M., said water to be used for irrigation purposes on parts of the E $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Sec. 36 in T 8N, R 2 E.B.H.M. and the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 31 in T 8 N, R 3 E.B.H.M.

Protestant claims a prior right to the waters hereby applied for by and through a location made in May, 1878, by James Newland of 4,000 inches of water for irrigating, milling and domestic purposes from the waters of the Redwater River, of which river False Bottom Creek is a tributary, and also by and through a location in December, 1885, made by David T. Harrison and Cora B. Choteau of 4,000 inches of water from the Redwater River for irrigation, milling and domestic purposes. That these water rights are far prior and superior to any water right which the present claimant, T. J. Broadhurst, might make, and protestant's rights, together with other established rights now appropriate all of the waters of the Redwater River, and that there are no unappropriated waters remaining unappropriated. That the granting and allowance of such permit would injuriously affect the rights of this protestant, and would be detrimental to public welfare.

Dated this 4th day of March, A. D. 1957.

REDWATER IRRIGATING ASSOCIATION

By Alex. Kling
President

ATTEST:

Robert W. Johnson
Secretary.

Report of areas irrigated relative to the T. J. BROADHURST Application No. 291-1 which are located in Section 31, T. 8 N, R. 3 E. and Section 36, T. 8 N, R. 2 E. South of Highway 24 and East of the railroad computed on July 1957. The map, submitted by Carl M. Cornell, was used as a basis for these computations. *See*

Area located south of Highway 24, north of Falsebottom Creek and east of Redwater Creek, delineated by red shading.

NW 1/4 NE 1/4, Sec. 36	3.0 ac.	
NE 1/4 NE 1/4, Sec. 36	0.7 ac.	
SW 1/4 NE 1/4, Sec. 36	5.7 ac.	
SE 1/4 NE 1/4, Sec. 36	19.8 ac.	
SW 1/4 NW 1/4, Sec. 31	27.2 ac.	
SE 1/4 NW 1/4, Sec. 31	22.5 ac.	
SW 1/4 NE 1/4, Sec. 31	2.6 ac.	
NW 1/4 SW 1/4, Sec. 31	0.8 ac.	
NE 1/4 SW 1/4, Sec. 31	0.5 ac.	
NW 1/4 SE 1/4, Sec. 31	<u>7.8 ac.</u>	37.6 acres

Area located south of Highway 24, south of Falsebottom Creek, and east of Redwater Creek, delineated by green shading.

SE 1/4 NW 1/4, Sec. 31	2.7 ac.	
NE 1/4 SW 1/4, Sec. 31	11.4 ac.	
NW 1/4 SW 1/4, Sec. 31	<u>1.6 ac.</u>	15.7 acres

Area located south of Highway 24, north and west of Redwater Creek, and east of the railroad, delineated by blue shading.

NE 1/4 NW 1/4, Sec. 36	8.7 ac.	
SE 1/4 NW 1/4, Sec. 36	4.7 ac.	
NW 1/4 NE 1/4, Sec. 36	1.8 ac.	
SW 1/4 NE 1/4, Sec. 36	<u>12.2 ac.</u>	27.4 acres

TOTAL		130.7 acres
-------	--	-------------

Information as to the recording date of Concordia ditch
and James Newell (Now Redwater) Ditch.

Taken from Lawrence and Butte County records by S.G.Mortimer.

(Copy) " Location Certificate Concordia Water Right."

Know all men by these presents That we, the undersigned citizens of
the United States and residents of the County of Lawrence and Territory
of Dakota, claim by right of location and appropriation mining, milling,
irrigation, manufacturing, domestic of any of the useful and or benef-
icial purposes to which the same can be applied, the following described
water right to;wit.

One thousand (1000) inches miners measurment of the waters of Redwater
Creek taken out at a point on the NE $\frac{1}{4}$ -NW $\frac{1}{4}$ of Sec. 10, T. 7 N., R.3 E-BHM
and about 2 miles below the Pioneer Water Right.

We claim the right to direct and convey said water by ditch, pipe or flume
to any point where it can be conveniently used for any of the above
purposes.

This water right shall be known as the Concordia Ditch Water Right.

Located the 24th day of June 1879

No. 12479 Filed February 10, 1882-12 M. Book 21, Page 290 Lawrence County Records
--

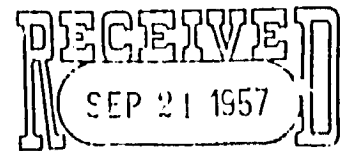
Signed; George Berrihell
P.B.Sibley, Treasurer.
J.H.Widdoes, Secretary.
Charles C. Bohl.
William Wallace
J.H.Christopher Schaefer
Christ Fluken

" " " " " "
The James Newell (Now Redwater Irrigation Association) Water Right
appropriation record is found recorded as Number 27641-Book 31, Page 55--
(Miscellaneous Records) Butte County Records and shows the appropriation
of 4000 inches of water as made May 5th 1878.

" " " " " "
(Nearly a year ~~XXXX~~ ahead of Concordia.)

Location No. 291-1Belle FourcheWater Division No. 1River

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. T. J. & Beth Broadhurst Farming & Ranching

Box 429 Belle Fourche, So. Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. A Private Project

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Febr. 6, 1957 # 291-1

Ques. 4. State source of water supply and give exact location of point of diversion.

Southerly point on

Ans. Redwater river S 10° 15' W 2250 feet from the north 1/4 corner

S 36 and a Northerly point S 10° E 620 feet from the N 1/4 corner

S 36 T8 N R2 E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. 5" Fairbanks Morse pump engine driven sprinkler system.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation NE NW- 10 Ac ** SE NW - 5 Ac ** NW NE - 3 Ac

SW NE --98.4 Ac Sec 36 T 8 N R 2 E. total 27.4 Acres.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. .39 to comply.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. 1941 by pump as headed for Alfalfa, Beets, Corn and
other Farm Crops

(Sign) *Butte*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Belle Fourche, County of Butte

State of South Dakota, on this 19th day of September A. D. 1957.

Laurance W. Wight
George F. Johnson } Witnesses.

Alice J. Pedersen

Notary Public, Butte County, S. D.
My Commission Expires March 19, 1960

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Carl Pedersen
Roy W. Cannon

Location No. -----

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. i. s.

