

No. 773-1

Water Division No. 1 GRAND RIVER District
(Blanks to be filled by the Engineer for the W. R. O.)

RECEIVED
JUL 25 1966
10:01 AM

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Floyd Howe

Postoffice address Buffalo, N. Dak., County Perkins, State S.D.

I. If a corporation None

- (a) Name of same 109-1
773-1
- (b) Date and place of incorporation Floyd Howe
- (c) Amount of capital stock Hottinger, ND
- (d) Amount paid in
- (e) Names and addresses of directors wants correspondence sent to operator:

Jim Howe
RR #2
Hottinger, ND 58639

(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)
Contract
- (b) Cash on hand, \$ Adequate
- (c) Treasury stock, \$ ---
- (d) Bonds to be issued, \$ ---
- (e) Other resources, \$ 903-ASCS

2. Name of diversion work --- HOME IRRIGATION PROJECT

3. Amount of water claimed 11.6 cubic feet per second

4. Source of water supply North Fork - Grand River

5. Location of point of diversion See attached plot map

POINT IN THE NE 1/4 SECTION 29, T23N R10E on EITHER bank PERKINS County.

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

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Irrigation
- (a) Number of acres to be irrigated 322.4 acres.
- (b) Legal subdivisions to be irrigated See attached plot map

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

(c) Statement as to domestic use (giving location, etc.) None

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

- (a) Nature of use None
Name any of the above uses claimed
- (b) Amount of power to be generated horse power.
Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

MAP NO. 649-1

8. Estimated cost of work:

(a) Head Gates, \$500.00
 (b) Pumping plant, \$10,000.00
 (c) Fluming, \$----- (d) Canal earth, \$-----
 (e) Other structures Turnouts, drops etc \$2500.00
 Rock, \$-----
 Total, \$13,000.00

9. Description of diversion works:

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

Pumping Plants

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet; height.....feet; Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MI
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 Jennion Leader

STATE OF SOUTH DAKOTA

County of Perkins } ss.

I, Floyd Howe, 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 Floyd Howe

Subscribed and sworn to before me this 14th day of July 1966.

Helen C. Tubbs
 Notary Public (or other qualified officer.)

