

469.1

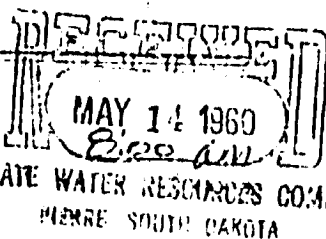
1. Considered 8-3, 1960
2. Name of Applicant Edwin Garness
3. Post Office Address Newell
4. Amount of water claimed 2.00
5. Source of water supply Owl Creek
6. Water to be used for Irrigation  
Acres to be irrigated 142
7. Water to be diverted and used in Butte County about  
35.4 miles W of Newell.
8. Proof of Publication Received X  
Not Received
9. Application Approved         
Subject to         
Not approved         
Action deferred

10. Remarks:

*This is about 1 mile above the mouth of Owl Creek - Property could be granted, but believe it should be deferred until we obtain measurement results & study inter-relationships of these w/pt.*

Water Division No. 1

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

No. 469-1Belle Fourche River

## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

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

1. Name of applicant Trans. to Mr. Raymond GarnessPostoffice address NEEDHAMCounty DEUELState S.D.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed

4. Source of water supply

5. Location of point of diversion

6. Annual period or periods during which water is to be used

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity

(a) Number of acres to be irrigated

(b) Legal subdivisions to be irrigated

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

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

(a) Nature of use

(b) Amount of power to be generated

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No 409-1

## 8. Estimated cost of work:

(a) Head Gates, \$100' Static head by electric (b) Pumping plant, \$1000.00  
 (c) Plumbing, \$ (d) Canal-earth, \$ Rock, \$  
 (e) Other structures \$ Total, \$

## 9. Description of diversion works:

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

## 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 \_\_\_\_\_ 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 \_\_\_\_\_ years.

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

12. Choice of newspaper for publication of notice of intention to appropriate \_\_\_\_\_  
 The Valley Irrigator, Newell, So. Dak.

STATE OF SOUTH DAKOTA

County of Butte } ss.

I, Edwin Garneau, 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

Edwin Garneau

Subscribed and sworn to before me this 21st day of May, 1923

Carl H. Cornell,

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device. Newell, So. Dak.

Plat  
of  
THE GARNESSE IRRIGATION PROJECT  
SECTIONS 2 & 3, T.8 N., R.5 E-2M  
BUTTE COUNTY,  
SOUTH DAKOTA

- CERTIFICATE -

I, Carl M. Cornell, Licensed Surveyor, in and for the State of South Dakota do hereby certify that, at the request of Edwin Garness of Newell, South Dakota, I have made a survey of the tracts shown hereon and have prepared this plat of the same for the purpose of showing the amount of irrigable land involved in this proposed project and of furnishing the required plat of the irrigable land to be furnished with his application for a permit to appropriate water for irrigation and stockwatering purposes.

