

1. Considered 1/25/54, 1954

2. Name of Applicant Alfred M. Hill

3. Post Office Address 1111 1st St.

4. Amount of water claimed _____

5. Source of water supply _____

6. Water to be used for: Drinking

Acres to be irrigated 500

7. Water to be diverted and used in San Diego County about 5 miles E of San Diego.

8. Proof of Publication Received _____
 Not Received _____

9. Application Approved ✓
 Subject to _____
 Not approved _____
 Action deferred _____

10. Remarks:

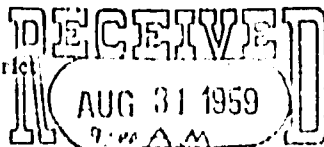
Retention flow

Water Division No. 1

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

No. 408-1Belle Fourche River

District



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.

To Appropriate Water within the State of South Dakota

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

R 10130302

1. Name of applicant James A. MICKELSONPostoffice address Nisland, County Butte, State So. Dak.I. If a corporation 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 S(b) Cash on hand, \$ X X X(c) Treasury stock, \$ X X(d) Bonds to be issued, \$ X X(e) Other resources, \$ X X2. Name of diversion work MICKELSON IRRIGATION PROJECT3. Amount of water claimed 3.1 cubic feet per second4. Source of water supply Owl Creek5. Location of point of diversion S. 59° 45' E 1632' from the W 1/4 Cor. Sec. 3, T8 N. R 5 E
on Rt. (So.) bank Butte County.6. Annual period or periods during which water is to be used April 1st thru Nov. 15th

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 218 acres.SE-NW-34 Ac., SW-NE-27 Ac., SE-NE-3 Ac., NE-SW-38 Ac., SE-SW-38 Ac.,

(b) Legal subdivisions to be irrigated

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

NW-SE-39 Ac., SW-SE-38 Ac., Sec. 3 T.8 N., R. 5 E-EHM Total 218.

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

None.

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

(a) Nature of use Stockwatering

Name any of the above user claimed

(b) Amount of power to be generated None horse power.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 X X354-1
Map No.

8. Estimated cost of work:

(a) Head Gates, \$ Berkeley 6-ZPM pump & pipe (b) Pumping plant, \$ 1400.00
 (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.)

Pump from Owl Creek into ~~XXXXXXX~~ present irrigation ditch

II. Dimensions of works:

(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 filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

(c) Head gate: Width _____ feet; height _____ feet;

Material _____

(d) Canal: Total length No. 99 miles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years _____ years.11. Time required for complete application of water to the proposed beneficial use 4 years _____ years.

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

Belle Fourche Daily Post, Belle Fourche, So. Dak.

STATE OF SOUTH DAKOTA

ss.

County of Butte

I, Andrew B. Mickel, 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 Andrew B. MickelSubscribed and sworn to before me this 15th day of August 1959

Cam M. Cornell

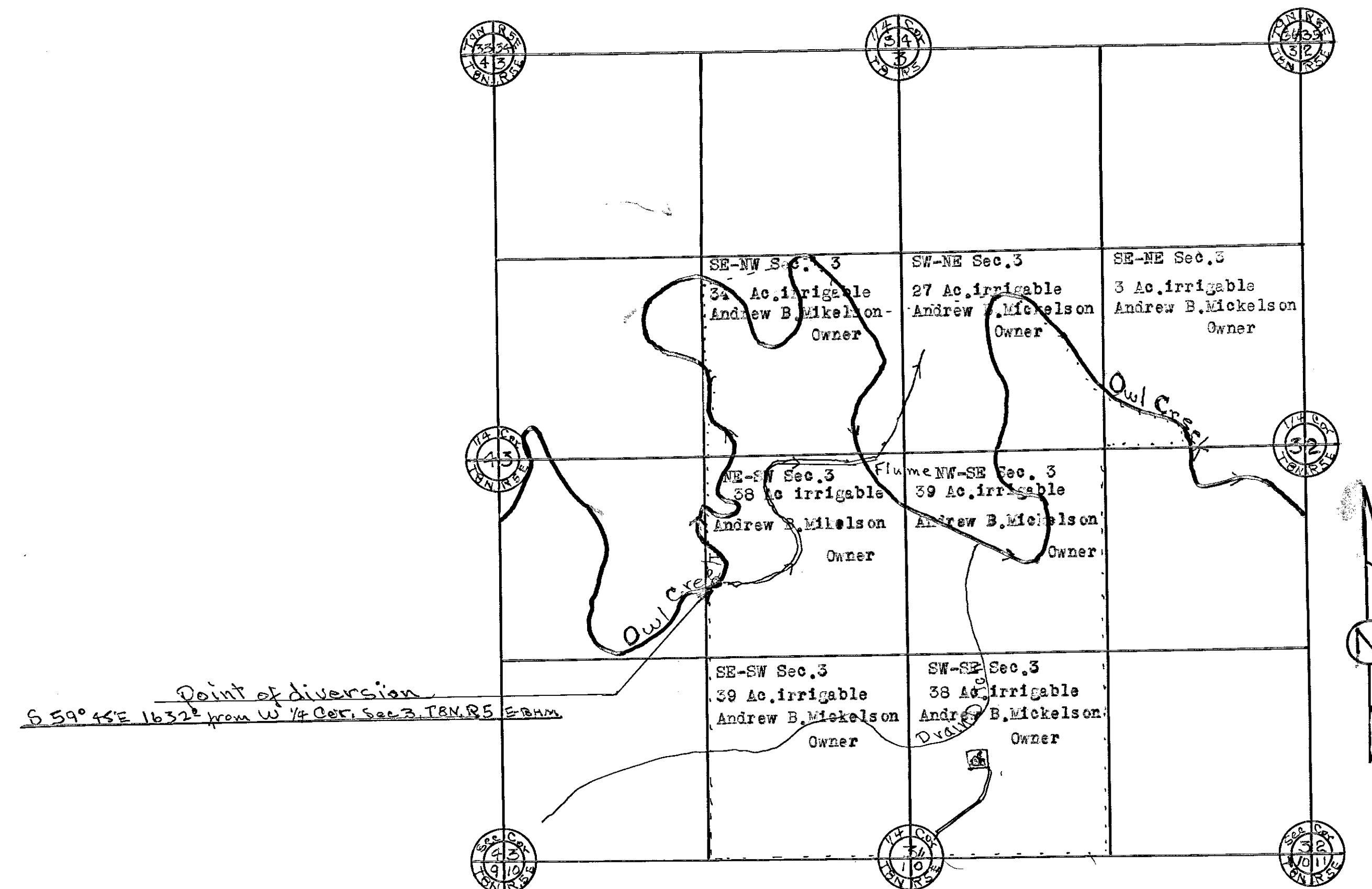
Notary Public (on other page XXXXX)