Source -----

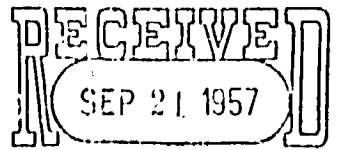
County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

Location No. 291-1Water Division No. 1 Belle Fourche Water DistrictSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. T. J. Broadhurst & Reth Broadhurst Farmer & RancherBox 429 Belle Fourche, So. Dakota Butte County

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. A private project

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. Febr, 6, 1957 291-1

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Between a point False bottom creek S 87° 15' W 1381 feet from the east 1/4 cornersec 31 T8N R3E and a westerly point S 27° 30' E 2230 feet from the N 1/4 corner 36 T8N R2E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Dam in Falsebottom raises water about 2' to fill flume
6" centrifugal pump wagner motor 20hp electric.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigation 103.3 Acres SW NE 10 Ac -- SE NW 12 Ac -- NESW 12 Ac.
NW SE 10 Ac -- NW SW 2 Ac -- SW NW 30 Ac -- Sec 31-R3E- SE NE 10 Ac
SW NE 9.3 Ac Sec 36 all T8N R3E

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.47 to comply

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. 1941 by pump gravity flow as needed for Alfalfa, Beets, Corn--
and other Farm crops.

(Sign) Bert B. Broadhurst

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Belle Fourche, County of Butte

State of South Dakota, on this 1st day of September A. D. 1957.

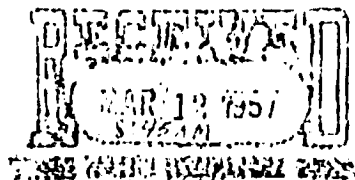
James W. W. W.
George F. Johnson } Witnesses.
Alice J. Pedersen
Notary Public, Butte County, S. D.
My Commission Expires March 19, 1960

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Earl Wickman
Ray H. Emery

Location No.-----	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water ----- c. f. s.	Source -----	County -----	Purpose -----	Place of Use -----	Date of recording -----	Received and filed -----
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P R O T E S T



Comes now the Redwater Irrigating Association, a corporation, of Belle Fourche, Butte County, South Dakota, and protests the allowance of a permit to T. J. Broadhurst whose postoffice address is Belle Fourche, South Dakota, under his application for a permit to appropriate for beneficial use 3.10 cubic feet of water per second of time from the Redwater and False Bottom Creek through the Broadhurst Irrigation Project between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T8N, R2E.B.H. and a point of diversion of which is to be located on the Northerly bank of said streams in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 Twp. 8 N Range 3 E.B.H.M., said water to be used for irrigation purposes on parts of the E $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Sec. 36 in T 8N, R 2 E.B.H.M. and the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 31 in T 8 N, R 3 E.B.H.M.

Protestant claims a prior right to the waters hereby applied for by and through a location made in May, 1878, by James Newland of 4,000 inches of water for irrigating, milling and domestic purposes from the waters of the Redwater River, of which river False Bottom Creek is a tributary, and also by and through a location in December, 1885, made by David T. Harrison and Cora B. Choteau of 4,000 inches of water from the Redwater River for irrigation, milling and domestic purposes. That these water rights are far prior and superior to any water right which the present claimant, T. J. Broadhurst, might make, and protestant's rights, together with other established rights now appropriate all of the waters of the Redwater River, and that there are no unappropriated waters remaining unappropriated. That the granting and allowance of such permit would injuriously affect the rights of this protestant, and would be detrimental to public welfare.

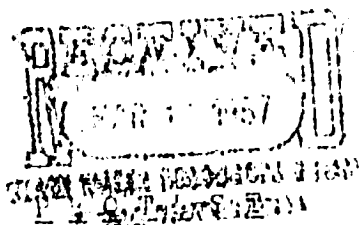
Dated this 4th day of March, A. D. 1957.

REDWATER IRRIGATING ASSOCIATION

By *Oliver H. H. H.*
President

ATTEST:

H. W. H. H.
Secretary.



Comes now the West Side Ditch Association of Belle Fourche, Butte County, South Dakota, and protests the allowance of a permit to T. J. Broadhurst whose postoffice address is Belle Fourche, South Dakota, under his application for a permit to appropriate for beneficial use 3.10 cubic feet of water per second of time from the Redwater and False Bottom Creek through the Broadhurst Irrigation Project between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T8N, R2 E.B.H.M. and a point of diversion of which is to be located on the northerly bank of said streams in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 Twp. 8 N Range 3 E.B.H.M., said water to be used for irrigation purposes on parts of the E $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of Sec. 36 in T 8N, R 2 E.B.H.M., and the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the E $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 31 in T 8 N, R 3 E.B.H.M.

Protestant claims a prior right to the waters hereby applied for by and through a location made in December, 1889, by John B. Case, Douglas Sayre, S. Lurd and L. S. Michel of 1,000 inches of water of the Redwater Creek, of which River False Bottom Creek is a tributary, emptying into the Redwater Creek above the point of diversion of protestants. That these water rights are far prior and superior to any water right which the present claimant, T. J. Broadhurst, might make, and protestant's rights, together with other established rights now appropriate all of the waters of the Redwater River, and that there are no unappropriated waters remaining unappropriated. That the granting and allowance of such permit would injuriously affect the rights of this protestant and would be detrimental to public welfare.

Dated this 8th day of March, A. D. 1957.

Francis Blowers,
Chas. F. Burnside

Alma E. Dwyer

Robt. Dwyer

Frank Dwyer

James R. Dwyer

John Dwyer

Alma E. Dwyer

James Johnston

Wm. Nelson

Owners of West Side Ditch Association

March 9, 1957

Mr. T. J. Broadhurst
Belle Fourche, South Dakota

Dear Mr. Broadhurst:

We have received, this date, an objection from the Belle Fourche Irrigation District, to your Application #291-1 for a permit to divert 3.1 cubic feet per second of water from Redwater and False Bottom Creeks.