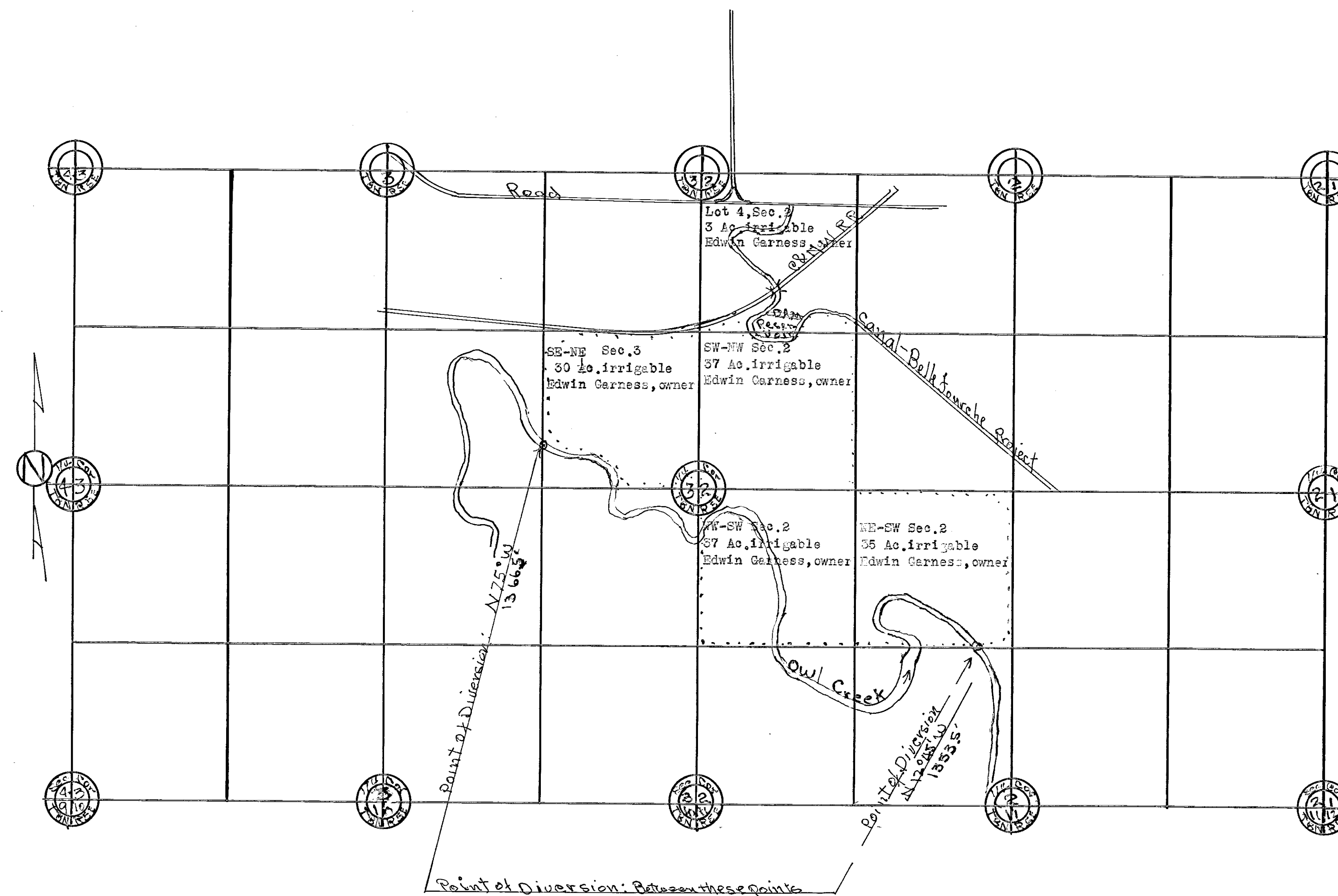
I further certify that the bearings and lengths of the several lines, shown on this plat, and their location, with reference to the government land corners shown, are correct, to the best of my knowledge and belief.

Subscribed and sworn to at Buffalo, South Dakota, this 5th day of May, 1960.

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

Subscribed and sworn to before me at Buffalo, South Dakota, this 5th day of May 1960.

*M. R. Jern*  
Notary Public (SEAL)



Remarks by State Water Resources Commission:

Primarily, water available for this permit is return flows from the Belle Fourche Project. Such available flows may be reduced or changed by different water utilization by the project. The use of water under this permit is contingent upon water supplies being available to prior water rights.

STATE OF SOUTH DAKOTA  
County of Hughes }

Pierre, South Dakota, December 29, 1960

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 14<sup>th</sup> day of MAY, 1960

State Water Resources Commission

By: Dustin Spruce

Chief Engineer, Executive Officer

Number of permit 469-1

Date of first receipt of application MAY 14, 1960

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 MAY 14, 1960

Approved December 21, 1960, Recorded in Book 6 Page 164

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 \_\_\_\_\_

December 21, 1962

2nd. The whole of said work is to be completed on or before December 21, 1964

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

DECEMBER 21, 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 2.0 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 December 21, 1968, said water to be used during the following described annual period:

April to November, inclusive

Witness my hand this 29<sup>th</sup> day of December, 1960

State Water Resources Commission

By: J. W. Spruce

Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 15, 1967

Water License Issued AUGUST 15, 1967

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 469-1

WHEREAS, On the 14th day of May A. D. 1960

Edwin Garness

of Newell County of Butte and State of South Dakota

duly made application (No. 469-1) to us for a permit to use 2.0

cubic feet per second of the waters of Owl Creek

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

WHEREAS, On the 29th day of December A. D. 1960

Permit No. 469-1 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 21st day of

December

A. D. 1964 and for the application to beneficial use of said

water on or before the 21st day of December A. D. 1968

and, whereas on the 29th day of March, 1967, the permit was transferred to Mrs. Selma Garness, and