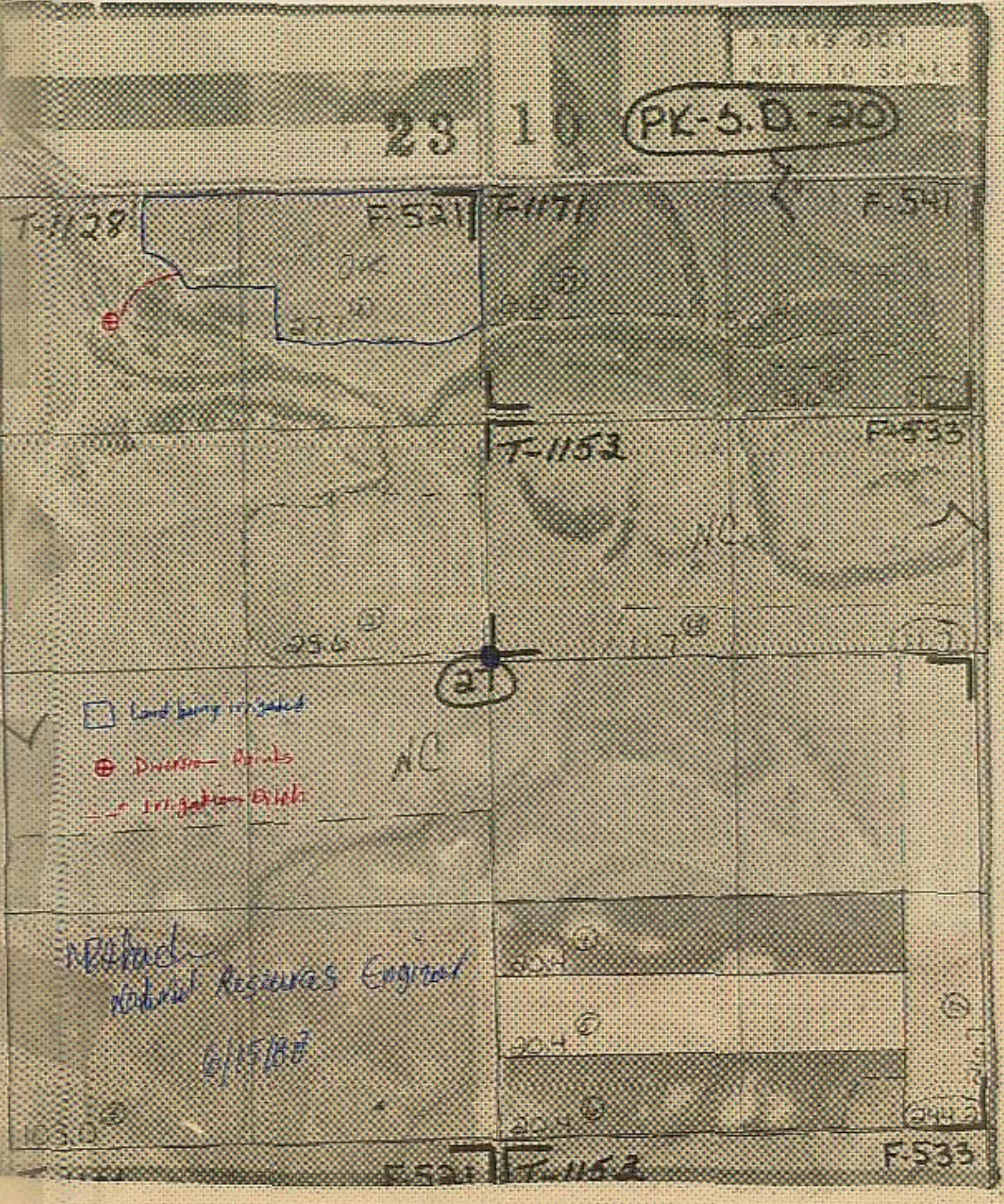
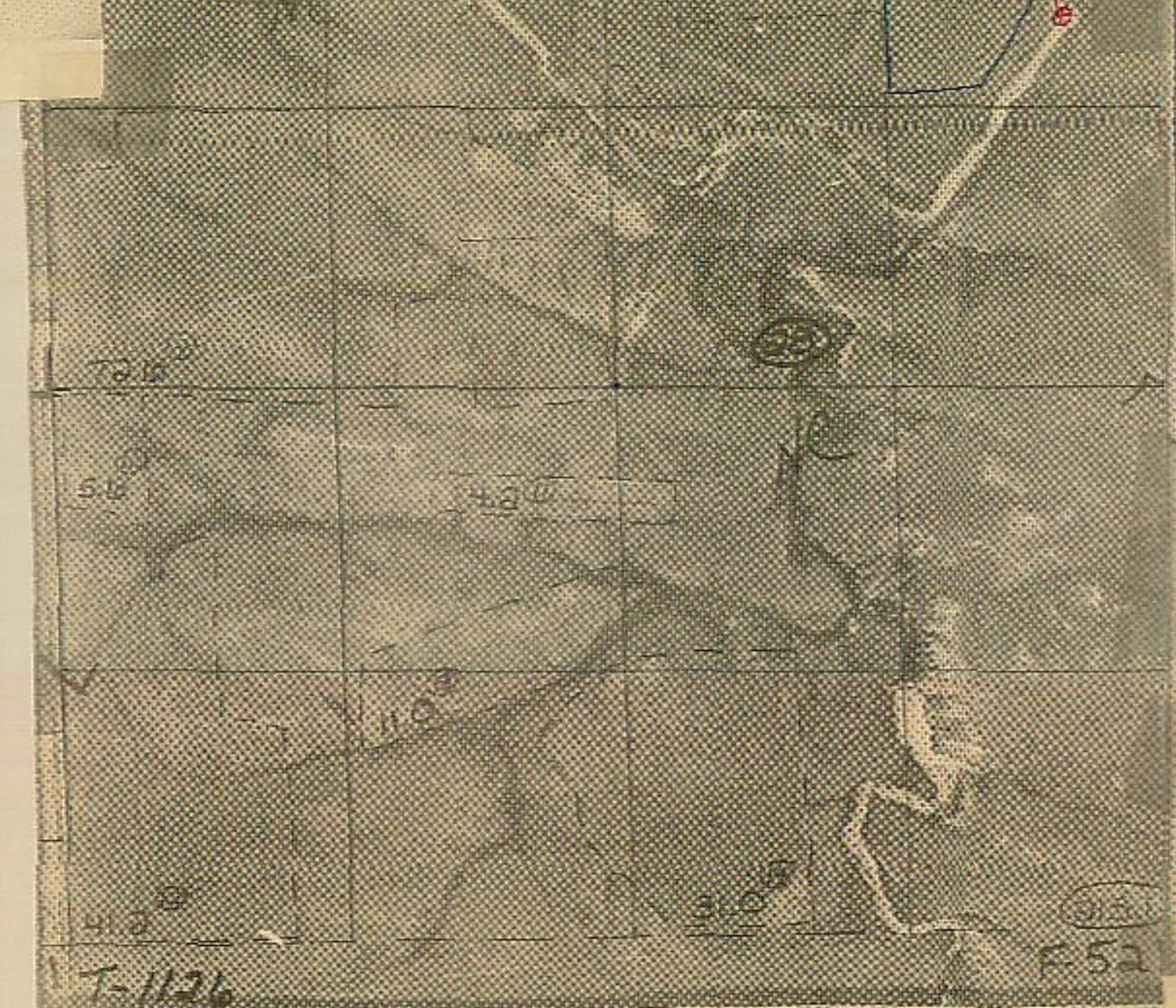
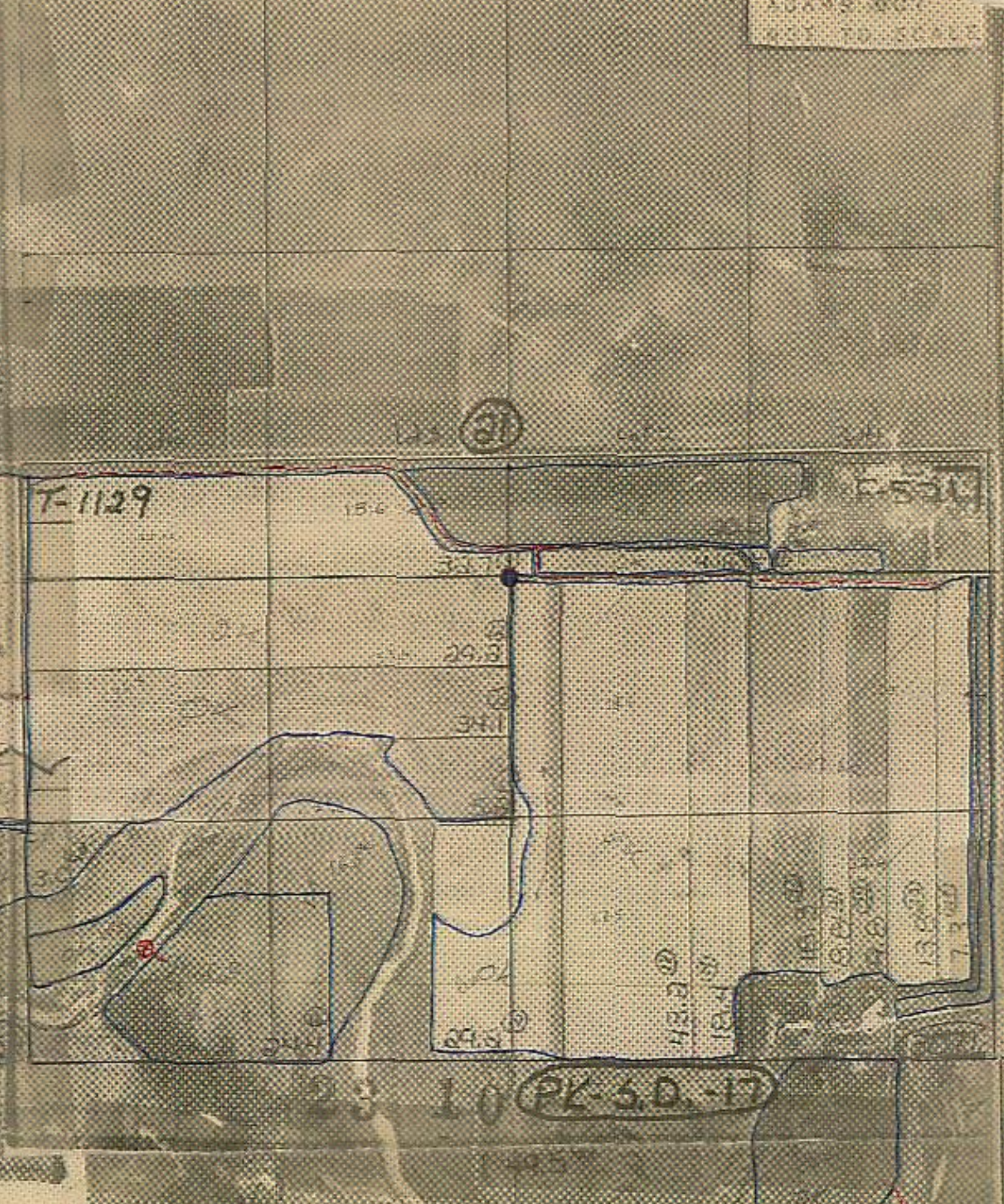
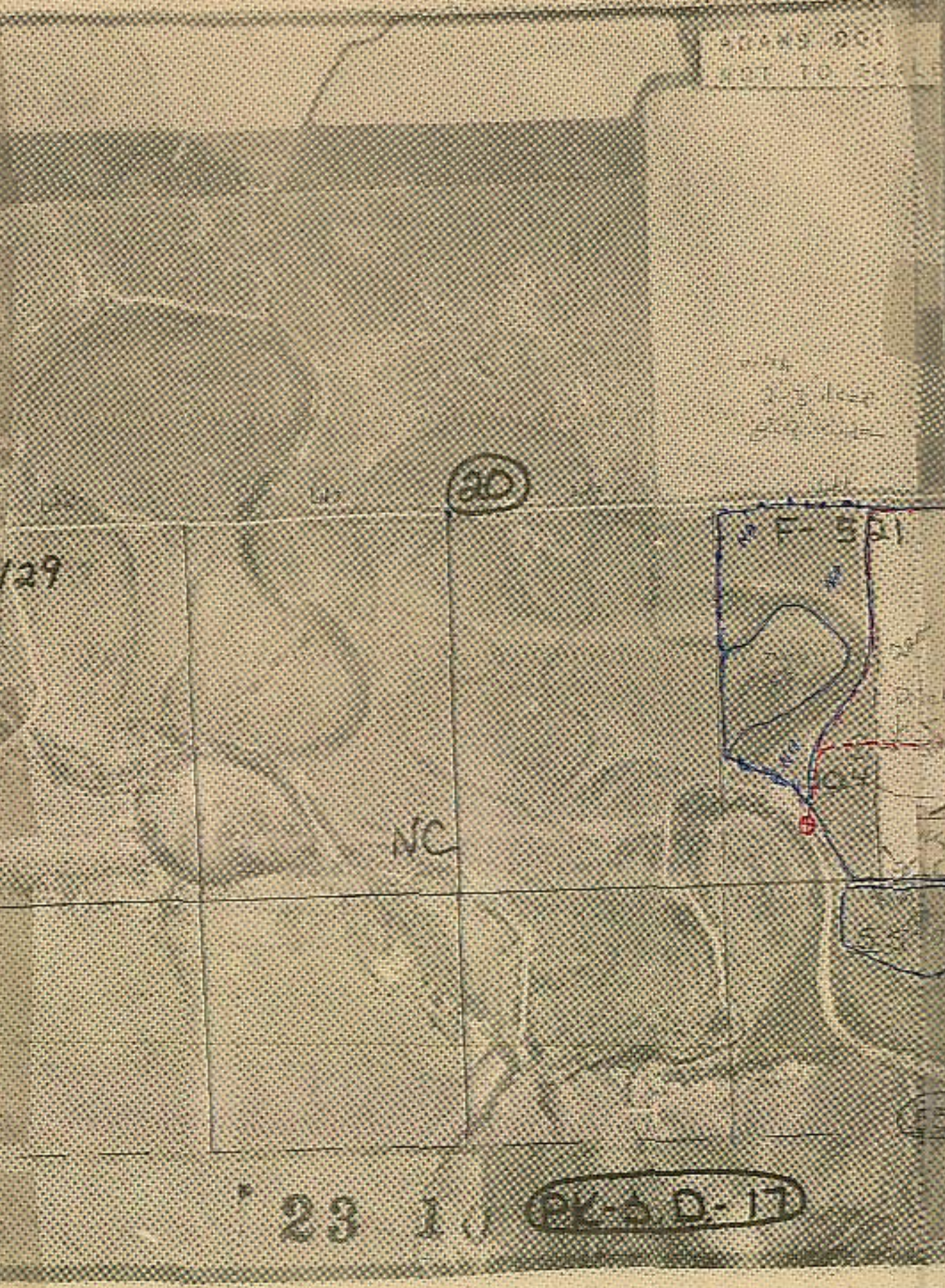
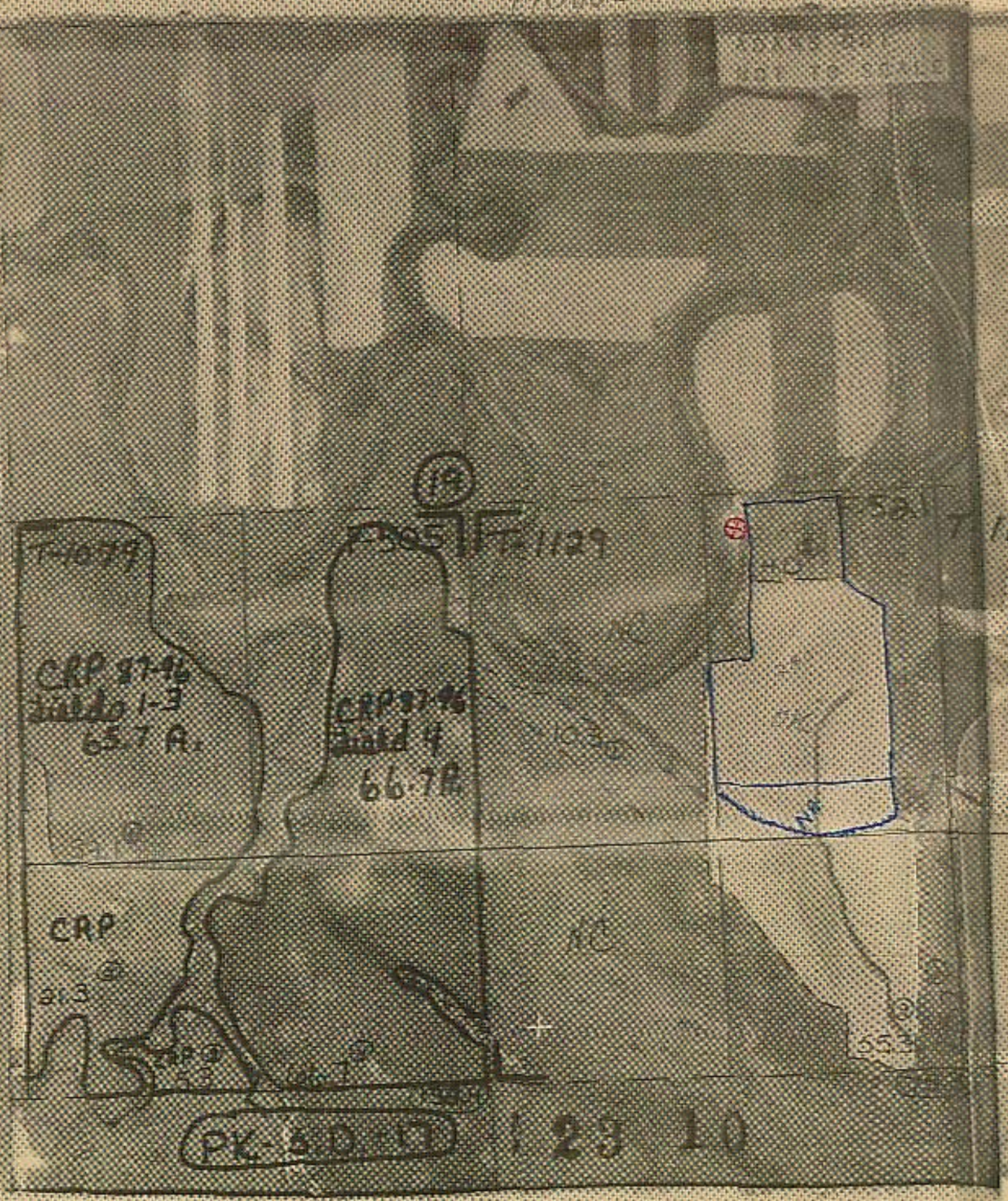
HELEN C. TUBBS, NOTARY PUBLIC
 State of South Dakota
 My Commission Expires Nov. 17, 1966

*Each diversion must have a headgate or measuring device.