The letter of objection states in part; At a regular meeting of the Board of Directors of the Belle Fourche Irrigation District held Mar. 5, 1957, at Newell a Notice of Appropriation of Water was discussed and official action taken for the purposes of this letter. Reference is made to the notice published in the Belle Fourche Bee on Thursday, Feb. 23, 1957, which stated that T. J. Broadhurst of Belle Fourche had made application, in accordance with the provisions of the water laws of the State, for a permit to appropriate, for beneficial use, 3.1 cubic feet of water per second of time from the Redwater and False Bottom Creeks through the Broadhurst Project "between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 8 N., R. 2 E., and a point of diversion of which is to be located on the northerly bank of said streams in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 31, T. 8 N., R. 3 E; said water to be used for the purpose of providing irrigation on the following described land: parts of the E $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec. 36, T. 8 N., R. 2 E., and the NW $\frac{1}{4}$;SW $\frac{1}{4}$ NE $\frac{1}{4}$; and N $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 8 N., R. 3E.", and which stated that this application would be taken up by the State Water Resources Commission at their office at Pierre for consideration on Mar. 12, 1957, at 2:00 p.m.

The Directors of the District by this letter request that the above application for the appropriation of water to the lands of Mr. Broadhurst be rejected. The reason for this is that (1) False Bottom and Redwater Creeks are tributaries of the Belle Fourche River above the diversion works of the Belle Fourche Project; and (2) a Notice of Water Appropriation was recorded in the office of the Register of Deeds, Butte County, S. Dak., on August 5, 1904, and which

T. J. Broadhurst

2

March 9, 1957

with the State Engineer, Pierre, S. Dak., for all the unappropriated water of the Belle Fourche River, more specifically stated as amounting to 2026 cubic feet per second; and (3) the flow of the Belle Fourche River at the present is far below the amount appropriated for the Project and also far below its requirements.

Your application will be considered by the Water Resources Commission at their office in the State Office Building in Pierre, at 2:00 p.m. on next Tuesday, March 12, 1957.

If you wish you may attend the meeting and answer to the above objections.

Sincerely,

JWG:ls
cc Belle Fourche Irrigation District
Newell, South Dakota

J. W. GRIGES
Chief Engineer

BELLE FOURCHE IRRIGATION DISTRICT

(Belle Fourche Project of the Bureau of Reclamation)

NEWELL, SOUTH DAKOTA

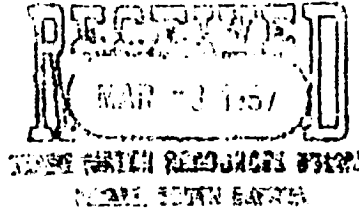
OFFICERS

WM. A. YUILL, PRESIDENT
FLOYDE V. RIGGS, VICE-PRESIDENT
MRS. FLORENCE T. HEDMAN, SECRETARY-TREASURER
NORRIS M. SOMA, PROJECT MANAGER
WM. A. YUILL, ASSESSOR

March 7, 1957

DIRECTORS

E. W. MIHLBERG
RODNEY J. LARSON
PRESTON L. HILL
FLOYDE V. RIGGS
ODIE DASON
WM. A. YUILL
JOHN BENTZ



South Dakota Water Resources Commission
Pierre, South Dakota

Gentlemen:

At a regular meeting of the Board of Directors of the Belle Fourche Irrigation District held Mar. 5, 1957, at Newell a Notice of Appropriation of Water was discussed and official action taken for the purposes of this letter. Reference is made to the notice published in the Belle Fourche Bee on Thursday, Feb. 23, 1957, which stated that T. J. Broadhurst of Belle Fourche had made application, in accordance with the provisions of the water laws of the State, for a permit to appropriate, for beneficial use, 3.1 cubic feet of water per second of time from the Redwater and False Bottom Creeks through the Broadhurst Project "between a point in the SE $\frac{1}{4}$ of Sec. 36, T. 8 N., R. 2 E., and a point of diversion of which is to be located on the northerly bank of said streams in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 31, T. 8 N., R. 3E; said water to be used for the purpose of providing irrigation on the following described land: parts of the E $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec. 36, T. 8 N., R. 2 E., and the NW $\frac{1}{4}$ SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T. 8 N., R. 3E.", and which stated that this application would be taken up by the State Water Resources Commission at their office at Pierre for consideration on Mar. 12, 1957, at 2:00 p.m.

The Directors of the District by this letter request that the above application for the appropriation of water to the lands of Mr. Broadhurst be rejected. The reason for this is that (1) False Bottom and Redwater Creeks are tributaries of the Belle Fourche River above the diversion works of the Belle Fourche Project; and (2) a Notice of Water Appropriation was recorded in the office of the Register of Deeds, Butte County, S. Dak., on August 5, 1904, and with the State Engineer, Pierre, S. Dak., for all the unappropriated water of the Belle Fourche River, more specifically stated as amounting to 2026 cubic feet per second; and (3) the flow of the Belle Fourche River at the present is far below the amount appropriated for the Project and also far below its requirements.

It is hoped that you will give these objections your serious consideration.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Florence T. Hedman".

(Mrs.) Florence T. Hedman
Secretary

Copy: L. A. Davis, Belle Fourche
Member of Commission

291-1

PROOF OF PUBLICATION

No. 291-1

STATE OF SOUTH DAKOTA

County Butte ss.

Laurence Hughes being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Pierre Free Press 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 Pierre County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

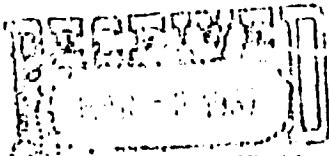
Feb. 14, 1957
21, 1957
28, 1957
Mar. 7, 1957

in each and every issue of the full number thereof, the first publication being made on the 14 day of Feb.

1957 and the last publication on the 7 day of March 1957, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Laurence Hughes the printer and publisher of the said newspaper.

Laurence Hughes

Subscribed and sworn to before me this 7 day of March A. D. 1957



NOTARY PUBLIC BUTTE COUNTY, S.D.
 My Commission Expires Sept. 29, 1959

Notary Public Butte County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources
 Commission,

Pierre, S. Dak., February 6, 1957

Notice is hereby given that T. J. Broadhurst whose postoffice address is Belle Fourche, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.10 cubic feet of water per second of time from the Redwater and False Bottom Creek through the Broadhurst Irrigation Project between a point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 30, T8N, R2E and a point of diversion of which is to be located on the northerly bank of said streams in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 Twp. 8N Range 3E. Said water to be used for the purpose of providing irrigation on the following described land: parts of the E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Sec. 36, T 8N, R 2E and the NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$; and N $\frac{1}{2}$ SW, Sec. 31, T 8N, R 3E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of March, 1957, at 2:00 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
 Commission

By: J. W. Grimes,
 Chief Engineer,

Executive Officer

B41-F14-21-28 M-7

Notary Public Butte County, S.D.
 My Commission Expires Sept. 29, 1959

291-1
513-1

WATER RIGHTS DIVISION
(605) 773-3352

February 3, 1983

Doug Johnson
E. Hwy 34
Belle Fourche, South Dakota 57717

Dear Mr. Johnson:

This letter is in regard to Water Right Nos. 291-1 and 513-1 listed in the name of T.J. Broadhurst. In a telephone conversation with Mr. Tom Broadhurst, Mr. Broadhurst indicated that the land covered under these water rights had been sold to you in 1975.