WHEREAS, On the 12th day of July A. D. 1967

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.97

cubic feet per second of said waters, as evidenced by our Certificate No. 469-1

dated August 15, 1967 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.97 cubic feet per second of water, with date of

priority of May 14, 1960 and,

WHEREAS, On the 12th day of July A. D. 1967

proof was duly made of the application to beneficial use of 1.30 cubic feet per second of said water;

for irrigating 91 acres in portions of Sections 2 and 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 Mrs. Selma Garneau  
of Newell the holder and owner of said permit No. 469-1  
a water right, dating from May 14, 1960 to the use of  
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 hereinafter mentioned, to be diverted at between a point N 75° W, 1366.5'  
from the E 1/4 Corner, Section 3, and a point N 12° 45' W, 1353.5' from the S 1/4  
Corner, Section 2, T8N, R5E  
and conducted to and upon portions of Sections 2 and 3, T8N, R5E, M22E  
specifically described in the Certificate of Completion of Works

for the purpose of irrigation, subject to any limitations listed in the  
permit to appropriate water, and

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 15th day of August A. D. Nineteen  
Hundred and Sixty-seven

State Water Resources Commission

By:

J. W. GRIMES  
Chief Engineer, Executive Officer

Permit No. 469-1  
Belle Fourche

Water Division No. 1 River Water District

## Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Mrs. Selma Garness

of Howell, County of Butte, and State of South Dakota, the holder of Permit No. 469-1, issued upon Application No. 469-1, bearing date of priority of May 14, 1960, authorizing the diversion of 2.0 cu. ft. per second of the waters of Owl Creek

County of Butte, State of South Dakota, at between a point N 75° W, 1366.5' from the E½ Corner, Section 3, and a point N 12° 45' W, 1353.5' from the S½ Corner, Section 2, T8N, R5E.

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 1.97 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 T8N, R5E

Section 2 SW½ NW½ 37 Acres

SE½ NW½ 26 Acres

NE½ SW½ 8 Acres

Section 3 SE½ NE½ 20 Acres

Total 91 Acres

Witness my hand this 15th day of August A. D. 1967

State Water Resources Commission

By:

J.W. GRIMES  
 Chief Engineer, Executive Officer



**OVERSIZE  
DOCUMENT IS  
SUPPLEMENTARY  
TO MICROFILM FILE**

Permit No. 469-1Beck Faurche RiverWater Division No. 1

Water District

## 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 \_\_\_\_\_

I have this day made a thorough examination of the diversion works constructed by \_\_\_\_\_

Mrs. Salmie Garness, of NewellButte County, South Dakota, holder of Permit No. 469-1, issuedupon Application No. 469-1, bearing date of priority of May 14, 1966, authorizing thediversion of 2 cu. ft. per second of the waters of Owl Creek for irrigation

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

The diversion works comprise: G.E. 30 H.P. electric motor, 6" x 8" centrifugal pump, 450' 6" aluminum main line, 500' 6" gal. pipe, 1/4 mi. main ditch.

and the system is in the following condition: GoodThe point of diversion is located As shown on water right map No 469-1

The works are capable of diverting and conveying to the place of use 270 gpm. cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: SE 1/4 NE 1/4 sec 3, T18N. R. 5E 20 AcresSW 1/4 NE 1/4 sec 2, T18N. R. 5E 37 AcresSE 1/4 NW 1/4 sec 2 11 11 21NE 1/4 NW 1/4 sec 2 1 1 8comprising a total of 76 acres of land.

The domestic use intended comprises \_\_\_\_\_

intentional domestic use

The utilization for power, mining, or other beneficial uses comprises: \_\_\_\_\_

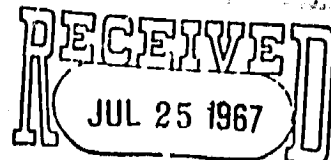
Witness my hand, this 12th day of July, A. D. 1967.

—SEAL—

Donald W. Mearns

Examining Engineer.

Location No. 469-1  
Belle  
 Water Division No. 1 Aurache River Water District



STATE WATER RESOURCES COMM.  
 PIERRE, SOUTH DAKOTA

## Proof of Application of Water to Beneficial Use

### PETITION OF HOLDER

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

Ans. MRS SELMA GARNES  
NEWELL, S.D.A.K.

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. \_\_\_\_\_

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

Ans. MAY 14, 1960

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

Ans. OWL CREEK - AS SHOWN ON WATER  
RIGHT MAP 409-1

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. 30 - H.P. G.E. ELECTRIC MOTOR PUMP  
FLOW PUMP, 6" x 8" 450' ALUMINUM  
MAIN PIPES, 500' 6" GATE PIPE 1/4 MI AND DITCH - 800 PM.