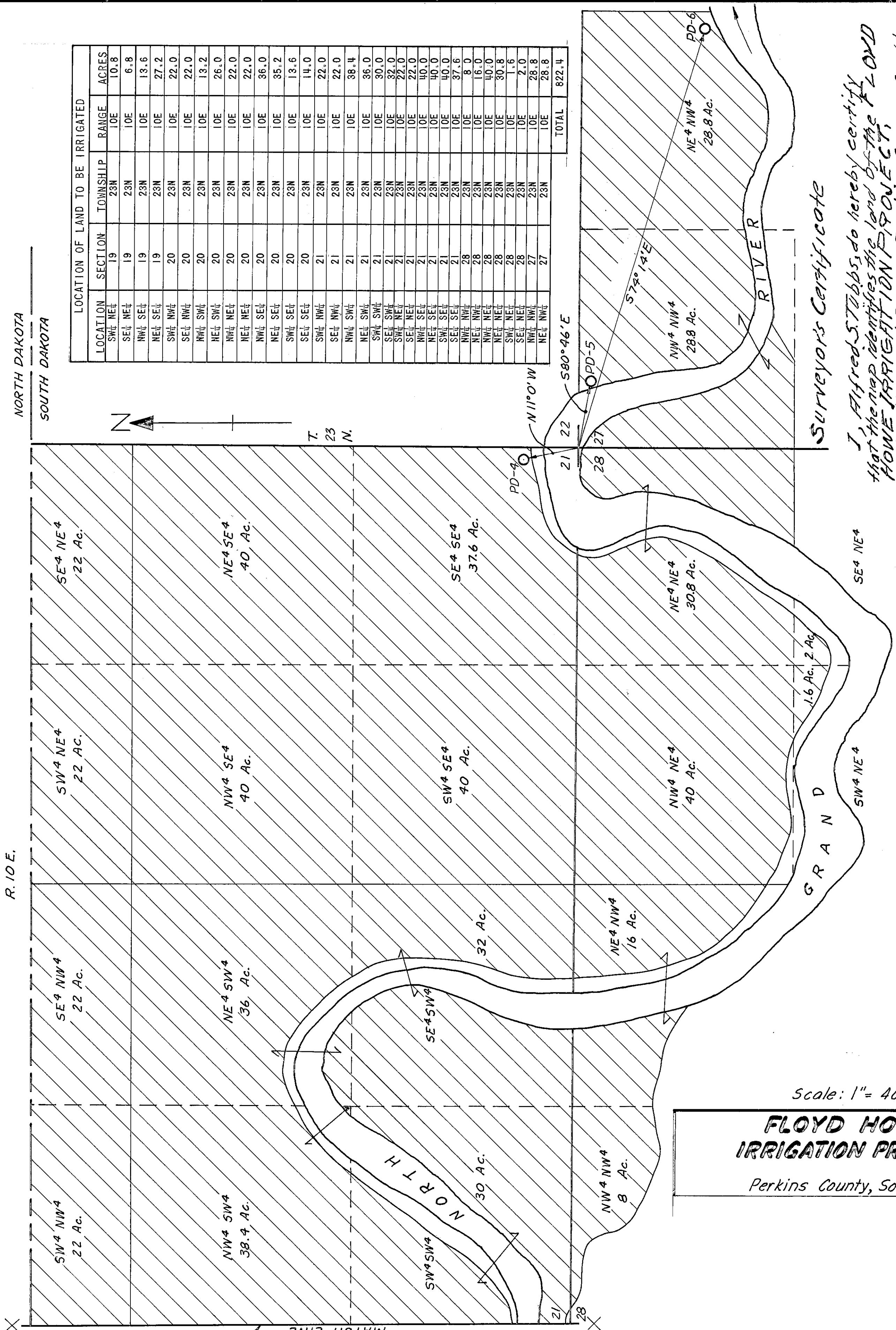
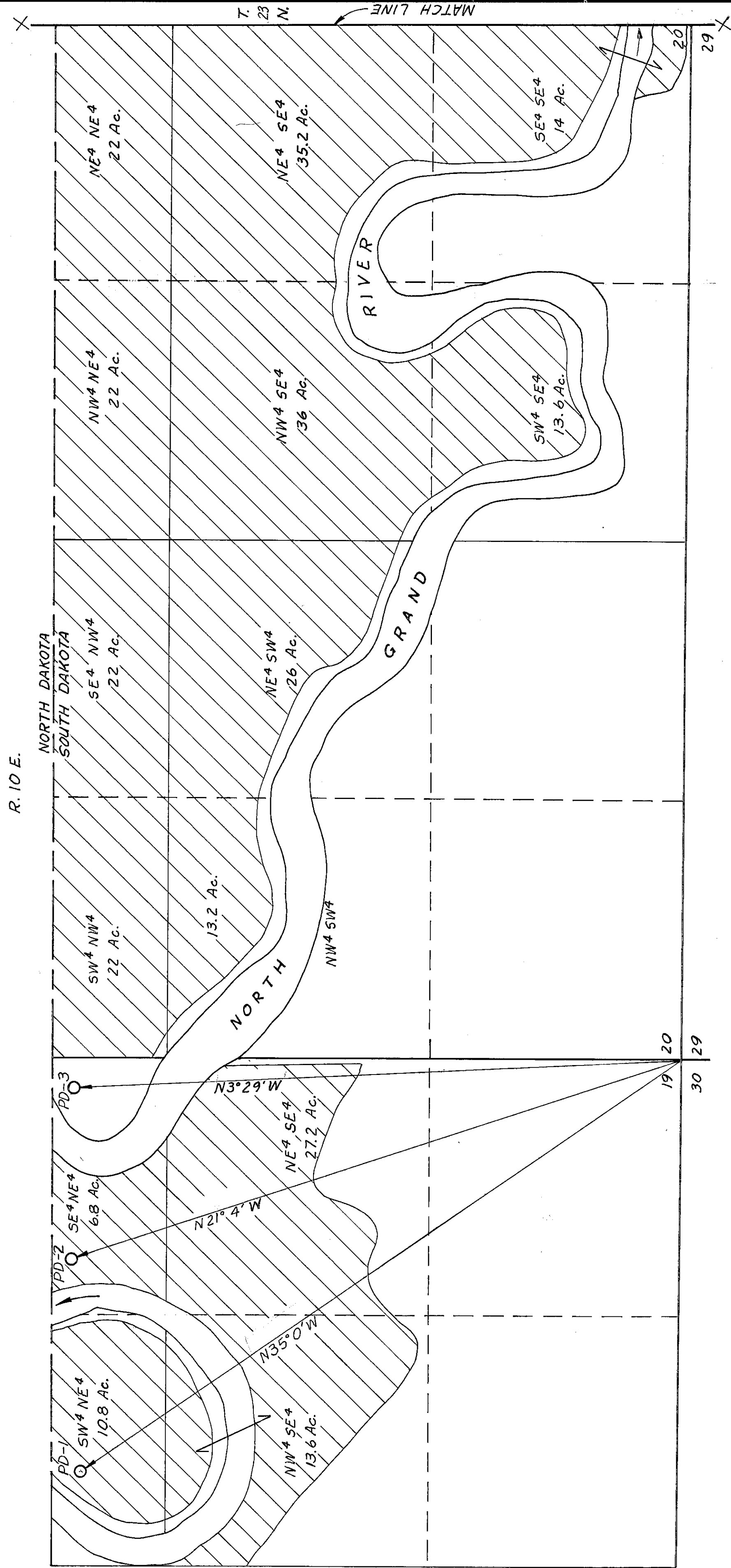
Howe

Howe

Howe



MAD 92 649-1 (APPL US 775-1)



LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
SW 1/4 NE 4	19	23N	10E	10.8
SE 1/4 NE 4	19	23N	10E	6.8
NW 1/4 SE 4	19	23N	10E	13.6
NE 1/4 SE 4	19	23N	10E	27.2
SW 1/4 NW 4	20	23N	10E	22.0
SE 1/4 NW 4	20	23N	10E	22.0
NE 1/4 SW 4	20	23N	10E	13.2
NW 1/4 SW 4	20	23N	10E	26.0
NE 1/4 NE 4	20	23N	10E	22.0
NW 1/4 NE 4	20	23N	10E	22.0
NE 1/4 SE 4	20	23N	10E	36.0
NW 1/4 SE 4	20	23N	10E	35.2
SW 1/4 SE 4	20	23N	10E	13.6
SE 1/4 SE 4	20	23N	10E	14.0
SW 1/4 NW 4	21	23N	10E	22.0
SE 1/4 NW 4	21	23N	10E	22.0
NW 1/4 SW 4	21	23N	10E	38.4
NE 1/4 SW 4	21	23N	10E	36.0
SW 1/4 SW 4	21	23N	10E	30.0
SE 1/4 SW 4	21	23N	10E	32.0
NE 1/4 NE 4	21	23N	10E	22.0
NW 1/4 NE 4	21	23N	10E	22.0
SE 1/4 NE 4	21	23N	10E	40.0
NE 1/4 SE 4	21	23N	10E	40.0
SW 1/4 SE 4	21	23N	10E	37.6
SE 1/4 SE 4	21	23N	10E	8.0
NW 1/4 NW 4	28	23N	10E	16.0
NE 1/4 NW 4	28	23N	10E	16.0
SW 1/4 NW 4	28	23N	10E	40.0
SE 1/4 NW 4	28	23N	10E	30.8
NE 1/4 NE 4	28	23N	10E	1.6
NW 1/4 NE 4	28	23N	10E	2.0
SE 1/4 NE 4	28	23N	10E	28.8
NW 1/4 NE 4	28	23N	10E	28.8
NE 1/4 NW 4	27	23N	10E	28.8
NE 1/4 NW 4	27	23N	10E	28.8
TOTAL				822.4

Surveyor's Certificate

I, Alfred S. Stubbs, do hereby certify that the map identifies the land of the FLOYD HOWE IRRIGATION PROJECT, an North Grand River, Perkins County, South Dakota.