*Each diversion must have a headgate or measuring device.

My Commission expires April 18, 1967.

PLAT
OF
THE ANDREW B. MICKELSON IRRIGATION PROJECT
Section 3, T. 8 N., R. 5 E. 4th in Butte County, South Dakota.

Scale; 1 inch = 660 feet.
8 inches = 1 mile.



SURVEYOR'S CERTIFICATE.

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota, do hereby certify that at the request of Andrew B. Mickelson of Wisland, Butte County, South Dakota, I have made a survey and prepared this plat of the several tracts shown hereon, for the purpose of furnishing the required plat of the irrigable areas of said tracts as a part of his application to appropriate water from Owl Creek for irrigation purposes.

I further certify that the bearings and lengths of the several lines shown and their location with reference to the Government Land Corners show, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota this 16th day of August 1959.

Signed: Carl M. Cornell
Carl M. Cornell, Licensed Surveyor
(No. 144)
(SEAL)

Subscribed and sworn to before me at Buffalo, South Dakota this 16th day of August 1959

Florence Gunderson
Florence Gunderson
Notary Public, (SEAL)

My commission expires July 4 1966

Map No. 354-1 (Appl. No. 408-1)

Remarks by State Water Resources Commission:

Primarily waters available for this permit are return flows from the Belle Fourche Project.
Your use of the waters under this permit is contingent upon supplies being available to prior water rights.

STATE OF SOUTH DAKOTA

County of

Hyuga

ss.

Pierre, South Dakota,

October 15, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock A. m. upon the 31st day of August, 1959.

State Water Resources Commission

By:

J. M. Reimes

Chief Engineer, Executive Officer

Number of permit: 408-1

Date of first receipt of application August 31, 1959

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 August 31, 1959

Approved October 7, 1959, Recorded in Book 5 Page 733

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 October 7, 1960.
- 2nd. The whole of said work is to be completed on or before October 7, 1964.
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 7, 1968.
- 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 3.1 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 October 7, 1968; said water to be used during the following described annual period:

April to November 15, inclusive

Witness my hand this 15th day of October, 1959.

State Water Resources Commission

By:

J. M. Reimes

Chief Engineer, Executive Officer

Certificate of Construction Issued May 19, 1964

Water License Issued May 19, 1964

STATE OF SOUTH DAKOTA

WATER LICENSE No. 408-1

WHEREAS, On the 31st day of August A. D. 1959

Andrew B. Mickelson

of Hisland County of Butte and State of
South Dakota duly made application (No. 408-1) to us for a permit to use 3.1

cubic feet per second of the waters of Owl Creek

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

WHEREAS, On the 15th day of October A. D. 1959

Permit No. 408-1 was issued to said applicant for the diversion of said water, and providing for the

completion of the works of diversion therein described on or before the 7th day of
October A. D. 1964 and for the application to beneficial use of said

water on or before the 7th day of October A. D. 1968
and,

WHEREAS, On the 30th day of April A. D. 1964

the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.1

cubic feet per second of said waters, as evidenced by our Certificate No. 408-1

dated May 19, 1964 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 3.1 cubic feet per second of water, with date of

priority of August 31, 1959 ~~xxx~~ and,

WHEREAS, On the 30th day of April A. D. 1964

proof was duly made of the application to beneficial use of 3.1 cubic feet per second of said water;

for irrigation of 218 acres in Section 3, T8N, R5E

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 Andrew B. Mickelson

of Nisland the holder and owner of said permit No. 408-1

a water right, dating from August 31, 1959 to the use of 3.1

cubic feet per second of the waters of Owl Creek

In the County of Butte and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point S59°45'E, 1632 feet from

the W1 corner, Section 3, T8N, R5E

and conducted to and upon 218 acres in Section 3, T8N, R5E, more specifically described

in the Certificate of Completion of Works

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 seal of our office at Pierre, South Dakota,
this 19th day of May A. D. Nineteen
Hundred and Sixty-Four,