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

Ans. 91 ACRES AS SHOWN ON WATER RIGHT  
MAP NO 409 1

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

Ans. \_\_\_\_\_

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

Ans. 870 GPM

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

Ans. \_\_\_\_\_

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

Ans. IRRIGATION SYSTEM WAS COMPLETED IN 1963 AND LAND HAS BEEN IRRIGATED AS STATED ABOVE EACH YEAR SINCE THEN.

Mrs Selma Garrison  
(Sign) MRS SELMA GARRNESS

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 \_\_\_\_\_, County of Butte

State of South Dakota, on this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 19\_\_\_\_

Raymond L. Garrison  
Clifton E. Garrison

Witnesses.

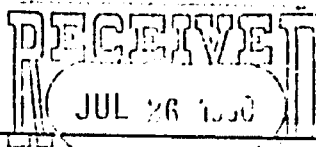
I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my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

Location No. _____	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 _____
--------------------	---	--------------------	--------------------------------	--------------	--------------	---------------	--------------------	-------------------------	--------------------------

County of Butte  
State of S. Dak.

Subscribed and sworn before me this 24 day of July 1967

My Commission expires March 4, 1969  
Elmer Milberg  
Notary Public



STATE WATER RESOURCES COMM.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }  
County Rutte } ss.

F. Lyn Gladstone being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

Valley Irrigator a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the -----  
City of Nowell County of -----

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

June 30, 1960

July 7, 1960

July 14, 1960

in each and every issue of the full number thereof, the first publication being made on the 30th day of June 1960 and the last publication on the 14th day of July 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer and publisher of the said newspaper.

APPROPRIATION OF WATER  
Office of State Water Resources  
Commission, Pierre, S. Dak.,  
June 21, 1960.  
Notice is hereby given that Edwin  
Garner, whose postoffice address is  
Newell, S. Dak., has made an ap-  
plication in accordance with the pro-  
visions of the water laws of South  
Dakota for a permit to appropriate  
for beneficial use 2.0 cubic feet of  
water per second of time from Owl  
Creek through the Garner Irriga-  
tion Project, the point of diversion  
of which is to be located on both  
banks of said stream between a  
point in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 3  
and a point in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$   
of Section 2, Twp. 8N., Range 5E.  
Said water to be used for the pur-  
pose of providing irrigation on por-  
tions of the following described land:  
SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 3; Lot 1, SW $\frac{1}{4}$   
NW $\frac{1}{4}$  and NW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 2, all in  
T. 8N., R. 5E., and for stockwater  
purposes.  
This application will be taken up  
by the State Water Resources Com-  
mission at their office at Pierre for  
consideration upon the 3rd day of  
August, 1960, at 2 P. M. All interest-  
ed 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 infor-  
mation presented.  
STATE WATER RESOURCES  
COMMISSION

By: Burton F. Jones, Water  
Right Specialist. 40c

Subscribed and sworn to before me this 23rd day of July A. D. 1960

Notary Public B. F. Jones County, S. D.

(First Publication ~~on or before July 8~~, 1960.)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., June 21, 1960

Notice is hereby given that ~~Edwin Garness~~ whose postoffice address is Newell 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 2.0 cubic feet of water per second of time from ~~the~~ Owl Creek through the Garness Irrigation Project, the point of diversion of which is to be located on ~~the~~ between a point in the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 3 and a point bank of said stream in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 2 Twp. 8N Range 5E Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 3; Lot 4 SW $\frac{1}{4}$  NW $\frac{1}{4}$  and N $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 3, all in T 8N R 5E

and for stockwater purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 3rd day of August, 1960 at 2 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:

cc: F. Lyn Gladstone-Publisher  
Valley Irrigator  
Newell, South Dakota

~~Chief Engineer, Bureau of Reclamation~~  
Burton F. Jones  
Water Right Specialist

# NOTICE OF TRANSFER OF WATER PERMIT

March 29, 1967

TO: Office of State Water Resources Commission  
Pierre, South Dakota

This is to notify you that EDWIN GARNES

who previously owned the land described below has sold his interests to

MRS SELMA GARNES, NEWELL, SO. DAK.

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 469-1

and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1803 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of \_\_\_\_\_ } ss.