Alfred S. Stubbs,
Deputy State Surveyor, S.D.
O = POINT OF DIVERSION
Subscribed and sworn to before me this day of July, A.D. 1966.
Nancy Public, S.D.
Notary Public, S.D.

▨ = LAND TO BE IRRIGATED

Scale: 1" = 400'
FLOYD HOWE IRRIGATION PROJECT
Perkins County, So. Dakota

Remarks by State Water Resources Commission:

FLOW OF THE GRAND RIVER PROPOSED FOR USE UNDER THIS PERMIT ARE INCLUDED UNDER U.S. WITHDRAWAL 594-1 FOR STORAGE IN SHADEHILL RESERVOIR. RESTRICTIONS ON THE USE OF WATER GRANTED UNDER THIS PERMIT MAY BE NECESSARY IF THE BUREAU OF RECLAMATION DEVELOPS THE SHADEHILL UNIT IRRIGATION PROJECT AS PROPOSED UNDER SUCH WITHDRAWAL. LOW FLOWS REQUIRED FOR DOWNSTREAM DOMESTIC USE AND FRIOR WATER RIGHTS MUST BE BY-PASSED.

STATE OF SOUTH DAKOTA }
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 16, 1966

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock a.m. upon the 25TH day of JULY, 1966

State Water Resources Commission
By: Burton Jones
for Chief Engineer, Executive Officer

Number of permit 773-1

Date of first receipt of application JULY 25, 1966

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 JULY 25, 1966

Approved SEPTEMBER 15, 1966, Recorded in Book 9 Page 153

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 MARCH 15, 1969
- 2nd. The whole of said work is to be completed on or before SEPTEMBER 15, 1971
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 15, 1975
- 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 11.6 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 SEPTEMBER 15, 1975, said water to be used during the following described annual period:

WHEN AVAILABLE
Witness my hand this 16TH day of SEPTEMBER, 1966.

State Water Resources Commission
By: G. W. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 3, 1974
Water License Issued DECEMBER 3, 1974

Floyd Howe
Rueyrus,
North Dakota

Area 1 - SW4 NE4	Sec 19 - T23N - R10E	10.3 Ac.
2 - SE4 NE4	" " "	6.8 Ac.
3 - NW4 SE4	" " "	13.6 Ac.
4 - NE4 SE4	" " "	27.2 Ac.
5 - SW4 NW4	Sec 20 - T23N - R10E	22.0 Ac.
6 - SE4 NW4	" " "	22.0 Ac.
7 - NW4 SW4	" " "	13.6 Ac.
8 - NE4 SW4	" " "	26.0 Ac.
9 - NW4 NE4	" " "	22.0 Ac.
10 - NE4 NE4	" " "	22.0 Ac.
11 - NW4 SE4	" " "	36.0 Ac.
12 - NE4 SE4	" " "	35.2 Ac.
13 - SW4 SE4	" " "	13.6 Ac.
14 - SE4 SE4	" " "	14.0 Ac.
15 - SW4 NW4	Sec 21 - T23N - R10E	22.0 Ac.
16 - SE4 NW4	" " "	22.0 Ac.
17 - NW4 SW4	" " "	33.4 Ac.
18 - NE4 SW4	" " "	35.0 Ac.
19 - SW4 SW4	" " "	30.0 Ac.
20 - SE4 SW4	" " "	32.0 Ac.
21 - SW4 NE4	" " "	22.0 Ac.
22 - SE4 NE4	" " "	22.0 Ac.
23 - NW4 SE4	" " "	40.0 Ac.
24 - NE4 SE4	" " "	40.0 Ac.
25 - SW4 SE4	" " "	40.0 Ac.
26 - SE4 SE4	" " "	37.6 Ac.
27 - NW4 NW4	Sec 28 - T23N - R10E	8.0 Ac.
28 - NE4 NW4	" " "	16.0 Ac.
29 - NW4 NE4	" " "	40.0 Ac.
30 - NE4 NE4	" " "	30.2 Ac.
31 - SW4 NE4	" " "	1.3 Ac.
32 - SE4 NE4	" " "	2.0 Ac.
33 - NW4 NW4	Sec 27 - T23N - R10E	28.8 Ac.
34 - NE4 NW4	" " "	23.8 Ac.
TOTAL		822.4 Ac.

Points of Diversion

PD No. 1	N35°	0'	W of NW corner of SEC 29 T23N R10E
PD No. 2	N21°	4'	W of NW corner of SEC 29 " "
PD No. 3	N 3°	29'	W of NW corner of SEC 29 " "
PD No. 4	N11°	0'	W of NW corner of SEC 27 " "
PD No. 5	S90°	48'	E of SE corner of SEC 21 " "
PD No. 6	S74°	14'	E of SE corner of SEC 21 " "

WATER LICENSE NO. 773-1

GR
10120301

(1) WHEREAS, On the 25th day of July A. D. 19 66
Floyd Howe

made Water Right Application No. 773-1 for a permit to use 11.6 cubic feet per second of the waters of North Fork Grand River

County of Perkins, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 16th day of September A. D. 19 66
Permit No. 773-1, with a date of priority of July 25, 1966

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 15th day of September A. D. 19 71 and for the application to beneficial use of said water on or before the 15th day of September A. D. 19 75

and:
(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 8.02 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent, for irrigating the following described land in T23N, R10E

Section	Acres	Section	Acres
Section 19 SW $\frac{1}{4}$ NE $\frac{1}{4}$	10.8 AC	Section 21 SW $\frac{1}{4}$ NW $\frac{1}{4}$	22.0 BC
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.8 AD	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22.0 PD
NW $\frac{1}{4}$ SE $\frac{1}{4}$	13.6 DB	N $\frac{1}{2}$ SW $\frac{1}{4}$	38.4 CB
NE $\frac{1}{4}$ SE $\frac{1}{4}$	27.2 DA	NE $\frac{1}{4}$ SW $\frac{1}{4}$	36.0 CA
Section 20 SW $\frac{1}{4}$ NW $\frac{1}{4}$	22.0 BC	SW $\frac{1}{4}$ SW $\frac{1}{4}$	30.0 CC
NW $\frac{1}{4}$ SW $\frac{1}{4}$	10.2 CB	SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.0 CD
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26.0 CA	SW $\frac{1}{4}$ NE $\frac{1}{4}$	22.0 AC
NE $\frac{1}{4}$ NE $\frac{1}{4}$	18.0 AA	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22.0 AD
NW $\frac{1}{4}$ SE $\frac{1}{4}$	35.2 DB	NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 PB
NE $\frac{1}{4}$ SE $\frac{1}{4}$	36.0 DP	NE $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 PA
SW $\frac{1}{4}$ SE $\frac{1}{4}$	13.6 DC	SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0 DB
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.0 DD	SE $\frac{1}{4}$ SE $\frac{1}{4}$	37.6 DD
Section 28 NW $\frac{1}{4}$ NW $\frac{1}{4}$	8.0 BB	Section 27 NW $\frac{1}{4}$ NW $\frac{1}{4}$	28.8 BB
NE $\frac{1}{4}$ NW $\frac{1}{4}$	16.0 BA	N $\frac{1}{2}$ NW $\frac{1}{4}$	28.8 BA
NW $\frac{1}{4}$ NE $\frac{1}{4}$	40.0 AB	Total	771.6 Acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	30.8 AC		
SE $\frac{1}{4}$ NE $\frac{1}{4}$	1.6 AD		

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Floyd Howe

of Bucyrus, North Dakota

the holder and owner of said permit No. 773-1 a water right, dating from July 25, 1966

to use of 8.02 cubic feet per second of the waters of North Fork Grand River

in the County of Perkins and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at

between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19 and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, T23N, R10E

and conduct to and upon Portions of Sections 19, 20, 21, 27 and 28, T23N, R10E, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 773-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of December A. D.
Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer **DONALD DRISCOLL**

Form 15.

Permit No. 773-1

Water Diversion No. 1 GRAND RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Floyd Howe

_____ the holder _____ of
Permit No. 773-1, issued upon Application No. 773-1, bearing date of priority of July 25, 1966
_____ authorizing the diversion of 11.6 cu. ft. per second of the waters of North
Fork Grand River County of Perkins, State of South Dakota at _____
between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27,
T23N, R10E
_____, for irrigation

_____ purposes, has 8 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 1 and in satisfactory condition for diverting and conveying to the place of intended use 8.02 cu. ft. per second of water.

Date: December 3, 1974

By: **WATER RIGHTS COMMISSION**

DONALD DRISCOLL, Chief Engineer

Permit No. 773-1

Water Division 1 GRAND RIVER Water District

REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by FLOYD
HOWE of BUCYRUS, NORTH DAKOTA holder
of Permit No. 773-1, bearing date of priority of JULY 25, 1966
authorizing the diversion of 11.6 cu. ft. per second of the waters of NORTH FORK GRAND RIVER
for IRRIGATION purposes, in PERKINS County.

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

The Water Use System consists of,

A. Works used to divert the water:

1948 INTERNATIONAL HARVESTER W-9 TRACTOR
OR 930 CASE TRACTOR
12" CAISFULLI CENTRIFUGAL PUMP MODEL 12LT
SERIAL No. 1802

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

8000 FEET OF "V" TYPE DITCH 15 FEET WIDE AND 3 FEET DEEP
200 FEET OF 12" RUBBER HOSE

C. Works used to apply water to beneficial use.

FLOOD IRRIGATION BY ~~WITH~~ OVER FLOW OF DITCH
AND DIRECTING FLOW WITH HOSE

The system is in the following condition: GOOD

The point of diversion is located (SEE ATTACHMENT)

The works are capable of diverting and conveying to the place of use 8.02

cu. ft per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

(SEE ATTACHMENT)

comprising a total of 771.4 acres of land.