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Permit No. 408-1

Water Division No. 1 Belle Fourche River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Andrew B. Mickelson

of Nisland, County of Butte, and State of South Dakota, the holder of Permit No. 408-1, Issued upon Application No. 408-1, bearing date of priority of August 31, 1959, authorizing the diversion of 3.1 cu. ft. per second of the waters of Owl Creek

County of Butte, State of South Dakota, at a point S59°45'E, 1632 feet from the W $\frac{1}{4}$ corner, Section 3, T8N, R5E CA, 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 3.1 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: all in Section 3, T8N, R5E

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 6D 3 $\frac{1}{4}$ acres

SW $\frac{1}{4}$ NE $\frac{1}{4}$ AC 27 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ AD 3 "

NE $\frac{1}{4}$ SW $\frac{1}{4}$ CA 38 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ ED 39 "

NW $\frac{1}{4}$ SE $\frac{1}{4}$ DB 39 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ DC 38 "

Total - 218 "

Witness my hand this 19th day of May A. D. 1964

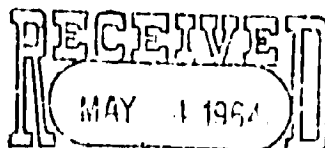
State Water Resources Commission

By: J. W. ORMES
Chief Engineer, Executive Officer

Permit No. 403-1

Water Division No. _____

Water District _____

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated April 23,
1964, I have this day made a thorough examination of the diversion works constructed by
Andrew B. Mickelson of Vieland
Butte County, South Dakota, holder of Permit No. 403-1, Issued
upon Application No. _____, bearing date of priority of Aug. 13, 1959, 19____, authorizing the
diversion of 3.1 cu. ft. per second of the waters of Ohl Creek for Irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 1-8" X 8" Fairbanks - Morse Pump
powered by a 15 H.P. electric motor

34 ft. 8" pipe and 200 feet of ditch to connect with the ditches
constructed under the Belle Fourche Irrigation Project.

and the system is in the following condition: Good

The point of diversion is located S 59° 45' E 1632ft. from the N 1/2 Cor. Sec. 3,
T.6 N., R.5 E-NM in Butte County, So. Dak.

The works are capable of diverting and conveying to the place of use 3.1 cu. ft. per second of water,
which is to be used for Irrigation

The legal sub-divisions to be irrigated are: SE-NW-34 ac., NW-NE-27 ac., SE-NE-3 ac.,
NE-SW-38 ac., SE-SW-39 ac., NW-SE-39 ac., SW-SE-38 ac., Sec. 3, T.6N., R.5E
Total 218 ac.

comprising a total of 218 acres of land.

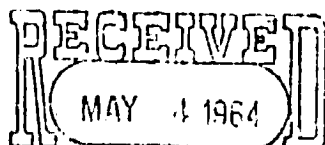
The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 30th day of April, A. D. 1964

—SEAL—

Carl M. Cornell
Buffalo, S.D. Examining Engineer.

Location No. 408-1
 Water Division No. _____ Water District _____
 STATE WATER RESOURCES COMMISSION
 PISGIE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

 Ans. Andrew B. Mickelson, Nisland, Butte County, So. Dak., farmer and
stockman, Nisland, So. Dak.

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. Private enterprize

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

 Ans. Date of priority - Aug. 15th, 1959

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

 Ans. S. 59° 45' E. 1632 ft. from the W 1/4 Cor. Sec. 3, T. 8 N., R. 5 E-BHM
Butte County, South Dakota

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. 1- 6" X 8" Fairbanks-Morse pump powered by a 15 H.P. electric
motor.
34 ft. 8" aluminum pipe, 200 ft. ditch to lead water into Govern-
ment ditches of the Belle Fourche project.

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.)

Irrigation only-

 Ans. SE-NW-34 ac., SW-NE-27 ac., SE-NE-3 ac., NE-SW-38 ac., SE-SW-39 ac.,
NW-SE-39 ac., SW-SE-38 ac., Sec. 3, T. 8 N., R. 5 E-BHM

 Total 218 ac.

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

 Ans. None

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

 Ans. 3.1 Sec. ft.

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. I am the original applicant and owner of the lands involved

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

Ans. Water has been used to irrigate the lands herein described,
from August 1959 to the present time, as need during the irrigation
season.

Andreas B. Mickelson
(Sign) By: Carl M. Cornell, Agent.

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 Buffalo, County of Harding

State of South Dakota, on this 30th day of April, 1964 A. D. 19

Witnesses.

Notary Public

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.

