

8-3, 1960 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 Dul 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 1/2 miles of Newell.
8. Proof of Publication Received ✓
Not Received
9. Application Approved
Subject to
Not approved
Action deferred

10. Remarks:

This is about 1 mile above the mouth of Dul Creek - Priority would be granted, but believe it should be deferred until we attain measurement results & study inter relationships of stream & the

8. Estimated cost of work:

(a) Head Gates, \$100! Static head by electric (b) Pumping plant, \$1160000
 (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.)

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.

(c)* Head gate: Width.....feet; heightfeet;

Material _____

(d) Canal: Total length _____ miles.

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 4 years.

11. Time required for complete application of water to the proposed beneficial use 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate
The Valley Irrigator, Newell, S. D.

STATE OF SOUTH DAKOTA

County of Franklin

85.

I, Wm. Garrison, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this 24th

day of

195-133

Carl H. Gammill.

Notary Public (or other qualified officer.)

¹Each diversion must have a headgate or measuring device. I.C.C. Sec. 8-1-10.

plat
of
THE GARNESS IRRIGATION PROJECT
SECTIONS 2 & 3, T. 8 N., R. 5 E-BM
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 herein 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.

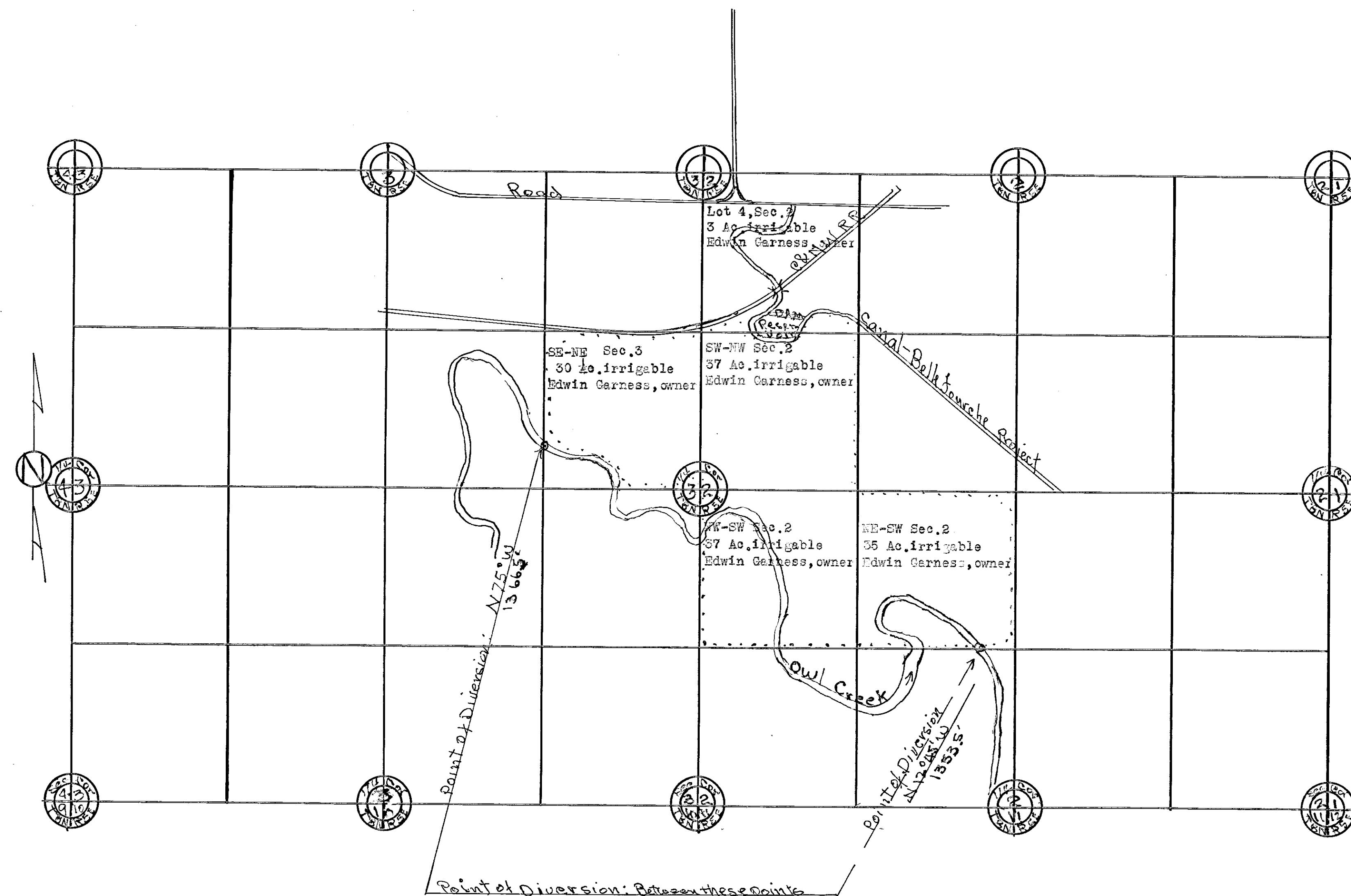
Subscribed and sworn to at Buffalo, South Dakota this 9th day of May, 1960.