In order to keep our records up-to-date, it will be necessary for you to file a Notice of Transfer with each of the water rights. Enclosed please find two Form 20's, Notice of Transfer of Water Permit. Please check over, date, sign, have notarized and return them to this office with a \$2.50 filing fee for each (\$5.00 total). The Water Rights can then be transferred to your name. If you do not own the land, please contact this office.

Enclosed, for your information, are copies of each of the Water Rights. If you have any question, please advise.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

Water Rights Division - DWR
Conversation or File Documentation

File No. 513-1
291-1

NAME OF PERSON OR FILE: Tom Broadhurst (son)
ADDRESS: Sparks COUNTY _____
DATE: Jul 3, 1983 TELEPHONE 642-4349
RE: Status of Water Right Nos 291-1 and 513-1 (to Broadhurst)

COMMENTS:

Mr. Broadhurst indicated that some of the
portion of their farm (Sec 31 & 32, T4N, R4E) is
1975 to Doug Johnson, 6100 34, Bill Smith.
As far as he knew, Mr. Johnson has been
irrigating since that time.

Leaving transfer forms to Mr. Johnson

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Donna Young

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9197

PIERRE, March 18, 1983

RECEIVED OF False Bottom Livestock, c/o George D. Johnson, Box 428, St. Onge, SD 57779
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.....		
Fee for Inspecting Beneficial Use, and Issuing Water License No.....		
Fee for Issuing Location Certificate-Dry Draw, No.....		
Fee for filing TRANSFER OF WR#291-1	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

NO. 291-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3-17-83

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

130.7 acres NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 36, T8N, R2E; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$
SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, T8 $\frac{1}{2}$, R3E

formerly owned by T. J. Broadhurst

has been transferred to False Bottom Livestock, Box 42B, St. Onge, SD 57779
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 291-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of BUTTE) ss.

I, George M. Johnson being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

False Bottom Livestock
By George M. Johnson (Signed)

Subscribed and sworn to before me this 17th Day of MARCH, 1983.

Steve Karlman
(Notary Public)



No. 291-1
513-1

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

March 18, 1983

False Bottom Livestock
c/o George D. Johnson
Box 42B
St. Onge, South Dakota 57779

Gentlemen:

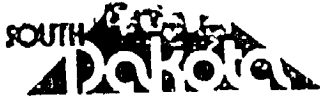
Enclosed is receipt No. 4-9197 & 4-9198 in the amount of \$2.50 each, which you paid for transfer of Water Right No. 291-1 & 513-1.

Our records now show you as the owner of this Water Right.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.



Department of Water & Natural Resources

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

January 29, 1988

FALSE BOTTOM LIVESTOCK -George D Johanson, Pres.
BOX 42B
ST ONGE, SD 57779

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 513-1, (291-1). The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 513-1, 291-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the records for the year.

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 5, 1988

291-1
513-1

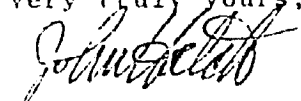
False Bottom Livestock
Box 428
St. Onge SD 57779

Dear Sir:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 291-1 & 513-1 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,


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

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

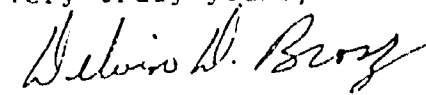
George D. Johnson
False Bottom Livestock
Box 42B
St. Onge SD 57779

Dear Mr. Johnson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 291-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


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



**SOUTH Dakota Department of
Water & Natural Resources**

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

December 1, 1988

Vested Water Right
Claim No. 291-1

False Bottom Livestock
George D Johnson
Box 42B
St. Onge SD 57779

Dear Mr. Johnson:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES GREAT PLACES

April 9, 1991

George D Johnson
False Bottom Livestock
RR, Box 72
Belle Fourche SD 57717

Dear Mr. Johnson:

The Water Management Board has validated the enclosed Vested Water Right No. 291-1. This validation gives legal status to your claim.

The diversion rate and the number of acres validated are based on an inspection that was conducted by the Division of Water Rights. If you do not agree with these numbers, please contact us immediately.

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

Very truly yours,



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

enclosure

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 291-1 FOR IRRIGATION

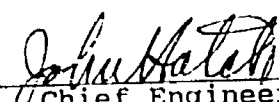
Date Claim Accepted For Filing January 15, 1957.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Permit No. 291-1 for irrigation purposes for False Bottom Livestock, RR, Box 72, Belle Fourche, South Dakota 57717 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 291-1 appropriates 1.09 cubic feet of water per second(cfs) from Redwater Creek and False Bottom Creek to irrigate 76.7 acres. The point of diversion is located at any point between and including the SE 1/4 NW 1/4, Section 36, T8N, R2E and the NW 1/4 SE 1/4, Section 31, T8N, R3E. The irrigated acres are located in the N 1/2, Section 36, T8N, R2E; S 1/2 NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, Section 21, T8N, R3E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per year for each acre of irrigated land. The water is to be used during the following annual period: April 1 - November 30.
3. The priority dates of the Vested Water Right are June 24, 1879 - 0.35 cfs - 24.7 acres and April 1, 1940 - 0.74 cfs - 52.0 acres.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

APR 3 1991

date



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 1, 1991

FALSE BOTTOM LIVESTOCK
RR BOX 72
BELLE FOURCHE SD 57717

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 291-1, 513-1. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 291-1, 513-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

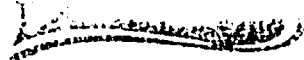
If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-31 DATE MICROFILMED 1/8/91 CAMERA OPERATOR

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 15, 1991

291-1
513-1

False Bottom Livestock
RR, Box 72
Belle Fourche, SD 57717

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Right Nos. 291-1 and 513-1. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

291-1



United States Department of the Interior

BUREAU OF RECLAMATION
Great Plains Region
Belle Fourche Projects Office
P.O. Box 226
Newell, South Dakota 57760-0226



WIP 6-13
BPA-40

AUG 13 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
State Capitol
Pierre, SD 57501-7000

Re: Your letter dated August 13, 1993 regarding water rights claims in Western South Dakota (Your letter dated April 20, 1993) (Water Rights)

We are pleased to hear that the water right claims located in Perkins, Pennington, and Butte Counties as listed in your letter dated April 20, 1993. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in approving validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your board. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board action.