Location No. 408-1

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source -----

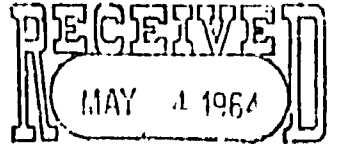
County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

Permit No. 408-1

Water Division No. _____

Water District STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**NOTICE OF COMPLETION OF WORKS**

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Hioland, Butte Co., So. Dak.(Date) 4-22-64

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 3.1 cu. ft. per second of the waters of the state from Qwl creek through the Wickelson Irrigation project for Irrigation purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

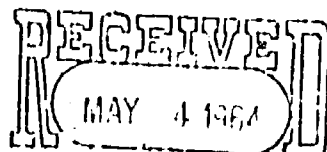
- The name of the person or corporation holding said permit is Andrew B. Wickelson
- The postoffice address of such person or the place of business of such corporation is Hioland, So. Dak.
County of Butte State of South Dakota
- The number of such permit is 408-1 and the date set for the completion of such work is April 20, 1964
- Said water to be used for Irrigation purposes.
- Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 3.1 cubic feet per second.
- The amount of land for which said water is available is 218 acres,
particularly described as follows: SE-NE-34 ac., SW-NE-47 ac., SE-NE-3 ac., NE-SW-38 ac., SE-SW-39 ac., NW-SE-39 ac., SW-SE-38 ac., Sec. 3, T. 6 N., R. 5 E-1/4
Total 218 ac.

I hereby certify that the facts set forth in the above notice are true.

Will you kindly appoint Carl V. Cornsall,
of Buffalo, So. Dak. to make the final
examination of this project?

(Signature of Owners)

Andrew B. Wickelson

Permit No. 408-1
 Water Division No. _____ Water District _____
 STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Nisland, Butte Co., So. Dak.(Date) 4-30-1964

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 30th day of April
 10. 34 at Nisland County of Butte State of South Dakota,
 before Carl M. Cornell
 (Examining Engineer or Officer) proof will be submitted of the application to beneficial use
 of 3.1 cubic feet per second of the waters of Owl Creek
 In accordance with the terms and conditions of Permit No. 408-1
 heretofore issued by the Water Resources Commission of South Dakota.

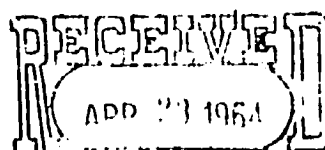
- The name and postoffice address of the person or corporation holding said permit are
Andrew B. Mickelson Nisland, So. Dak.
- The use to which said water has been applied is Irrigation of 318 ac.
- The amount applied to beneficial use is 3.1 csc. ft.
- The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated)
SE-NW-34 ac., SW-NE-37 ac., SE-NE-3 ac., NE-SW-36 ac., SE-SW-39 ac.,
NW-SE-32 ac., SW-SE-33 ac., Sec. 3, T.8 N., R.5 E., S.18 ac.
- The name of the canal or ditch or other works by which said water is conducted to such place of use is
Mickelson ditch (200 ft. long) leading from pump to Government
ditch on Belle Fourche Project
- The right to take the water from such works is based upon permit No. 408-1
- The source of supply from which such water is diverted is Owl Creek
- The date of priority which said user is prepared to establish is
August 15, 1959

(Sign)

Andrew B. Mickelson

File

Permit No. 408-1



Water Division No. _____

Water District _____ STATE WATER RESOURCES COM. PIERRE SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) _____

(Date) _____

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of irrigation
3.1 cu. ft. per second of the waters of the state from Butte

through the _____
for irrigation purposes

_____ In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Andrew B. Michelson

2. The postoffice address of such person or the place of business of such corporation is Michelson
County of Butte State of S. D.

3. The number of such permit is 408-1 and the date set for the completion of such work is

Aug. 31, 1964
4. Said water to be used for irrigation & stock water purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 3.1 cubic feet per second.

6. The amount of land for which said water is available is 215 acres,
particularly described as follows: SE-NW 34 Sec. 5 NW-NE 25 Sec. 5 E. 11 E 3 Sec. 11 E-34 38

Sec. 5 E. 9 NW 39 Sec. 11 NW-5 E. 39 SW Sec. 5 NW-5 E 38
Sec. 3 T 8 N. R. 5 E - BHM Total 215

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Andrew B. Michelson

all work is done

A.B. Michelson

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Battle } ss.

Laurence J. Thayer being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Daily Belle Fourche 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 Belle Fourche County of Battle and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Sept 11, 1959Sept 14, 1959Sept 25, 1959Oct. 2, 1959

in each and every issue of the full number thereof, the first publication being made on the 11 day of Sept 1959 and the last publication on the 2nd day of October 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Harmon W. ThayerSubscribed and sworn to before me this 2 day of October A. D. 1959RECEIVED
OCT 5 - 1959STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

No. 408-1
APPROPRIATION OF WATER
Office of State Water
Resources Commission
Pierre, S. Dak.

September 3, 1959

Notice is hereby given that Andrew B. Mickelson whose postoffice address is Nisland, 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 3.1 cubic feet of water per second of time from Owl Creek through the Mickelson Irrigation Project, the point of diversion of which is to be located on the southeasterly bank of said stream in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3, Twp. 8N, Range 5E. Said water to be used for the purpose of providing irrigation on parts of the following described land: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3, T 8N, R 5E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959, 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: Les Wyborny,
Water Rights Engineer
dt 9/11-18-25 10/2

Notary Public _____ County, S. D.

Notary Public, Battle County, So. Dak.
My Commission Expires Sept. 29, 1965

(First Publication before Sept. 11, 1959.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., September 3, 1959.