SIGNED: *Carl M. Cornell*

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

Subscribed and sworn to before me at Buffalo, South Dakota this 8th day of May 1960.

M. R. Jensen
Notary Public (SEAL)



Map No 409-1 (App No 469-1)

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 } is.

Pierre, South Dakota, December 29, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 14th day of MAY, 1968.

State Water Resources Commission

By:

Duston L. Jones
Chief Engineer, Executive Officer

Number of permit 469-1

MAY 14, 1968

Date of first receipt of application

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

Date of receipt of corrected application

Date from which applicant may claim right

Approved December 21, 1968, 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, 1968

December 21, 1968

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

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

DECEMBER 21, 1968

Irrigation

4th. The water appropriated shall be used for the purpose of

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 29th day of December, 1968

State Water Resources Commission

By:

Duston L. Jones
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 Gavness
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 hereinbelow 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, more
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 Nowell, 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 E $\frac{1}{4}$ Corner, Section 3, and a point N $12^{\circ}45'$ W, 1353.5' from the S $\frac{1}{4}$ 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:

<u>All in T8N, R5E</u>	<u>SW$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>37 Acres</u>
	<u>SE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>26 Acres</u>
	<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>8 Acres</u>
<u>Section 3</u>	<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>20 Acres</u>
	<u>Total</u>	<u>91 Acres</u>

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. 469-1
 Water Division No. 1 Belle Fourche River
 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 1966, I have this day made a thorough examination of the diversion works constructed by Mrs. Saline Garneau, of Newell Butte County, South Dakota, holder of Permit No. 469-1, issued upon Application No. 469-1, bearing date of priority of May 14, 1966, authorizing the diversion of 2 cu. ft. per second of the waters of Two Creek for Irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 60 H.P. electric motor, 6" x 8" Roper pump, 450' 6" aluminum main line, 500' 4" gated pipe, 1/4 mi. main ditch.

and the system is in the following condition: Good

The 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 870 qpm cu. ft. per second of water, which is to be used for Irrigation.

The legal sub-divisions to be irrigated are SE 1/4, sec 3, Twp 8, S. 20 Acres

SW 1/4, sec 3, Twp 8, S. 20 Acres

SE 1/4, sec 2, Twp 11, S. 20 Acres

NE 1/4, sec 2, Twp 11, S. 20 Acres

comprising a total of 71 acres of land.

The domestic use intended comprises

Incidental domestic water.

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

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

—SEAL—

Donald L. Newell

Examining Engineer.

Location No. 469-1
 Water Division No. 1
 Belle Fourche Water District

RECEIVED
 JUL 25 1967
 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 GARNESS

Newell, 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. _____

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 MAIN RAIL-
 FLOW PUMP, 6" x 8" 450' ALUMINUM
 MAIN PIPES, 500' 6" GATE PIPE 4" MIN. DITCH - 800 P.M.

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 9871

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 *Myself, Chester E. Garness*
(Sign) MRS SELMA GARNESS

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 Butte, County of Butte.