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

Signed

Mrs Selma Garnes

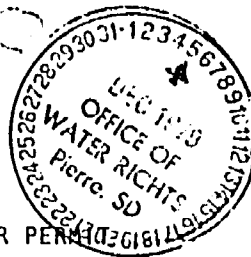
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Notary Public

Witnessed by Donald Dunsell, Deputy Chief Engineer,  
Water Resources Commission

Donald Dunsell

## NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: 4-12-1979

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

91 acres in the S $\frac{1}{2}$  NW $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 2, and SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 3, T8N, R5E

formerly owned by Selma Garness, Hewell

has been transferred to Raymond Garness, RR, Newell, SD 57760

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

Water Right Permit No. 469-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA )  
County of Butte ) ss.

I, Raymond Garness 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.

Raymond L. Garness  
(Signed)

Subscribed and sworn to before me this 4 Day of December, 1979

COLGAN J. HUBER, Notary Public  
Butte County  
My Commission Expires April 23, 1982

Colgan Huber  
(Notary Public)





# Department of Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

Water Rights Division (605) 773-3352

June 10, 1981

Raymond Garness  
Newell, SD 57760

Dear Mr. Garness:

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>
469-1	1.30 cfs	91.00	\$42.75
TOTAL			\$42.75

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*

# RECEIPT

## WATER RIGHTS COMMISSION

State of South Dakota

No 4 8298

June 19 81

Raymond or Barbara Garness, <sup>PIERRE,</sup> Newell, SD 57760

RECEIVED OF

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 _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
water master services on WR# 469-I	42.	75
Fee for _____		
(any other work as provided by law)		
TOTAL	42.	75

WATER RIGHTS COMMISSION

By *John H. Hark*  
Chief Engineer, Executive Officer

Do not use this space.

STATE OF SOUTH DAKOTA

# DIRECT VOUCHER

AGENCY VOUCHER No.	DATE
111	11/10/81

PAYEE . Raymond Garness  
Newell SD 57760

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		37.84	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL						22 37.84	

Warrant # 82079261  
AC # 077362  
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			
			469-1 Raymond Garness		37.84	
TOTAL					37.84	

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 relative to nondiscrimination in federally assisted programs.

*John H. H. H.*  
Claimant Signature

Date

11-5-81

## 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.

*John H. H. H.*  
DIVISION APPROVAL

DATE

11-5-81

APPROVAL SIGNATURE

DATE

11-5-81

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)	<u>\$7,379.37</u>	<u>2,028.62</u>	<u>5,350.75</u>
		\$2,028.62	\$5,350.75

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	Mel 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	52.00	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	1.47	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 Hallmaier	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	2.80	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.	5.30	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	46.00	\$ 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		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	Neil Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay (Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
865-1	Solomn Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---



# Department of Water & Natural Resources

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

February 17, 1989

Raymond L. Garness  
Rt. 1, Box 141  
Newell, SD 57760

Dear Mr. Garness:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- \* a check valve between the irrigation pump and the point of chemical injection;
- \* a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- \* a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- \* a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- \* an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- \* an inspection port between the irrigation pump and the check valve on the irrigation line;



Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

*John Hatch*  
JOHN HATCH, Chief Engineer  
Water Rights Division



# Department of Water & Natural Resources

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

September 19, 1990

469-1

Jim Hollenbeck  
Farm Credit Services  
PO Box 3130  
Rapid City, SD 57709-3130

Dear Mr. Hollenbeck:

Enclosed, as you requested, is a copy of Water Right No. 469-1. The Water Right is currently listed in the name of Raymond Garness. If you need additional information, please contact me.

Sincerely,

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

enclosures





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

# 2013 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 2, 2013**

**REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.**

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or send your form(s) electronically over the internet at <http://denr.sd.gov/iq.aspx>

Permit No. 469-1

RAYMOND L GARNESS  
12791 GARNESS RD  
NEWELL SD 57760 9633

1. Did you irrigate in 2013? \*yes ☐ \*\*no ☒

\*If yes, number of acres irrigated? \_\_\_\_\_

\*\*If no, check reason(s) for not irrigating acres covered by Permit No. 469-1

sufficient moisture ☐ no water available ☐

system not constructed ☐ use abandoned ☒

enrolled in CRP ☒, through what year? 2021

other ☐, please explain in the Comment Box:

## Comment Box

Since there are so many center pivot above us not much water in creek and I'm getting to old to do that much.

Any address/ownership corrections?