Notice is hereby given that Andrew B. Mickelson whose postoffice address is Nisland 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 3.1 cubic feet of water per second of time from xxx Owl Creek through the Mickelson Irrigation Project, the point of diversion of which is to be located on the southeasterly bank of said stream in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 3 Twp. 8N Range 5 E Said water to be used for the purpose of providing irrigation on parts of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 3, T. 8 N, R. 5 E

~~and xxx~~ ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 7th day of October, 1959 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:

~~C. E. WYBORN~~
Les Wyborny, Water Rights Engineer

cc Lawrence Weyler, Publisher
The Belle Fourche Post
Belle Fourche, South Dakota

RECEIPT

WATER RIGHTS COMMISSION

No 4 6146

State of South Dakota

PIERRE, October 11, 1977

RECEIVED OF James A. Mickelson, Nisland, SD

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 permit 105-1		250
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		250

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH 98

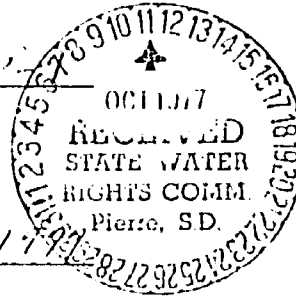
Form 20.

No. 408

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: Oct. 4, 1977



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

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 344 SE $\frac{1}{4}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SE $\frac{1}{4}$ pt, E $\frac{1}{2}$ SW $\frac{1}{4}$ pt. SE $\frac{1}{4}$ NE $\frac{1}{4}$ pt.

formerly owned by Andrew B. Mickelson

has been transferred to James A. Mickelson

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 408-1 as provided for in Section 61.0127 of the 1960

Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission 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 Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of BUTTE) SS.

I, JAMES A. MICKELSON 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.

James A. Mickelson
(Signed)

Subscribed and sworn to before me this 5TH day of OCTOBER

19 77.

H. E. Conley
(Notary Public)

H. E. Conley, Notary Public
Butte County, South Dakota
Commission Expires Nov. 16, 1983

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

June 10, 1981

James A Mickelson
Nisland, SD 57762

Dear Mr. Mickelson:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
408-1	3.10	218.00	\$94.50
TOTAL			\$94.50

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

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

July 6, 1981

NOTICE

James A Mickelson
Nisland, SD 57762

Subject: Shut Off Order

Under the rules established by the Water Management Board for the Belle Fourche River Water Use Control Area, Chapter 174:02:08, each water right holder was assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the office of Water Rights. Also it was required that all fees shall be paid to the Division of Water Rights by July 1, 1981.

Any fees not paid by July 1, 1981 are a violation of SDCL 46-10-26 and the water master (or Chief Engineer) shall refuse the water right holder the right to divert water.

According to our records, you have not paid the assessed fee, therefore, it is hereby ordered that you are not to divert water pursuant to your Permit No. 408-1 until the 1982 irrigation season. Any intakes that you may have in the river or creek must be removed by July 9, 1981 and remain out of the river or creek until the 1982 irrigation season.

Any violation of this order shall be considered to be in violation of State Statutes and subject to penalties provided in SDCL 46-1-11 and SDCL 46-1-12.

Please advise this office if you have any questions.

Very truly yours,

James E. Hatcher
JOHN HATCH, Chief Engineer
Water Rights Division

JW/gy
cc: Marlin Lee, Water Master

Equal Opportunity Employer

Dear Sir:

Enclosed is the [#]94.50 water
master fee for 1981. Due to
circumstances beyond our control
we were unable to forward
by the date due. Due to the fact
some of the land that is irrigated
by our permit is not accessible
by any other means it is imperative
we still use our pumping
rights. Please advise of any
other changes.

James O. Nelson



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8383

PIERRE, July 10, 19 81

RECEIVED OF James A. Mickelson, Star Rt. Box 73, Hisland, SD 57762
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 filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR# 408-1 (any other work as provided by law)	94.50	
TOTAL	94.50	

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / *(bt)*

408-1



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 775-3352

July 13, 1981

James A Mickelson
Nisland, SD 57762

Dear Mr. Mickelson:

Enclosed is your receipt No. 4 8383 in the amount of \$94.50 which you paid for water master services on the Belle Fourche River.

You indicated in your recent letter that due to circumstances beyond your control you were unable to send payment earlier. The shutoff order issued to you July 6, 1981 is hereby rescinded.

For your information, the name and address of the water master on the Belle Fourche River is as follows:

Marlin Lee
Newell, SD 57760
PH: 456-2321

If you have any questions, please contact this office.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
Division of Water Rights

JCW/gy

encl

cc: Marlin Lee, water master

Equal Opportunity Employer

Do not use this space.

STATE OF SOUTH DAKOTA

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE

PAYEE

James A Mickelson
Hisland SD 57762

DEPT.

DWR, Water Rights Division
Joe Foss Bldg.
Pierre SD 57501

STAPLE
HERE

AGENCY

ADDRESS

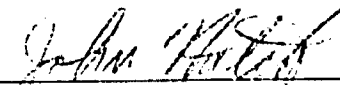
Agency	Fund	Sub Fund	Prog. Act.	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		83.65	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22 83.65	

Warrant # 82079260
AC # 077361
date 11-10-81

NOTE: Vendors invoice must be attached.