For further assistance, please contact Craig Kjar or me at (605) 338-1000.

Sincerely,

Bruce M. Layman
District Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

291-1

George Johnson
False Bottom Livestock
RR 2 Box 2630
Belle Fourche, SD 57717

Dear Mr. Johnson:

Enclosed is Vested Water Right License No. 291-1. The license was reissued based on the 1989 investigation of your water use system and the subsequent validation of the vested right claim.

As long as you use the water beneficially, as described in the license, SD Water Laws provide that you have a continuing right to the use of the water.

If you have any questions concerning the reissued license, please contact us.

Very truly yours,

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

encl

gm

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 291-1 FOR IRRIGATION

(1) T.J. Broadhurst originally filed Application No. 291-1, for validation of a vested right claim to appropriate 1.02 cubic feet of water per second (cfs) from Redwater River and False Bottom Creek, Meade County, South Dakota, for irrigation purposes. On March 12, 1983, Vested Right Claim No. 291-1 was transferred to George D Johnson, False Bottom Livestock.

On April 17, 1989, an investigation was conducted of the water use system described in Vested Right Claim No. 291-1. Based on the investigation results, the claim was validated September 27, 1989 with priority dates of June 24, 1879 and April 1, 1940. Construction of the described water supply system and application of water to beneficial was completed and complies with applicable provisions of South Dakota State Law.

Vested Water Right No. 291-1 was validated for diversion of 1.09 cfs from Redwater River and False Bottom Creek to irrigate 76.7 acres. The map prepared following the investigation shows the area actually irrigated to be 71.0 acres. Vested Right Water License No. 291-1 is being reissued to reflect what is actually being irrigated.

(2) The vested right owner is entitled to divert 1.01 cubic feet of water per second for beneficial use. The location of the diversion points are: 520'W of the center of Section 31, T8N, R3E; 450'W and 1,950'S of the NE corner of Section 36 (SE¼ NE¼), 130'N and 1,140'E of the center of Section 36, both in T8N, R2E.

The location of the 71 irrigated acres are described below:

June 24, 1879 Priority Date 24.7 acres - 0.35 cfs	April 1, 1940 Priority Date 46.3 acres - 0.66 cfs
Section 36, T8N, R2E	Section 31, T8N, R3E
SW¼ NE¼ 10.3 acres	NW¼ SE¼ 5.7 acres
NE¼ NW¼ 7.5 acres	SW¼ NE¼ 3.3 acres
SE¼ NW¼ 6.9 acres	SE¼ NW¼ 1.0 acre
	SW¼ NW¼ 15.8 acres
	Section 36, T8N, R3E
	SE¼ NE¼ 17.5 acres
	NW¼ NE¼ 1.8 acres
	SW¼ NE¼ 1.2 acres

(3) Pursuant to Section 46-5-30.1 George Johnson, False Bottom Livestock, RR 2 Box 2630, Belle Fourche, SD 57717 the holder and/or owner of Vested Water Right No. 291-1 is issued a license to appropriate 1.01 cubic feet of water per second from the Redwater River and False Bottom Creek with priority dates of June 24, 1879 (0.35 cfs) and April 1, 1940 (0.66 cfs) from the location specified in (2) of this license.

continued

Page 2

Vested Water License No. 291-1

False Bottom Livestock

The water is to be used for the purpose of ~~irrigation~~. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. ~~291-1~~ and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 12 1997

date





2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-31
www.state.sd.us/denr

January 16, 2002

NOTICE

TO: FALSE BOTTOM LIVESTOCK, GEORGE JOHNSON, RR 2 BOX 2630, BELLE FOURCHIE
SD 57717

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 291-1 & 513-1. The request for the Questionnaire was dated October 12, 2001. The Water Management Board directed that owners of water permits who have not submitted the 2001 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 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 65 Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 & 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) 291-1 & 513-1 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 March 8, 2002, 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.

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:

FALSE BOTTOM LIVESTOCK
GEORGE JOHNSON
RR 2 BOX 2630
BELLE FOURCHE SD 57717

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature

X

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☒ Yes

2. A

7001 2510 0004 4797 5323

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 57501-3182
www.state.sd.us/denr

January 31, 2002

291-1
513-1

George Johnson
False Bottom Livestock
RR 2 Box 2630
Belle Fourche, SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 291-1 and 513-1.

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

You mentioned on one of your questionnaires that your son is taking over the operation. If ownership of the land will be transferred, let me know and I can send you the appropriate forms to have the water rights transferred. If he will only be operating the systems for you, give me a call with his name and address and I can forward the yearly questionnaires to him.