Email \_\_\_\_\_

Phone \_\_\_\_\_

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2013? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. **A. OWL CREEK**

5. Provide your water use on the back of this form.

NWNW	NENW	NWNE	NENE
<b>NW</b>		<b>NE</b>	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
<b>SW</b>		<b>SE</b>	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED  
OCT 31 2013  
WATER RIGHTS  
PROGRAM

Acreage permitted for irrigation under No. 469-1

(see above section map for help reading legal descriptions)

sec 02-T008N-R05E, SW1/4NW1/4 - 37.00 acres

sec 02-T008N-R05E, SE1/4NW1/4 - 26.00 acres

sec 02-T008N-R05E, NE1/4SW1/4 - 8.00 acres

sec 03-T008N-R05E, SE1/4NE1/4 - 20.00 acres

Please provide your 2013 water use to irrigate the above acreage on the REVERSE side of this form.



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



July 28, 2014

469-1

Raymond L. Garness  
12791 Garness Rd  
Newell SD 57760 9633

Dear Mr. Garness:

I am writing in regard to the 2013 irrigation questionnaire you submitted for Water Right No. 469-1.

On the form you indicated your land will be enrolled in the Conservation Reserve Program through 2021. South Dakota water law allows this practice while retaining water rights if the following criteria as discussed in SDCL 46-5-37.2 are met:

- Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:
  1. the water source is not fully appropriated;
  2. if the withdrawal from use does not prevent approval of new permits from the same source, and;
  3. if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

Beginning in 2014, we will hold up on mailing the annual irrigation questionnaire to you until the land comes out of CRP and is again eligible for irrigation. If any changes occur prior to 2021 such as address or ownership changes, please notify our office. If you have any questions, please contact me.

Sincerely,

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





469-1

**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

May 31, 2022

469-1

Raymond Garness  
12791 Garness Rd  
Newell SD 57760-9633

Dear Mr. Garness:

I am contacting you regarding Water Right No. 469-1 (copy enclosed). Back in 2013, you notified us that the land was in CRP through 2021.

The annual irrigation questionnaire is not mailed to irrigators with land in CRP until the land comes out and is eligible for irrigation. Enclosed is a brief survey dealing with land ownership and CRP. Please complete and return the form to us in the postage paid envelope provided.

If you no longer wish to maintain the water right, make a notation on the form to that affect and return it to me. The water right will be scheduled for cancellation if there is no intent to irrigate.

Thank you in advance for your help in updating the water right.

Sincerely,

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



469-1

**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

January 20, 2023

**NOTICE**

TO: RAYMOND L GARNESS, 12791 GARNESS RD, NEWELL, SD 57760 9633

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 469-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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 8, 2023 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) 469-1 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 8, 2023** 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](mailto: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: JURQPF**

**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

March 6, 2023

469-1

James Garness  
1411 Birch St  
Tyndall SD 57066

Dear Mr. Garness:

Thank you for sending in the online irrigation questionnaire for Water Right No. 469-1 listed under Raymond Garness.

It is my understanding the land has been enrolled in CRP through 2037. Under SDCL 46-5-37.2, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

The annual irrigation questionnaire for Water Right No. 469-1 will not be mailed to you until the land comes out of CRP. If the land is sold or other changes occur prior to the land coming out of the program, please notify us so that appropriate changes can be made to the water right.

In our email communication, you indicated you now owned the land. 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.

Sincerely,

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

enclosure



469-1

# RECEIPT

## WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date March 13, 2023

RECEIVED OF James/Robin Garness 613 Elm St., Springfield SD 57062

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>469-1</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



PAID

MAR 13 2023

Ck#

1080

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 469-1

Date: 3-8-23

I/We request that Water Right No. 469-1

formerly owned by: Raymond Garness

be transferred to: (name & address) James Garness

1411 Birch St, Tyndall, SD 57066

Telephone No. 605-515-0804

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

91 acres - S 1/2 NW 1/4, NE 1/4 SW 1/4 Section 2 and SE 1/4 NE 1/4 Section 3, T8N, R5E

I/We understand that the validity of Water Right No. 469-1 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 James Garness, the new owner, certify that the above information is true and correct.

James Garness  
(Signed by new owner)

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

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

RECEIVED

MAR 13 2023

OFFICE OF  
WATER



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

March 16, 2023

469-1

James Garness  
1411 Birch St  
Tyndall SD 57066

Dear Mr. Garness:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 469-1.

The water right formerly listed under Raymond Garness is now listed under your name.

Enclosed for your records is a receipt for the filing fee you paid along with a copy of the transfer form.

If you have any questions, please let me know.

Sincerely,

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