SEND TO: FLOYD HOWE
BUCYRUS, NORTH DAKOTA

Date NOVEMBER 19, 1974

Thomas Gardner
(Signature)

THOMAS GARDNER
WATER RESOURCES ENGINEER

LANDS TO BE IRRIGATED

SW ⁺ NE ⁺	SEC 19 - T.23N. - R.10E.	10.8 Ac.
SE ⁺ NE ⁺	"	6.8 Ac.
NW ⁺ SE ⁺	"	13.6 Ac.
NE ⁺ SE ⁺	"	27.2 Ac.
SW ⁺ NW ⁺	SEC. 20 - T.23N. - R.10E.	22.0 Ac.
NW ⁺ SW ⁺	"	10.2 Ac.
NE ⁺ SW ⁺	"	26.0 Ac.
NE ⁺ NE ⁺	"	18.0 Ac.
NW ⁺ SE ⁺	"	35.2 Ac.
NE ⁺ SE ⁺	"	36.0 Ac.
SW ⁺ SE ⁺	"	13.6 Ac.
SE ⁺ SE ⁺	"	14.0 Ac.
SW ⁺ NW ⁺	SEC. 21 - T.23N - R.10E	22.0 Ac.
SE ⁺ NE ⁺	"	22.0 Ac.
NW ⁺ SW ⁺	"	38.4 Ac.
NE ⁺ SW ⁺	"	36.0 Ac.
SW ⁺ SW ⁺	"	30.0 Ac.
SE ⁺ SW ⁺	"	32.0 Ac.
SW ⁺ NE ⁺	"	22.0 Ac.
SE ⁺ NE ⁺	"	22.0 Ac.
NW ⁺ SE ⁺	"	40.0 Ac.
NE ⁺ SE ⁺	"	40.0 Ac.
SW ⁺ SE ⁺	"	40.0 Ac.
SE ⁺ SE ⁺	"	37.6 Ac.
NW ⁺ NW ⁺	SEC. 28 - T.23N. - R.10E.	8.0 Ac.
NE ⁺ NW ⁺	"	16.0 Ac.
NW ⁺ NE ⁺	"	40.0 Ac.
NE ⁺ NE ⁺	"	30.8 Ac.
SW ⁺ NE ⁺	"	1.6 Ac.
SE ⁺ NE ⁺	"	2.0 Ac.
NW ⁺ N. 1 ⁺	SEC. 27 - T.23N. - R.10E.	28.8 Ac.
NE ⁺ NW ⁺	"	28.8 Ac.

TOTAL

771.4 Ac.

POINTS OF DIVERSION

- PD No. 1 N. 35° 0' W OF NW CORNER, SEC. 29-T. 23N-R. 10E.
- PD No. 2 N. 21° 4' W OF NW CORNER, SEC. 29-T. 23N-R. 10E.
- PD No. 3 N. 3° 29' W OF NW CORNER, SEC. 29-T. 23N-R. 10E.
- PD No. 4 N. 11° 0' W OF NW CORNER, SEC. 27-T. 23N-R. 10E.
- PD No. 5 S. 80° 46' E OF SE CORNER, SEC. 21-T. 23N-R. 10E.
- PD No. 6 S 74° 14' E OF SE CORNER, SEC. 21-T. 23N-R. 10E.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Pickens } ss.

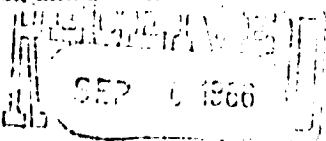
James Beaman being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Lemmon Leader a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Lemmon County of Pickens and State of South Dakota; that the said notice was published in said newspaper on the following dates:

- Thursday, Aug. 11, 1966
- Thursday, Aug. 18, 1966
- Thursday, Aug. 25, 1966
- Thursday, Sept. 1, 1966

in each and every issue of the full number thereof, the first publication being made on the 11th day of August 1966 and the last publication on the 1st day of September 1966, 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.

James Beaman

Subscribed and sworn to before me this 1st day of September A. D. 1966.



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Ann S. Beaman

Notary Public Pickens County, S. D.

APPROPRIATION OF WATER
Office of State Water Resources Commission.
Pierre, South Dakota, August 4, 1966

Notice is hereby given that Floyd Howe, whose postoffice address is Bucyrus, North Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 31.5 cubic feet of water per second of flow from the Grand River through the Howe Irrigation Project, the point of diversion of which is to be located on either bank of said stream between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 and in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 37 Twp. 23N Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13; N $\frac{1}{2}$ SW $\frac{1}{4}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 20; S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21; N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 27, and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, all in T23N, R10E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1966, 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
ANN S. BEAMAN, F. JONES
Water Right Specialist

(First Publication on or before August 18, 1966)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., August 4, 1966

Notice is hereby given that Floyd Howe whose postoffice address is Bugyrus, North Dakota ~~S.D.~~ has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 11.6 cubic feet of water per second of time from the Grand River through the Howe Irrigation Project, the point of diversion of which is to be located on ~~the~~ either between points in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19 and bank of said stream/in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27 portions of Twp. 23N Range 10E. Said water to be used for the purpose of providing irrigation of the following described land:

S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 19; N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 20; S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ Section 21; N $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 27, and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, all in T23N, R10E

~~AND FOR~~ PURPOSES

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1966, 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:

BURTON F. JONES
Water Right SpecialistCC: Mr. L. B. Boonmar, Publisher
Lemmon Leader
Lemmon, S.D.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

SOUTH
Dakota
Department of
Water & Natural Resources
Joe Foss Building
Pierro, South Dakota 57501

Division of Water Rights (605) 773-3352

773-1

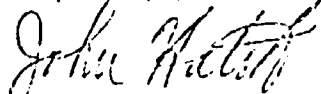
September 4, 1980

You are hereby ordered to cease pumping water from the North Fork of the Grand River from the North Dakota - South Dakota border to the tailwaters of the Shadehill Reservoir, for the remainder of the year, unless written notice is received indicating otherwise. Apparently there was some misunderstanding with the order issued July 15, 1980 and this order is issued to clarify any misunderstanding.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

All the permits above the Shadehill contain the qualification that low flows as needed for downstream domestic use, including livestock watering must be bypassed.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer

773-1

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

September 8, 1980

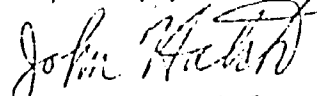
773-1
Floyd Howe
Bucyrus, ND 58624

This letter will revoke the order dated September 4, 1980 shutting off irrigation pumping from the North Fork of the Grand River between Shadehill Reservoir and the North Dakota border.

In an effort to provide more local control of the pumping from the North Fork of the Grand River, we are going to allow the local Irrigators Association to attempt to regulate themselves to better utilize the limited flows in the North Fork. The primary requirement will be that water for livestock use will need to be made available for downstream use.

We expect that someone from this office will be in the area this week.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

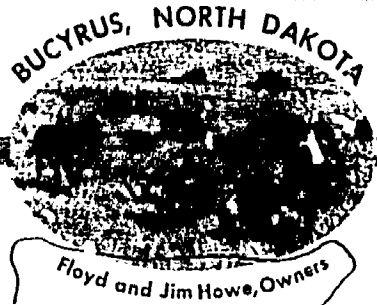
JH/gy

Equal Opportunity Employer

HOWE

HEREFORDS

Located 9 miles south and 4 miles west of Bucyrus
or 10 miles south and 4 miles east of Reeder, N. D.
Refer to Map 5, North Dakota 312.



Ph: (A.C. 605) 855-2387, Reeder, N. D.

Dear Sirs:

My father has retired - please
make necessary changes so that
future correspondence and
whatever else need be done so
that I am listed for irrigation
priority

Change from Floyd Howe 109-1
Floyd Howe 773

to Jim Howe
Rt 2, Box 56
Gettinger, N. Dak 586.39

Thank you
Jim Howe

Water Rights Division
(605) 773-3352

May 14, 1981

Jim Howe
RR #2, Box 56
Hettinger, ND 58639

Dear Mr. Howe:

RE: Water Rights Nos. 109-1 & 773-1

This will acknowledge your letter of May 11, 1981 in which you requested that all future correspondence be sent to you since your father has retired.

In order for the permits to be listed in your name, the permits will have to be transferred. Enclosed please find two Form 20's "Notice of Transfer of Water Permit" for Water Right No. 109-1 and No. 773-1. Please check over, sign, date and have notarized before returning them to this office with a required filing fee of \$2.50 each (\$5.00 total). The Water Rights will then be transferred to your name, and all future correspondence will be sent directly to you.

If you have any questions concerning this matter, please contact this office. Thank you for your assistance in this matter.

Sincerely,

Genny Young
Staff Assistant

gy

encl



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352



SECOND NOTICE

September 10, 1981

Jim Howe
RR #2, Box 56
Hettinger, ND 58639

RE: Water Right Nos. 109-1 & 773-1

Mr. Howe:

On May 14, 1981, upon your request, transfer forms were sent to you for the transfer of Water Right Nos. 109-1 and 773-1 in the name of Floyd Howe. You had indicated at that time that your father had retired and you wanted the water rights changed over to your name. To date, nothing has been heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find an additional set. Please sign, have notarized and return the forms to this office with the required filing fee of \$2.50 apiece or a total of \$5.00. The water rights can then be transferred to your name.

If your request was misunderstood and you only wanted the correspondence sent to you, but wished to retain the water rights in your father's name, please indicate so. This can be noted in the files accordingly.

If you have any questions, please contact this office. Your prompt attention in this matter would be appreciated.

Very truly yours,

John K. Tsch
JOHN K. TCH, Chief Engineer
Water Rights Division

Sir:
This is what
WE WANT.
Jim Howe

RGY/gy
encl

Equal Opportunity Employer

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

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

January 29, 1983

JIM HOWE
BUCYRUS, ND 58624

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

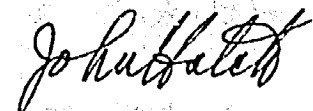
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 773-1, 109-1. The request for the Questionnaire was dated October 8, 1982. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1983 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 773-1, 109-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



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

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

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

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

February 9, 1988

109-1
773-1

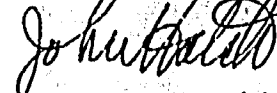
Jim Howe
Bucyrus ND 58624

Dear Mr. Howe:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 109-1 & 773-1 and the hearing date before the Water Management Board.