Invoice No.(s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners 408-1 James A Mickelson		83.65	
TOTAL					83.65	

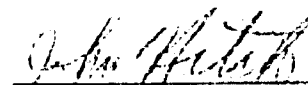
I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federally assisted programs.


Claimant Signature

11-5-81
Date

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.


DIVISION APPROVAL

11-5-81
DATE

APPROVAL SIGNATURE

11-5-81
DATE

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981

Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$	\$
Watermaster (Salary and Mileage)		2,028.62	5,350.75
	<u>\$7,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mal Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie (Vivian) Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.67	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1160-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.30	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 185.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00	68.75	60.86
928-1	Charles Wennberg	2.20	155.00	45.50	40.28
912-1	Gilbert Alan	1.46	101.80	65.75	58.20
926-1	Donald Berger	2.04	143.00	70.75	62.63
1176-1	Arthur J Odekoven	2.30	163.00	101.75	90.07
1190-1	Neil Shuck	3.53	247.00	98.75	87.41
611-1	Alex Miller	3.35	235.00	27.00	23.90
569-1	Ramona McFarland	0.97	68.00	22.25	19.70
870-1	Eugene C Bishop	0.70	49.00	53.00	46.91
401-1	Kenneth & Dorothy Aker	1.88	132.00	95.00	84.09
135-1	Walter Hoffman	3.11	220.00	94.50	83.65
408-1	James A Mickelson	3.10	218.00	42.75	37.84
469-1	Raymond Garness	1.30	91.00	20.75	18.37
1218-1	William Dillinger	.40	42.70	39.75	35.19
1222-1	John Ismay(Norman)	1.11	79.00	129.75	114.85
1154-1	Homestake Mining	4.50	319.00	67.50	---
285-1	Edgar Colin Smart	1.42	150.00	52.75	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	62.00	---
472-1	Timothy Reich	2.00	167.84	53.25	---
275-1	John Durr	1.90	133.00	20.75	---
271-1	Herbert Clarkson	.06	43.00	74.75	---
296-1	Robert Helmer	2.50	179.00	21.25	---
308-1	Lewis Bertolotto	.64	45.00	38.50	---
282-1	James Jeffrey	1.05	73.70	47.00	---
1182-1	George Leach	1.60	108.00	23.75	---
228-1	Thornton Vallery	.72	54.17	156.50	---
290-1	Thornton Vallery	5.50	386.00	14.00	---
264-1	Thornton Vallery	.22	15.30	48.75	---
321-1	Clarence & Lawrence Foos	1.64	115.00	92.75	---
962-1	Ione A Shevling	3.00	251.00	18.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	38.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	18.25	---
273-1	Ruben & Esther Kling	.46	32.60	47.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	97.75	---
1177-1	Ruben & Esther Kling	3.30	231.00	79.50	---
416-1	Creta & Leslie Miner	2.66	198.00	67.50	---
865-1	Solomn Stark	2.14	150.00	68.50	---
287-1	David G Rathbun	2.20	154.00	24.75	---
1126-1	John Lewis	3.11	339.00		

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**



Department of Water & Natural Resources

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

January 29, 1988

JAMES A. MICKELSON
HCR 76 BOX 146
NISLAND, SD 57762

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). (408-1). 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). 408-1 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 agenda for the hearing.



Department of Water & Natural Resources

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

February 12, 1988

408-1

James A Nickelson
HCR 76, Box 146
Nisland SD 57762

Dear Mr. Nickelson:

I am writing to acknowledge receipt of your 1987 irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 408-1 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

February 8, 1989

JAMES A MICKELSON
HCR 76 BOX 146
NISLAND, SD 57762

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire.

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 408-1. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

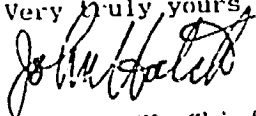
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 408-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

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

February 23, 1989

408-1

James A Mickelson
HCR 76 Box 146
Nisland, SD 57762

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 408-1. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



408-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAMES A MICKELSON
HCR 76 BOX 146
NISLAND SD 57762

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

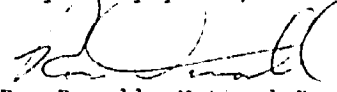
The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 408-1 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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 1992

408-1

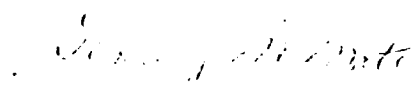
James A Mickelson
HCR 76 Box 146
Hiland, SD 57762

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 408-1. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,


Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return the card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will notify you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

3. Article Addressed to:

Consult postmaster for fee.

JAMES A MICKELSON
HCR 76 BOX 146
NISLAND, SD 57762

4a. Article Number
PAQ. 557662

- 4b. Service Type
- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
Nov 9 '90

5. Signature (Addressee)
James A Mickelson

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

6. Signature (Agent)

PS Form 3811, November 1990

U.S. GPO: 1991-207-086

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SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

JAMES A MICKELSON
HCR 76 BOX 146
NISLAND SD 57762

5. Signature (Addressee)

6. Signature (Agent)

I also wish to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

408-1 P 837 692 519

4b. Service Type

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

7. Date of Delivery

FEB 23 1991

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

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408-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

JAMES A MICKELSON
HCR 76 BOX 146
NISLAND SD 57762

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1. The request for the Questionnaire was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 408-1 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly-yours,

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



408-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1994

408-1

James A Mickelson
HCR 76 Box 146
Nisland, SD 57762

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaire. You may disregard the February 16, 1994, **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaire 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 Division
(605) 773-3352



408-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: JAMES A MICKELSON, HCR 76 BOX 146, NISLAND, SD 57762 9711

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 408-1 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 1, 1999, 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.