State of South Dakota, on this _____ day of _____ A. D. 19____

Raymond L. Garness
Chester E. Garness

} 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						Received and filed _____	
PETITION OF HOLDER		Amount of Water _____	c. f. s. _____	Source _____	County _____	Purpose _____	Place of Use _____	Date of recording _____

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 M. Miller
Notary Public

RECEIVED
JUL 26 1960

No. 469-1

STATE WATER RESOURCES COMM.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Butte } 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 time of publication of said notice herein after stated, has been and is printed and published in the

City of Nowell County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 30, 1960July 7, 1960July 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 Garneau, 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 Owl Creek through the Garneau Irrigation 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 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 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 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
COMMISSIONBy: Burton F. Jones, Water
Right Specialist. 404Subscribed and sworn to before me this 23rd day of July 1960

A. D. 1960

Notary Public John F. Glavin 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 Owl Creek through the Garness Irrigation Project, the point of diversion of which is to be located on the left bank of said stream in the NE 1/4, Section 3 and a point between a point in the SE 1/4 NE 1/4, Section 3 and a point NE 1/4 1/4 of the NW 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 1/4 NE 1/4, Sec. 3, Lot 4 SW 1/4 NW 1/4 and NW 1/4 SW 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 9—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

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

By:

State Water Resources Commission
Buxton 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 GARNESS

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

MRS. SELMA GARNESS, NEWELL, SD. 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 55.1806 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.

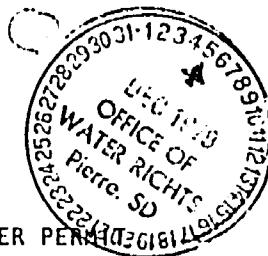
Signed Marie Edwin GARNESS

Subscribed and sworn to before me this _____ day of _____ 19____.

Notary Public

3146-7625 witnessed by Donald Dusell, Dept. Chief Engineer,
Water Resources Commission

Donald Dusell



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, Newell

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 despose 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 25, 1982

Colgan Huber
(Notary Public)

south Dakota

Dakota 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.

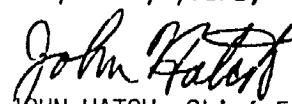
Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<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

PIERRE

Raymond or Barbara Garness, 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)

TOT. AMT

42.75

WATER RIGHTS COMMISSION

By

John Hatch, Executive Officer

Do not use this space.

STATE OF SOUTH DAKOTA
DIRECT VOUCHER

AGENCY VOUCHER No. DATE

PAYEE . Raymond Garness
Newell SD 57760

• Ewell SD 57760
• Joe Foss Bldg.
• Pierre SD 57501

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			

NOTE: Vendors invoice must be attached.

AGENCY VERIFICATION

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.

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.

Claimant Signature

Date

DIVISION APPROVAL

DATE

5 000 006 R 72

APPROVAL SIGNATURE

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
	\$ 7,379.37	\$ 2,028.62	\$ 5,350.75

Detailed Report of Receipts

No.	Name	Diversions 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
417-1C	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	1.47	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.	5.90	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	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	Neill 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	
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	19.70
135-1	Walter Hoffman	3.11	220.00	95.00	46.91
408-1	James A Mickelson	3.10	218.00	94.50	84.09
469-1	Raymond Garness	1.30	91.00	42.75	83.65
1218-1	William Dillinger	.40	42.70	20.75	37.84
1222-1	John Ismay (Norman)	1.11	79.00	39.75	18.37
1154-1	Homestake Mining	4.50	319.00	129.75	35.19
285-1	Edgar Colin Smart	1.42	150.00	67.50	114.85
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 Bartolotto	.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	Solomon 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	---

#469

**South Dakota
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;

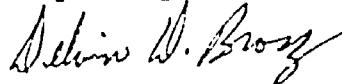


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,



for JOHN HATCH, Chief Engineer
Water Rights Division

~~south Dakota~~

Department of Water & Natural Resources

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

September 19, 1990

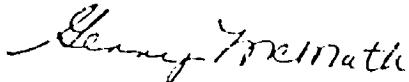
469-1

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



469-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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
water rights 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.



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



**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. **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
2m

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