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

Very truly yours,



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

Permit No. WR# 109-1
WR# 773-1

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Floyd Howe

holder of WR# 109-1 of Bucyrus, N.D. 58624

Permit No. WR# 773-1, bearing the priority of August 28 19 12 and July 25 19 66 authorizing

the diversion of 2.0 cu. ft. per second of the waters of North Fork Grand River

for irrigation purposes, in Perkins County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water: A motor: W9 Farm tractor, 50 horse power.
A pump: Craisfulli, 2900 gallons per minute capacity. Another homemade pump is sometimes being used as needed, estimated capacity: 2500 gallons per minute.
- B. Works used to transport water to place of use:
7000 feet of ditch, 3 feet deep, 9 feet wide.
150 feet of 12 inch rubber hose.
- C. Works used to apply water to beneficial use:
Gravity system of irrigation through a series of ditches and laterals.

The system is in the following condition good

The point of diversion is located Points between SE 1/4 of Section 19, and the NW 1/4 of Section 27, T23N-R10E. (see the map.)

The works are capable of diverting and conveying to the place of use 6.4

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:
see attached sheet

comprising a total of 449.7 acres of land and the license should be issued for 6.4 cfs

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____ Date 6/10/88

(signature) M. Shadi

LICENSE FOR PERMIT NUMBER 109-1/773-1

1. Legal location of wells: _____

dam structures: Points between SE $\frac{1}{4}$ of Section 19, and NW $\frac{1}{4}$ of Section 27, T23N-R10E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump: a) make Craisfulli Motor a) make W9 Farmo Tractor
b) model _____ b) model no. _____
c) size _____ c) horsepower rating 50
d) capacity 2900 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 12 inches
b) type Rubber hose
c) length 150 feet

* Another homemade pump is sometimes being used. Estimated capacity 2500 gallons per minute.

Approximately 7000 feet of irrigation ditch, 3 feet deep, 9 feet wide.

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot
- 1) make _____
 - 2) number of towers _____
 - 3) distance between towers _____
 - 4) overall length _____
 - 5) End gun (Y/N) _____
 - 6) high or low pressure _____
 - 7) make & size of nozzles _____
 - 8) PSI reading while system is running _____
 - 9) GPM _____

- d) Gate Pipe
- 1) length _____
 - 2) diameter _____
 - 3) spacing of gates _____

- e) Siphons
- 1) number _____
 - 2) size _____

- f) Portable boom
- 1) make _____
 - 2) serial number _____
 - 3) nozzle size _____
 - 4) capacity (GPM) _____
 - 5) PSI _____

- g) Gun
- 1) make _____
 - 2) serial number _____
 - 3) nozzle size _____
 - 4) capacity (GPM) _____
 - 5) PSI _____
 - 6) hose size _____
 - 7) hose length _____

- h) Hydromatic
- i) make _____
 - 2) model _____
 - 3) serial number _____
 - 4) length _____
 - 5) nozzle size _____
 - 6) spacing _____
 - 7) PSI _____
 - 8) capacity (GPM) _____

YES	NO	Check Items
<u>X</u>	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
<u>X</u>	___	2. Special Qualifications to permit being abided by.
<u>X</u>	___	3. All Structures, wells and lands on map.

REMARKS:

Acreege for WR NOs. 109-1 and 773-1

Priority date: July 25, 1966

T23N-R10E

Section 19

Lot1 28.0 ac.

Section 20

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 5.5 ac.

Lot1 33.5 ac.

Section 21

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 27.0 ac.

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 36.8 ac.

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 34.6 ac.

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 22.0 ac.

Lot1 4.8 ac.

Lot2 19.6 ac.

Lot3 18.6 ac.

Lot4 20.0 ac.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 32.6 ac.

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 37.5 ac.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.5 ac.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 38.0 ac.

Section 28

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.0 ac.

T23N-R10E

Priority date: August 28, 1912

Section 27

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 7.0 ac.

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 20.7 ac.

TOTAL: 449.7 acres.

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 773-1

(1) Floyd Howe of Bucyrus, North Dakota, 58624 was issued Water License No. 773-1, for a water right to appropriate 8.02 cubic feet of water per second from the North Fork Grand River, Perkins County, South Dakota for irrigation purposes. Water License No. 773-1 with a priority date of July 25, 1956 was issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water License No. 773-1, originally issued on December 3, 1974, authorized irrigation of 771.4 acres. Based upon a June 10, 1988 inspection of the water use system, this license is being reissued to the extent of what is actually being irrigated.

The applicable portions of Water Right No. 109-1 are being incorporated into Reissued Water License No. 773-1. Priority dates as they pertain to the diversion rate and acreage irrigated are specified in (2) and (3) of this License.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 6.4x cubic feet of water per second for beneficial use. The location of the diversion points are between points in the SE1/4 of Section 19 and the NW1/4 of Section 27, T23N, R1 E.

* 6.0 cfs: Priority date - July 25, 1956 (Water Right No. 773-1)
.4 cfs: Priority date - August 28, 1912 (Water Right No. 109-1)

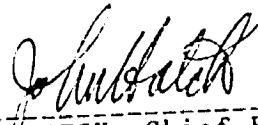
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T23N-R10R	Section 19	Lot 1	28.0	acres
	Section 20	SE1/4	5.5	acres
		Lot 1	33.5	"
	Section 21	SW1/4	27.0	"
		NW1/4	36.8	"
		NE1/4	34.6	"
		SE1/4	22.0	"
		Lot 1	4.8	"
		Lot 2	19.6	"
		Lot 3	18.6	"
		Lot 4	20.0	"
		SE1/4	32.6	acres
		SW1/4	37.5	"
		NW1/4	38.5	"
		NE1/4	38.0	acres

Section 27	NW1/4	NW1/4	7.0	"
	NE1/4	NW1/4	20.7	"
Section 28	NE1/4	NE1/4	25.0	acres
		Total	449.7	acres

Land in Sections 19, 20, 21 and 28, T23N, R10E: Priority date - July 25, 1966.
 Land in Section 27, T23N, R10E: Priority date - August 28, 1912.

(4) Pursuant to Section 46-5-30.1 Floyd Howe of Bucyrus, North Dakota 58624 the holder(s) and/or owner(s) of Incorporated No. 773-1 is issued a license to appropriate water, the right to use 6.4 cubic feet of water per second from the North Fork Grand River with priority dates of August 28, 1912 and July 25, 1966 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 773-1 and subject to South Dakota State Law.



 JOHN HATCH, Chief Engineer
 Water Rights Division
 Department of Water and Natural
 Resources

SEP 14 1989

South Dakota Department of
Water & Natural Resources

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

773-1

SEP 14 1989

Floyd Howe
c/o Jim Howe
Bucyrus, ND 58624

Dear Mr. Howe:

Enclosed is Water License No. 773-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



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

enclosures

Note: The applicable portions of Water Right No. 109-1 have been incorporated into this Water License No. 773-1.





773-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

JIM HOWE, OP
RR 2
HETTINGER ND 58639

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 773-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 773-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

CC: FLOYD HOWE, RR 2, HETTINGER, ND 58639

1

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

773-1

JIM HOWE, OP
RR 2
HETTINGER, ND 58639

4a. Article Number

P 837642 716

4b. Service Type

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

7. Date of Delivery

2-10-92

5. Signature (Addressee)

Jim Howe

6. Signature (Agent)

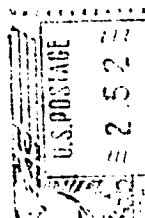
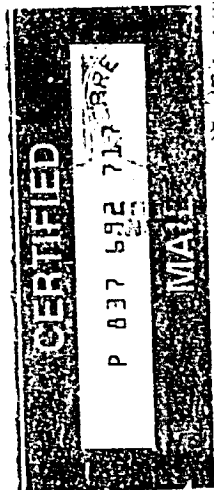
8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

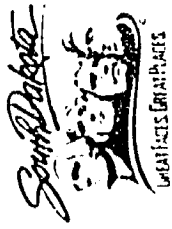


FARGO, NORTH DAKOTA 58102-0371

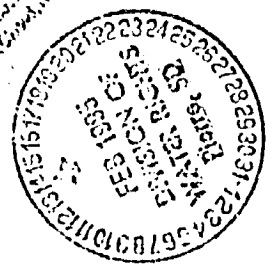
773-1

~~FLOYD HOWE~~
~~HEATHER, ND 58539~~

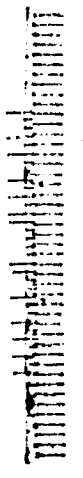
DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181



POST OFFICE
FARGO, ND 58102
FEB 19 1993
FARGO, ND 58102



duccano





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1995

773-1

Jim Howe
RR #2 Box 869
Hettinger, ND 58639

Dear Mr. Howe:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.

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

The copy of our February 7, 1995 Notice mailed to Floyd Howe was returned marked "deceased". Do you now own the land described in Water Right No. 773-1? If so, the water right should be transferred to your name. Transfer forms are available from our office upon request.

If you have any questions, please contact me.

Sincerely,

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

773-7



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

March 31, 1995

773-1

Jim Howe
RR #2 Box 869
Hettinger, ND 58639

Dear Mr. Howe:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 773-1.

Please complete the form as needed and sign it in the presence of a notary public. Upon completion, return it to our office with a required filing fee of \$2.50.

Thank you for contacting me about the ownership change. It is very important that ownership records be kept current.

If you have any questions, please contact me.

Sincerely,

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

enclosure

773-1

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 773-1
Date: 10 Apr 95

I/We request that Water Right No. 773-1

formerly owned by: Floyd Howe

be transferred to: (name & address) Jimmy J. Howe
RR 2 Box 869 Hettinger ND 58639 (Telephone No) 605-855-2261

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

Lot 1 Sec 19; SE 1/4 SE 1/4 & Lot 1 Sec 20; S 1/2, Lots 1-4 Sec 21; N 1/2 NW 1/4 Sec 27; NE 1/4 NE 1/4 Sec 28; T29N, R10E

I/We understand that the validity of Water Right No. 773-1 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Burdick)

I/We Jimmy J. Howe 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 that I know of my own personal knowledge that the information herein stated is true.

Jimmy J. Howe
(Signed)

Subscribed and sworn to before me this 10th day of April, 1995.