408-1

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.
3. Article Addressed to: JAMES A MICKELSON HCR 76 BOX 146 NISLAND SD 57762 9711	4a. Article Number P378 080 676	
	4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
	7. Date of Delivery JAN 30 1999	
5. Received By (Print Name) JAMES A MICKELSON	8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Addressee or Agent) <i>[Signature]</i>		

PS Form 3811, December 1994 102595-98 D-0229 Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 9, 1999

408-1

James A Mickelson
HCR 76 Box 146
Nisland, SD 57762-9711

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 408-1.

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

April 22, 2003

TO: Owl Creek Water Right Holders

Dear Water Right Holder:

I am writing to water right holders who divert from Owl Creek to remind you of the condition requiring the bypass of adequate flows for downstream domestic use.

South Dakota law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, with the dry conditions, Owl Creek is currently not flowing. Your water right requires that sufficient flows be bypassed to provide for domestic needs when the creek is flowing. Under no conditions are you allowed to divert if doing so interferes with domestic use.

We anticipate that when the Belle Fourche Irrigation District begins operations that Owl Creek will receive sufficient return flows to sustain flow in Owl Creek. However, I ask that you be mindful of your neighbor's domestic needs for livestock.

Thank you for your cooperation, if you have any questions, please contact Mark Rath or Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Peter C Stark
HC 76 Box 133
Nisland SD 57762

Mike & Melora Torp
PO Box 37
Forestville WI 54213

Lester E Reid
HCR 76 Box 96
Nisland SD 57762

Donald Meyers
HCR 76 Box 98
Nisland SD 57762

Allen R Lamb
HCR 76 Box 18
Nisland SD 57762

James A Mickelson
HCR 76 Box 146
Nisland SD 57762

Raymond Garness
Rt 1 Box 141
Newell SD 57760

Judy/Amber/Jeff Dell
HC 76 Box 23
Nisland SD 57762



408-1
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 20, 2005

NOTICE

TO: JAMES A MICKELSON, 12756 US HWY 212, NISLAND, SD 57762 9711

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit No. 408-1. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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 8:30 am, March 2, 2005, 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. 408-1 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 is received in this office on/or before **February 25, 2005**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, 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.



408-1

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 1657

Your item was delivered at 1:10 pm on January 21, 2005 in NISLAND, SD 57762. The item was signed for by J MICKLESON.

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
259T 9T59 0000 094E 10E2

JAMES A MICKELSON
12756 US HWY 212
NISLAND SD 57762 9711

Waiver of Signature ☐ YES ☐ NO

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PS Form 156, July 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 2005

408-1

James A Mickelson
12756 US Hwy 212
Nisland SD 57762 7655

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 408-1.

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



408-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: JAMES A MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 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, 2009**, 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) 408-1 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 6, 2009**, 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/E0455V7-IQ.pd>

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.

418-1

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Label/Receipt Number: 2303 2160 0000 0802 5701
Status: **Delivered**

Your item was delivered at 1:27 PM on January 24, 2009 in BELLE FOURCHE, SD 57717. The item was signed for by J MICKELSON.

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 5701

JAMES A MICKELSON
12750 US HWY 212
NISLAND SD 57762 7655

Waiver of Signature ☐ YES ☐ NO

Postmark
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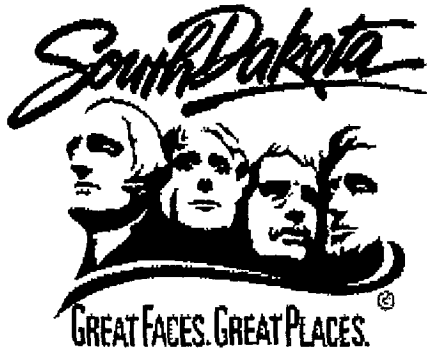
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PS Form 453, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 6, 2009

408-1

James A Mickelson
12750 US Hwy 212
Nisland SD 57762 7655

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 408-1.

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 cursive script that reads "Genny McMath".

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



408-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: JAMES A MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

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) 408-1. 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) 408-1 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.

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Label/Receipt Number: 2303 2160 0000 0802 8092

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 3:14 PM on January 26, 2010 in NISLAND, SD 57762. The item was signed for by J MICKELSON.