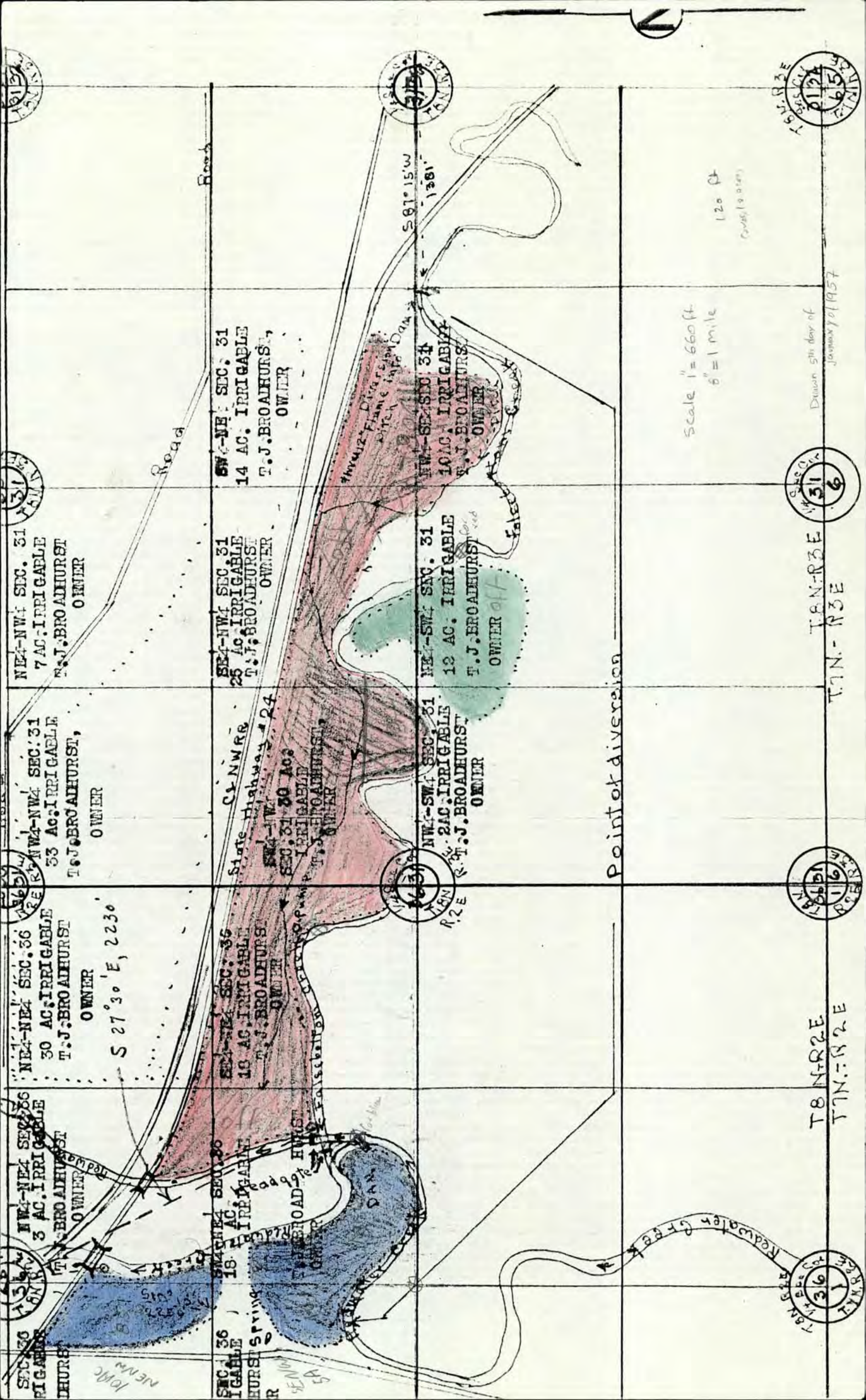
If you have any questions, please contact me.

Sincerely,

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

[illegible][illegible][illegible][illegible]