Carol J. Wegner
(Notary Public)
CAROL J. WEGNER
Notary Public, Adams County, ND
My Commission Expires March 18, 1997

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

L



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 25, 1995

773-1

Jimmy J Howe
RR #2 Box 869
Hettinger, ND 58639

Dear Mr. Howe:

I am contacting you in regard to the "Notice of Transfer of Ownership" form you submitted for transferring Water Right No. 773-1 from Floyd Howe to your name. The form was completed properly, however it can not be recorded without the \$2.50 filing fee required by Statute.

Please remit the \$2.50 filing fee as soon as possible. The ownership change will be processed upon our receipt of the fee.

If you have any questions, please contact me.

Sincerely,

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

RECEIPT

414493

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 5, 19 95

RECEIVED OF Jimmy J. Howe, RR 2, Box 869, Hettinger, ND 58639

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>Water Right No. 773-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John H. Hoyer*
Chief Engineer

L

773-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 12, 1995

No. 773-1

Jimmy J. Howe
RR 2, Box 869
Hettinger, ND 58639

Dear Mr. Howe:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 773-1.

Our records now show you as the owner of Water Right No. 773-1.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

773-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, SOUTH DAKOTA 57501-3181

June 27, 1996

Harriet Howe
 RR 2, Box 869
 Hettinger ND 58639

Dear Mrs. Howe:

I am writing in response to our June 26, 1996, phone conversation. Enclosed is a copy of the application for No. 773-1 and the reissued water license. The license was reissued in response to an on-site investigation of your irrigation system completed by R Ahadi, staff engineer, on June 10, 1988.

According to the reissued water license, you are authorized to irrigate the described 449.7 acres with a pump rate of 6.40 cubic feet of water per second (about 2,900 gallons per minute.) I have also made a copy of the map prepared by Mr. Ahadi showing the irrigated acreage and diversion points. According to the reissued water license, water may be diverted at any point between the SE $\frac{1}{4}$ section 19 and NW $\frac{1}{4}$ section 27; all in T23N-R10E. This may already encompass the location to which you would like to relocate your diversion point. If that is the case, then you do not need to contact us concerning relocation of the diversion point. I also included an application form for your use if your proposed diversion point location is outside of the area described on your reissued water license.

I apologize again for the confusion with your phone call. Hopefully, I can avoid that in the future. If you have any questions or concerns, please let me know. I can be reached at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall", written in a cursive style.

Ron Duvall
 Natural Resources Engineer
 Water Rights Program

Fold along this line over top of envelope to return address

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

713-1

JIMMY J HOWE
RR 2 BOX 869
HETTINGER ND 58639

4a. Article Number

P 378 081 362

4b. Service Type

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

7. Date of Delivery

2/7/97

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X Dean Anderson

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: JIMMY J HOWE, RR 2 BOX 869, HETTINGER, ND 58639

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 773-1. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 2:30 pm, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 773-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

March 5, 1997

773-1

Jim Howe
RR 2 Box 869
Hettinger, ND 58639

Dear Mr. Howe:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

I completed a questionnaire for you based on my March 5th telephone conversation with Mrs. Howe. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling, Mrs. Howe, if you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



773-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: JIMMY J HOWE, RR 2 BOX 869, HETTINGER, ND 58639

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 773-1. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 773-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

773-1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JIMMY J HOWE
RR 2 BOX 869
HETTINGER ND 58639

COMPLETE THIS SECTION (COMMON DELIVERY)

A. Received by (Please Print Clearly) | B. Date of Delivery
| 1-25-00

C. Signature Agent
X *[Signature]* Addressee

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

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restrict Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

2227670355



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 9, 2000

773-1

Charlie Corcoran
10095 Borderline Rd
Hettinger, ND 58639

Dear Mr. Corcoran:

Thank you for your phone call of February 2nd concerning the 1999 irrigation questionnaire and ownership of Water Right No. 773-1. Based on our conversation, I completed an irrigation questionnaire that states the land was not irrigated in 1999 and included a notation about the change of ownership.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please complete as needed and then sign the form in the presence of a notary public. Upon completion, please return the form to us with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have also included a copy of Water Right No. 773-1 and a sample irrigation questionnaire. Both are yours to keep. If you have any questions when filling out the transfer form or when reviewing the enclosed copies, please get in touch with me.

If you would, please let Mrs. Howe know that the issue with the irrigation questionnaire and pending action before the Water Management Board has been taken care of. Thank you in advance for your help.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 773-1



Date: _____

I/We request that Water Right No. 773-1

formerly owned by: Jimmy Howe

be transferred to: (name & address) CHARLES F. + ALICIA M CORCORAN
10045 BORDERLINE RD. HETTINGER, N.D. Telephone No. 605-855-2233
58639

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

Lot 1 Section 19; Lot 1 & SE 1/4 SE 1/4 Sec 20; S 1/2, Lots 1 thru 4 Sec 21; NE 1/4 NE 1/4 Sec 28, N 1/2 NW 1/4 Sec 27, all in T23N, R10E

I/We understand that the validity of Water Right No. 773-1 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 Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

North Dakota
STATE OF SOUTH DAKOTA)
County of Adams)

I/We _____ 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 that I know of my own personal knowledge that the information herein stated is true.

Charles F. Corcoran
(Signed)

Subscribed and sworn to before me this 29th day of February, 2000.

Carol J. Wegner
(Notary Public) CAROL J. WEGNER
Notary Public, Adams County, ND
My Commission Expires March 8, 2003

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416407

Pierre, _____ March 2, 2000

RECEIVED OF Charles F. & Alicia M. Corooran, 10095 Borderline Rd., Hettinger, ND 58639
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>Water Right No. 773-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *Charles F. Corooran*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 6, 2000

773-1

Charles F & Alicia M Corcoran
10095 Borderline Rd
Hettinger, ND 58639

Dear Mr. & Mrs. Corcoran:

Thank you following up on the ownership change for Water Right No. 773-1. The transfer has been completed and the water right is now listed in your names.

Enclosed is your Receipt No. 416407 in the amount of \$2.50, which you paid to cover the cost of filing the transfer. You may keep this for your records.

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures

Township N^o 23 North Range N^o 10 East, Black.

G f F e E d D c C

g Sec. 6. Sec. 5. Sec. 4. Sec. 3.

H

h Sec. 7. Sec. 8. Sec. 9. Sec. 10.

I

i Sec. 18. Sec. 17. Sec. 16. Sec. 15.

K NORTH DAKOTA

k SOUTH DAKOTA

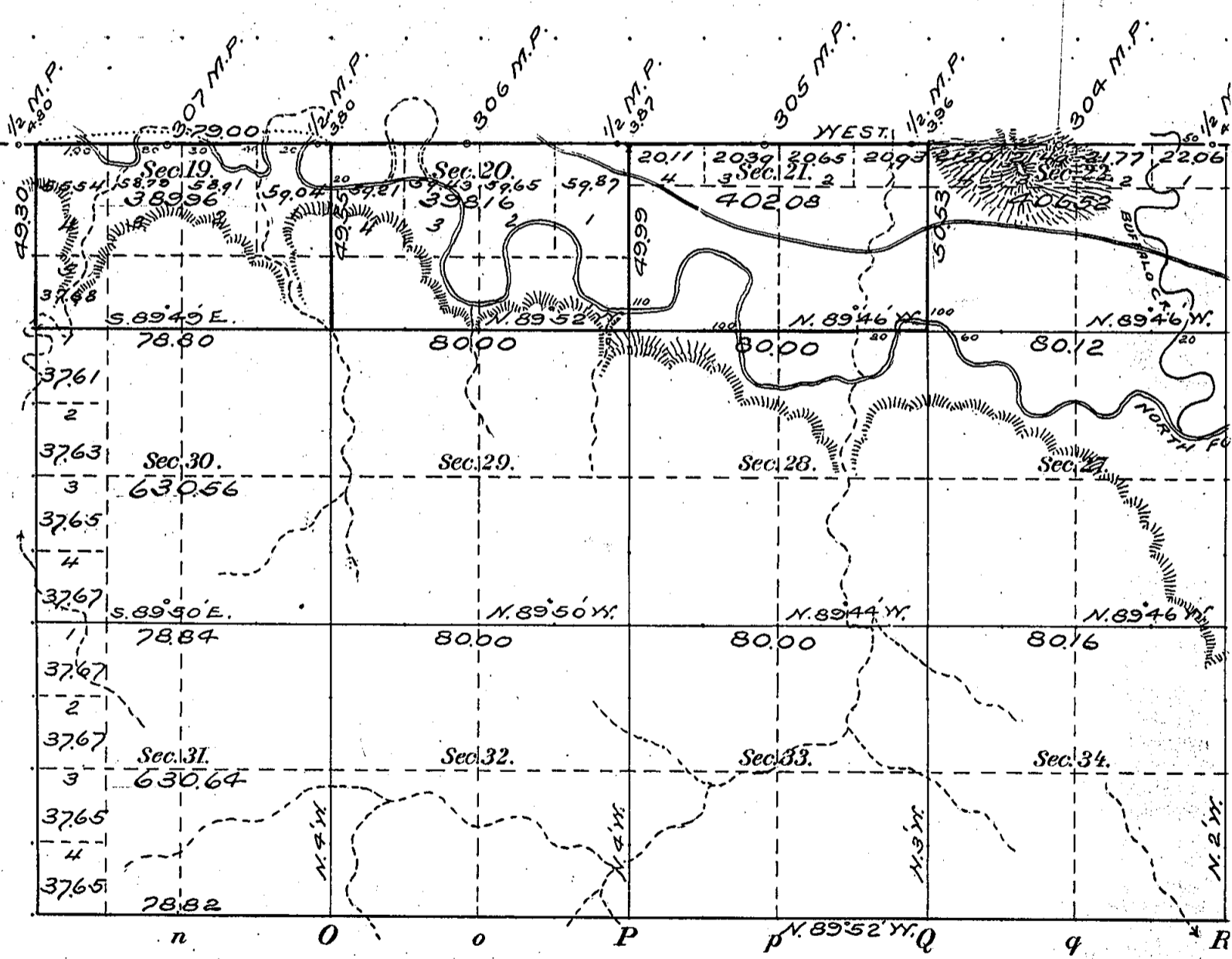
L

l

M

m

N



Total number of Acres 10082.80

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. ^s Lk. ^s	When Surveyed	Mean Decl. East.
S. Township lines	Natson & Bates	Dec. 21 1892	50 7	Sept. 1893	
North	C. H. Bates	June 4 1891	50 7	July 1892	
E & W	" " "	Apr. 17 1894	10 7	June 1894	
Subdivisions	" " "	" 17 "	25 10 67	July 12-14 "	15° 37' 20"
Connections	" " "	" 17 "	19 71	" " "	

Water Right No. 773-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: CHARLES & ALICIA CORCORAN, 10095 BORDERLINE RD, HETTINGER, ND 58639

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 773-1. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 773-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

773-1



Track & Confirm

Current Status

You entered 2301 3460 0000 8516 2272

Your item was delivered at 12:46 pm on February 06, 2006 in BONIFAY, FL 32425. The item was signed for by C COCRAN.