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Detailed Results:

- Delivered, January 26, 2010, 3:14 pm, NISLAND, SD 57762
- Notice Left, January 23, 2010, 1:23 pm, NISLAND, SD 57762
- Out for Delivery or Available at PO Box, January 23, 2010, 11:14 am, NISLAND, SD 57762
- Sorting Complete, January 23, 2010, 10:44 am, NISLAND, SD 57762
- Arrival at Post Office, January 23, 2010, 10:16 am, NISLAND, SD 57762

Notification Options

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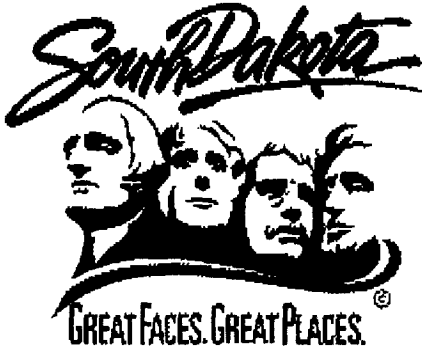
U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 8092JAMES A MICKELSON
12750 US HWY 212
NISLAND SD 57762 7655Waiver of Signature ☐ YES ☐ NOPostmark
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2010

408-1

James A Mickelson
12750 US Hwy 212
Nisland SD 57762

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 408-1.

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
email: genny.mcmath@state.sd.us



408-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: JAMES A MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 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 7, 2012**, 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) 408-1 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 2, 2012**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2012

408-1

James A Mickelson
12750 US Hwy 212
Nisland SD 57762 7655

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 408-1. 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 cursive script that reads "Genny McMath".

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



408-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: JAMES A MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 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 4, 2015**, 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) 408-1 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 4, 2015** 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 2, 2015

408-1

James A Mickelson
12750 US Hwy 212
Nisland SD 57762 7655

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 408-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



408-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: JAMES A MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1 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) 408-1 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.



408-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 2019

408-1

James Mickelson
12750 US Hwy 212
Nisland SD 57762-7655

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 408-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

408-1



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: JAMES A MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

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 has not been submitted for Permit No(s) 408-1 as required by administrative rule 74:02:01:14.02. 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 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 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 408-1 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 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: XZKDMS**

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.



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 22, 2021

408-1

James Mickelson
12750 US Hwy 212
Nisland SD 57762

Dear Mr. Mickelson:

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

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right No. 408-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

408-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: JAMES A MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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 2, 2022 at 9:30 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) 408-1 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 2, 2022** 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://danr.sd.gov/iq> using this password: ALCMXM**

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.

408-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 28, 2022

408-1

Clayton Mickelson
12750 US Hwy 212
Nisland SD 57762-7655

Dear Mr. Mickelson:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire. You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 408-1. The information was received in our office prior to the Water Management Board meeting and has been deleted from the agenda.

In follow-up to your note concerning the ownership change, enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

408-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 6, 2022

408-1

Clayton Mickelson
12750 US Hwy 212
Nisland SD 57762-7655

Dear Mr. Mickelson:

I am writing regarding ownership of land described in Water Right No. 408-1. The water right is currently listed under James A Mickelson. Back in February, you indicated the ownership had changed. A transfer form was sent to you for changing ownership and to date, we have not received anything back from you.

In the event you no longer have the original form, enclosed is another partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosure

408-1



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 1, 2023

Clayton Mickelson
12750 US Hwy 212
Nisland SD 57762

408-1

Dear Mr. Mickelson:

I am writing regarding the ownership of land authorized in Water Right No. 408-1. The water right is currently listed under James A Mickelson; however, in a prior conversation with staff you interacted the ownership had changed.

A "Transfer of Ownership" form was sent to you in February 2022 and again in June 2022. To this date, we have not received any response.

I've enclosed another partially completed form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with the required filing fee of \$50.00. A check or money order can be made payable to South Dakota Water Rights Program.

If you have any question, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure



408-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 7, 2023

Clayton Mickelson
12750 US HWY 212
Nisland SD 57762

408-1

Dear Mr. Mickelson:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 408-1 previously owned by James A Mickelson is now listed under Clayton Mickelson. I have also updated your contact information in our system.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

PAID

No. 408-1

JUL 05 2023

Date: 6-29-2023

Ck# 1587
Rec't# 715/23
408-1

I/We request that Water Right No.

formerly owned by: James A Mickelson

be transferred to: (name & address).

Clayton Mickelson
12750 us Hwy 212 Nisland SD 57762

Telephone No. ~~605-669-0950~~
605-892-5394

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

Section 3, T8N, R5E

SE ¼ NW ¼	34 acres	SW ¼ SE ¼	39 acres
NE ¼ SW ¼	27 acres	SE ¼ NW ¼	39 acres
NE ¼ SW ¼	3 acres	SE ¼ SW ¼	38 acres
SW ¼ NE ¼	38 acres	TOTAL:	218 acres

I/We understand that the validity of Water Right No. 408-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Clayton Mickelson, the new owner, certify that the above information is true and correct.
↑
h

Clayton Mickelson
(Signed by new owner)

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

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

RECEIVED

JUL 06 2023

**OFFICE OF
WATER**

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date July 5, 2023

RECEIVED OF Clayton Mickelson 12750 US Hwy 212 Nisland SD 57762

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>408-1</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
VM



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: CLAYTON MICKELSON, 12750 US HWY 212, NISLAND, SD 57762 7655

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire has not been submitted for Permit No(s) 408-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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 on **Wednesday, March 5, 2025, at 9:30 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) 408-1 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: EAQMID**

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 AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 24, 2025

408-1

Clayton Mickelson
12750 US HWY 212
Nisland SD 57762

Dear Mr. Mickelson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 408-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us