This is an aerial photograph of a wetland or marsh area, overlaid with a grid and various handwritten annotations. The map includes several numbered plots and areas, some of which are outlined in blue or red. A prominent red line runs diagonally across the lower portion of the map. Handwritten notes in blue and red ink are scattered throughout, including "D. Johnson" in the top right, "V.R. Ch..." in the bottom left, and "Nat. Res. Area" in the bottom right. The map also features numerous numerical values, likely representing elevation or area measurements, such as 11.2, 12.5, 17.5, 13.2, 19.1, 19.3, 16.6, 15.8, 15.0, 14.5, 13.0, 12.1, 11.3, 10.2, 11.4, 10.1, 9.7, 9.1, 8.7, 8.1, 7.6, 7.1, 6.1, 6.0, 5.7, 5.5, 5.1, 4.9, 4.8, 4.3, 3.7, 3.4, 3.0, 2.4, 2.1, 1.6, 1.5, 1.4, 1.3, 1.2, 1.1, 1.0, 0.9, 0.8, 0.7, 0.6, 0.5, 0.4, 0.3, 0.2, 0.1, 0.0, -0.1, -0.2, -0.3, -0.4, -0.5, -0.6, -0.7, -0.8, -0.9, -1.0, -1.1, -1.2, -1.3, -1.4, -1.5, -1.6, -1.7, -1.8, -1.9, -2.0, -2.1, -2.2, -2.3, -2.4, -2.5, -2.6, -2.7, -2.8, -2.9, -3.0, -3.1, -3.2, -3.3, -3.4, -3.5, -3.6, -3.7, -3.8, -3.9, -4.0, -4.1, -4.2, -4.3, -4.4, -4.5, -4.6, -4.7, -4.8, -4.9, -5.0, -5.1, -5.2, -5.3, -5.4, -5.5, -5.6, -5.7, -5.8, -5.9, -6.0, -6.1, -6.2, -6.3, -6.4, -6.5, -6.6, -6.7, -6.8, -6.9, -7.0, -7.1, -7.2, -7.3, -7.4, -7.5, -7.6, -7.7, -7.8, -7.9, -8.0, -8.1, -8.2, -8.3, -8.4, -8.5, -8.6, -8.7, -8.8, -8.9, -9.0, -9.1, -9.2, -9.3, -9.4, -9.5, -9.6, -9.7, -9.8, -9.9, -10.0, -10.1, -10.2, -10.3, -10.4, -10.5, -10.6, -10.7, -10.8, -10.9, -11.0, -11.1, -11.2, -11.3, -11.4, -11.5, -11.6, -11.7, -11.8, -11.9, -12.0, -12.1, -12.2, -12.3, -12.4, -12.5, -12.6, -12.7, -12.8, -12.9, -13.0, -13.1, -13.2, -13.3, -13.4, -13.5, -13.6, -13.7, -13.8, -13.9, -14.0, -14.1, -14.2, -14.3, -14.4, -14.5, -14.6, -14.7, -14.8, -14.9, -15.0, -15.1, -15.2, -15.3, -15.4, -15.5, -15.6, -15.7, -15.8, -15.9, -16.0, -16.1, -16.2, -16.3, -16.4, -16.5, -16.6, -16.7, -16.8, -16.9, -17.0, -17.1, -17.2, -17.3, -17.4, -17.5, -17.6, -17.7, -17.8, -17.9, -18.0, -18.1, -18.2, -18.3, -18.4, -18.5, -18.6, -18.7, -18.8, -18.9, -19.0, -19.1, -19.2, -19.3, -19.4, -19.5, -19.6, -19.7, -19.8, -19.9, -20.0, -20.1, -20.2, -20.3, -20.4, -20.5, -20.6, -20.7, -20.8, -20.9, -21.0, -21.1, -21.2, -21.3, -21.4, -21.5, -21.6, -21.7, -21.8, -21.9, -22.0, -22.1, -22.2, -22.3, -22.4, -22.5, -22.6, -22.7, -22.8, -22.9, -23.0, -23.1, -23.2, -23.3, -23.4, -23.5, -23.6, -23.7, -23.8, -23.9, -24.0, -24.1, -24.2, -24.3, -24.4, -24.5, -24.6, -24.7, -24.8, -24.9, -25.0, -25.1, -25.2, -25.3, -25.4, -25.5, -25.6, -25.7, -25.8, -25.9, -26.0, -26.1, -26.2, -26.3, -26.4, -26.5, -26.6, -26.7, -26.8, -26.9, -27.0, -27.1, -27.2, -27.3, -27.4, -27.5, -27.6, -27.7, -27.8, -27.9, -28.0, -28.1, -28.2, -28.3, -28.4, -28.5, -28.6, -28.7, -28.8, -28.9, -29.0, -29.1, -29.2, -29.3, -29.4, -29.5, -29.6, -29.7, -29.8, -29.9, -30.0, -30.1, -30.2, -30.3, -30.4, -30.5, -30.6, -30.7, -30.8, -30.9, -31.0, -31.1, -31.2, -31.3, -31.4, -31.5, -31.6, -31.7, -31.8, -31.9, -32.0, -32.1, -32.2, -32.3, -32.4, -32.5, -32.6, -32.7, -32.8, -32.9, -33.0, -33.1, -33.2, -33.3, -33.4, -33.5, -33.6, -33.7, -33.8, -33.9, -34.0, -34.1, -34.2, -34.3, -34.4, -34.5, -34.6, -34.7, -34.8, -34.9, -35.0, -35.1, -35.2, -35.3, -35.4, -35.5, -35.6, -35.7, -35.8, -35.9, -36.0, -36.1, -36.2, -36.3, -36.4, -36.5, -36.6, -36.7, -36.8, -36.9, -37.0, -37.1, -37.2, -37.3, -37.4, -37.5, -37.6, -37.7, -37.8, -37.9, -38.0, -38.1, -38.2, -38.3, -38.4, -38.5, -38.6, -38.7, -38.8, -38.9, -39.0, -39.1, -39.2, -39.3, -39.4, -39.5, -39.6, -39.7, -39.8, -39.9, -40.0, -40.1, -40.2, -40.3, -40.4, -40.5, -40.6, -40.7, -40.8, -40.9, -41.0, -41.1, -41.2, -41.3, -41.4, -41.5, -41.6, -41.7, -41.8, -41.9, -42.0, -42.1, -42.2, -42.3, -42.4, -42.5, -42.6, -42.7, -42.8, -42.9, -43.0, -43.1, -43.2, -43.3, -43.4, -43.5, -43.6, -43.7, -43.8, -43.9, -44.0, -44.1, -44.2, -44.3, -44.4, -44.5, -44.6, -44.7, -44.8, -44.9, -45.0, -45.1, -45.2, -45.3, -45.4, -45.5, -45.6, -45.7, -45.8, -45.9, -46.0, -46.1, -46.2, -46.3, -46.4, -46.5, -46.6, -46.7, -46.8, -46.9, -47.0, -47.1, -47.2, -47.3, -47.4, -47.5, -47.6, -47.7, -47.8, -47.9, -48.0, -48.1, -48.2, -48.3, -48.4, -48.5, -48.6, -48.7, -48.8, -48.9, -49.0, -49.1, -49.2, -49.3, -49.4, -49.5, -49.6, -49.7, -49.8, -49.9, -50.0, -50.1, -50.2, -50.3, -50.4, -50.5, -50.6, -50.7, -50.8, -50.9, -51.0, -51.1, -51.2, -51.3, -51.4, -51.5, -51.6, -51.7, -51.8, -51.9, -52.0, -52.1, -52.2, -52.3, -52.4, -52.5, -52.6, -52.7, -52.8, -52.9, -53.0, -53.1, -53.2, -53.3, -53.4, -53.5, -53.6, -53.7, -53.8, -53.9, -54.0, -54.1, -54.2, -54.3, -54.4, -54.5, -54.6, -54.7, -54.8, -54.9, -55.0, -55.1, -55.2, -55.3, -55.4, -55.5, -55.6, -55.7, -55.8, -55.9, -56.0, -56.1, -56.2, -56.3, -56.4, -56.5, -56.6, -56.7, -56.8, -56.9, -57.0, -57.1, -57.2, -57.3, -57.4, -57.5, -57.6, -57.7, -57.8, -57.9, -58.0, -58.1, -58.2, -58.3, -58.4, -58.5, -58.6, -58.7, -58.8, -58.9, -59.0, -59.1, -59.2, -59.3, -59.4, -59.5, -59.6, -59.7, -59.8, -59.9, -60.0, -60.1, -60.2, -60.3, -60.4, -60.5, -60.6, -60.7, -60.8, -60.9, -61.0, -61.1, -61.2, -61.3, -61.4, -61.5, -61.6, -61.7, -61.8, -61.9, -62.0, -62.1, -62.2, -62.3, -62.4, -62.5, -62.6, -62.7, -62.8, -62.9, -63

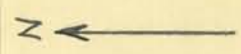


VAL

25-8-2



T. BROADHURST IRRIGATION (BR)



Scale - 4 inches = 1 mile

291-1









Sor Map # 265-1
Appt. # 291-1



291-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2006

NOTICE

TO: FALSE BOTTOM LIVESTOCK, GEORGE JOHNSON, 11179 SD HWY 34, BELLE
FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 291-1 & 513-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 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 10:30 am, March 2, 2006, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 291-1 & 513-1 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 24, 2006**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2006

291-1

513-1

George Johnson
False Bottom Livestock
11179 SD Hwy 34
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 291-1 and 513-1.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: FALSE BOTTOM LIVESTOCK, GEORGE JOHNSON, 11179 SD HWY 34, BELLE
FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 291-1 & 513-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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 **10:00 am, March 11, 2008**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 291-1 & 513-1 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 **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

291-1

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3974
Status: **Delivered**

Your item was delivered at 10:31 AM on January 23, 2008 in BELLE FOURCHE, SD 57717. The item was signed for by G JOHNSON.

Track & Confirm

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No FEAR Act EEO Data

FOIA

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 3974

FALSE BOTTOM LIVESTOCK
GEORGE JOHNSON
11179 SD HWY 34
BELLE FOURCHE SD 57717

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2008

291-1
513-1

George Johnson
False Bottom Livestock
11179 SD Hwy 34
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 291-1 and 513-1.

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



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 22, 2010

NOTICE

TO: FALSE BOTTOM LIVESTOCK, GEORGE JOHNSON, 11179 SD HWY 34, BELLE
FOURCHE, SD 57717

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 291-1 & 513-1. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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 **10:00 am, March 10, 2010**, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 291-1 & 513-1 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 **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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: <https://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.

291-1

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7873

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 1:33 PM on January 23, 2010 in BELLE FOURCHE, SD 57717. The item was signed for by G JOHNSON.

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Detailed Results:

- Delivered, January 23, 2010, 1:33 pm, BELLE FOURCHE, SD 57717
- Out for Delivery or Available at PO Box, January 23, 2010, 8:35 am, BELLE FOURCHE, SD 57717
- Sorting Complete, January 23, 2010, 8:05 am, BELLE FOURCHE, SD 57717
- Arrival at Post Office, January 23, 2010, 6:37 am, BELLE FOURCHE, SD 57717

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FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7873

FALSE BOTTOM LIVESTOCK
GEORGE JOHNSON
11179 SD HWY 34
BELLE FOURCHE SD 57717

Waiver of Signature ☐ YES ☐ NOPostmark
Here

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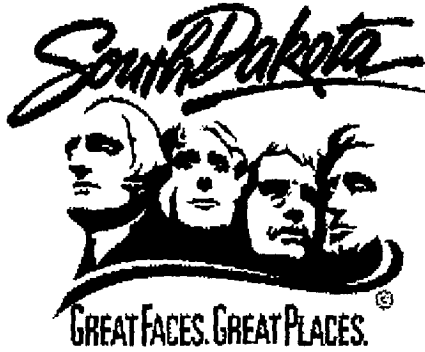
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**DEPARTMENT of ENVIRONMENT
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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 2, 2010

291-1
513-1

George Johnson
False Bottom Livestock
11179 SD Hwy 34
Belle Fourche SD 57717

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 291-1 and 513-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

On the irrigation questionnaire for Water Right No. 513-1, you indicated the use had been abandoned. Typically when an irrigator indicates the use is abandoned, they are letting us know they no longer wish to use that particular source for the purpose it was appropriated. Water Right No. 513-1 authorizes use of ground water for irrigation of 191.7 acres.

If you have discontinued irrigation from the ground water source, the water right would be brought before the Water Management Board for cancellation consideration. If this is your intent and you are agreeable to cancellation of the water right, please contact us. You can still use the well for domestic use even if the water right is cancelled.

I have enclosed a postage paid envelope for your reply. 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



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 25, 2019

NOTICE

TO: FALSE BOTTOM LIVESTOCK, GEORGE JOHNSON, 11295 SD HWY 34, ST ONGE, SD 57779

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

A handwritten signature in black ink, appearing to read "Ron Duvall".

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 291-1 & 513-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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 **Wednesday, March 6, 2019 at 10:30 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 291-1 & 513-1 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 before the **March 6, 2019** 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.

ALERT: PAYMENT TRANSACTIONS ON SOME APPLICATIONS WILL BE TEMPORARILY...

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Expected Delivery on**MONDAY****28** JANUARY
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1-28-19
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FALSE BOTTOM LIVESTOCK
GEORGE JOHNSON
11295 SD HWY 34
ST ONGE SD 57779

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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291-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

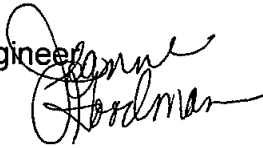
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 7, 2019

NOTICE OF ENTRY OF ORDER TO AMEND WATER RIGHTS

TO: George Johnson, False Bottom Livestock, 11295 SD Hwy 34,
St Onge SD 57779

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment to Water Right Nos. 291-1 and 513-1

On March 6, 2019, the Water Management Board amended Water Right Nos. 291-1 and 513-1 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for your failure to return the 2018 irrigation questionnaires. The addition of this qualification to your water rights means that failure to submit the required irrigation questionnaires in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

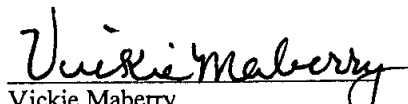
Please contact Genny McMath (605) 773-3352, if you have any questions.

291-1

CERTIFICATION

I hereby certify that on March 7, 2019, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated March 7, 2019 regarding Amended Water Rights addressed as stated below:

- No. 515-3: Daniel Benson, 45586 US Hwy 18, Hurley SD 57036-6009
Bruce D Peterson, 3600 S Slaten Park Dr, Sioux Falls SD 57103
- No. 1175-2: Wayne Bond, 28623 234th Ave, Tuthill SD 57574
- No. 577-1: Max & Brenda Bowen, 13525 Wilson Cemetery Rd, Newell SD 57760
- Nos. 291-1
513-1 George Johnson, False Bottom Livestock, 11295 SD Hwy 34, St Onge SD 57779
- No. 3469-3 Stan Kopfman, PO Box 100, Alpena SD 57312-0100
- No. 2983-3 Skip Rau, 12553 309th Ave, Selby SD 57472

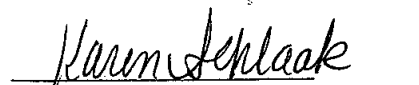

Vickie Maberry
Water Rights Program
Environment and Natural Resources

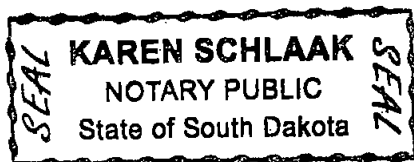
STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 20 19.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: FALSE BOTTOM LIVESTOCK, GEORGE JOHNSON, 11295 SD HWY 34, ST ONGE, SD 57779

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 291-1 & 513-1. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 291-1 & 513-1 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 291-1 & 513-1 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 3, 2021** 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: <https://denr.sd.gov/iq> using this password: JVNIFK**

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.

291-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2021

291-1
513-1

George Johnson
False Bottom Livestock
11295 SD Hwy 34
St Onge SD 57779

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 291-1 and 513-1. 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,

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

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