[Shipment Details >](#)

Notification Options

- ▶ Track & Confirm by email [What is this?](#) [Go >](#)
- ▶ Request Proof of Delivery [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)
Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 2272

Postage and Signature Confirmation fees must be paid before mailing.

Article Se

CHARLES & ALICIA CORCORAN
10095 BORDERLINE RD
HETTINGER ND 58639

Waiver of Signature YES NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- Priority Mail®
- Package Services

PS Form 153, July 2001

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2006

773-1

Charles & Alicia Corcoran
3263 Hwy 2
Bonifay FL 32425

Dear Mr. & Mrs. Corcoran:

I am writing to acknowledge receipt of your 2005 irrigation questionnaire. I completed a questionnaire for you based on our telephone conversation.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 773-1. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

As you requested, I also changed your address from Hettinger, North Dakota to Bonifay, Florida. Will you have a renter operating your system next year or will you be selling the land? If changes need to be made to your water right, please let us know.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2006

773-1

Brenda Beauchene
5736 N 33rd Place
Paradise Valley, AZ 85253

Dear Ms. Beauchene:

Thank you for contacting us regarding the ownership change needed for Water Right No. 773-1. Enclosed is a copy of the water right for your review. You may keep this for your records.

Also enclosed, is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 773-1

Date: 3/3/06

I/We request that Water Right No. 773-1

formerly owned by: Charles F & Alicia M Corcoran, 10095 Borderline Rd, Hettinger, ND

be transferred to: (name & address) JAMES G. Beauchene ; Brenda A Beauchene
10095 Borderline Rd, Hettinger, ND 58639
Telephone No. 602 808 4456

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

Lot 1 Section 19; Lot 1 & SE ¼ SE ¼ Section 20; S ½, Lots 1 thru 4 Sec 21; NE ¼ NE ¼ Section 28;
N ½ NW ½ Section 27, all in T23N, R10E

I/We understand that the validity of Water Right No. 773-1 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 Two Dollars and Fifty Cents (\$2.50) 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 Brenda Beauchene, the new owner, certify that the above information is true and correct.

Brenda Beauchene

(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 - 7 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Beauchene Limited Partnership LLC, 5736 N 33rd Place, Paradise Valley AZ Date March 7, 20 06

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>Water Right No. 773-1</u>	2.	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

02348

By

Garland Erbeley
Chief Engineer

1/35



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 7, 2006

773-1

James G & Brenda A Beauchene
10095 Borderline Rd
Hettinger ND 58639

Dear Mr. & Mrs. Beauchene:

Thank you for following up on the ownership change for Water Right No. 773-1. The transfer has been completed. The water right formerly listed in the name of Charles F and Alicia M Corcoran is now listed in your names.

Enclosed is your Receipt No. 02343 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: JAMES G & BRENDA A BEAUCHENE, 10095 BORDERLINE RD, HETTINGER, ND 58639

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 773-1. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 11, 2008**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 773-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

773-1



[Home](#) | [Help](#)

[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 3813**
Status: **Delivered**

Your item was delivered at 2:12 PM on January 23, 2008 in HETTINGER, ND 58639. The item was signed for by B GALBREATH.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#) | [Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)

[Site Map](#) | [Contact Us](#) | [Forms](#) | [Gov't Services](#) | [Jobs](#) | [Privacy Policy](#) | [Terms of Use](#) | [National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved. No FEAR Act EEO Data FOIA

U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
ET9E 209D 0000 0912 EDE2

JAMES G & BRENDA A BEAUCHENE
10095 BORDERLINE RD
HETTINGER ND 58639

Waiver of Signature YES NO

Postmark Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAGE ONLY)

Priority Mail™ Service
 First-Class Mail® parcel
 Package Services parcel

Form 3801, 1/23/2002



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2008

NOTICE OF AMENDMENT OF WATER RIGHT

TO: James G & Brenda A Beauchene, 10095 Borderline Rd, Hettinger ND 58639

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 773-1

On March 11, 2008, the Water Management Board amended Water Right No. 773-1 to add the following qualification:

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

This action was taken for failure to return the 2007 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

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



DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: JAMES G & BRENDA A BEAUCHENE, 5736 N 33RD PL, PARADISE VALLEY, AZ 85253

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 773-1. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 773-1 qualification:

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

The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 773-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

✓ JAMES & BRENDA BEAUCHENE, 10095 BORDERLINE RD, HETTINGER ND 58639

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

RETURN SERVICE REQUESTED

REGISTERED MAIL™



7013 0600 0001



02 1R \$ 03.56⁰⁰
0002007087 JAN 24 2014
MAILED FROM ZIP CODE 57501

RTS - Deceased

JAMES & BRENDA BEAUCHENE
10095 BORDERLINE RD
HETTINGER ND 58639

NIXIE 571 FE 1009 0801/29/14

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 57501318299 *0135-11262-24-45

58639 10095 182



773-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 5, 2014

773-1

Sylvia Howe
Howe Herefords
10043 Borderline Rd
Hettinger ND 58639

Dear Ms. Howe:

I am writing in regard to ownership of land and also status of Water Right No. 773-1. Enclosed is a map of the area authorized for irrigation and also a copy of the water right.

Our records show that in the past few years, the water right was transferred from Jimmy Howe to Charles & Alicia Corcoran and then to James & Brenda Beauchene. The Perkins County Register of Deeds has Howe Herefords owning a majority of the land authorized for irrigation under the water right. A small piece of land in the NE ¼ NE ¼ Section 28 and E ½ SE ¼ Section 21, T23N, R10E is listed in the name of Five Oaks LLP.

Years ago when the water right was listed in the name of Floyd Howe, irrigation questionnaires were filed with us indicating either too much water or a lack of water preventing irrigation of the land. The Corcoran's and the Beauchene's reported irrigating a small portion of acreage when water was available.

Please look over the enclosed copy of the water right and the map and give me a call as to your intent towards the water right. It could be split to reflect separate ownership if necessary. Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosures

McMath, Genny

From: Heidi Stevens <Heidi@perkinscounty.org>
Sent: Wednesday, February 05, 2014 10:57 AM
To: McMath, Genny
Subject: RE: land ownership in Perkins County

Good Morning Ms. McMath!
 Howe Herefords – 10043 Borderline Rd Hettinger, ND 58639 owns:
 Sec 19 Lot 1
 Sec 20 Lot 1 & SE/4SE/4
 Sec 21 Lots 1-2, S/2SW, W/2SE
 Sec 27 N/2NW/4

Sylvia Howe – 10043 Borderline Rd Hettinger, ND 58639 owns:
 Sec 21 Lots 3-4 & N/2SW/4

Five Oaks LLP North 33rd Place Paradise Valley, AZ 85253 owns:
 Sec 21 E/2SE/4
 Sec 28 NE/4NE/4

If I can help with any other information – please feel free to call or email!

Heidi Stevens
 Deputy Register of Deeds
 Perkins County

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Wednesday, February 05, 2014 7:35 AM
To: pkrod@sdplains.com
Subject: land ownership in Perkins County

I am in the process of reviewing an old water right currently listed in the name of James and Brenda Beauchene. Recently we were notified that both James and Brenda were deceased. I am now trying to find out who owns the land.

The legal description is as follows:

Lot 1 Section 19;
Lot 1 & SE ¼ SE ¼ Section 20;
S ½ & Lots 1-4 Section 21;
N ½ NW ¼ Section 27 and
NE ¼ NE ¼ Section 28, all in T23N, R10E.

I do not need copies of anything – just a name and address of the new owner so I can contact them for transferring the water right.

Thank you in advance for your help.

Genny McMath
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 28, 2024

773-1

Howe Herefords
10043 Borderline Rd
Hettinger ND 58639

To whom it may concern:

I am writing in regard to ownership of land and status of Water Right No. 773-1. Enclosed is a copy of the water right and map of the area, for you to reference.

Water Right No. 773-1, currently held in the name of James & Brenda Beauchene, authorizes the irrigation of 449.7 acres located within portions of Sections 19, 20, 21, 27, and 28; all in T23N-R10E, Perkins County, from the North Fork River.

The Perkins County Register of Deeds has Howe Herefords listed as owning the majority of the land authorized for irrigation, with a small portion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 28 & E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 21; all in T23N-R10E listed as owned by Five Oaks LLP.

Please look over the enclosed copy of Water Right No. 773-1 and map and respond to this correspondence so that the water right may be split or cancelled to reflect its appropriate status.

Sincerely,

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

773-1

Dewell, Amanda

From: Dewell, Amanda
Sent: Monday, April 22, 2024 10:32 AM
To: AKbenhowe@gmail.com
Subject: Water Right No 773-1
Attachments: 773-1_ownershipXFER.pdf

Ben & David –

Thank you for taking the time this morning to discuss the ownership Water Right No. 773-1. I appreciate that you were able to verify that between the two of you, all the property described in the water right is owned by yourselves. Water Right No. 773-1 was issued to Floyd Howe in 1974 and transferred three times to various parties, ending with Beauchene’s.

To transfer the entire water right into the name of Howe Herefords Inc, there would be a flat fee of \$50.00. I’ve attached a “Notice of Transfer of Ownership” for your convenience. Please return the form and submit the payment in the form of a check payable to “SD Water Rights” or by calling our Fiscal Office (605.773.5559) and submitting payment over the phone.

As we discussed on the phone, SDCL requires that water permits/rights be put to beneficial use once every three years. Water Rule 74:2:1:37.1 allows for exceptions of non-use including the unavailability of water, sufficient moisture, or legal proceeding preventing access.

Each fall the Water Rights Program mails irrigation questionnaires to all holders of irrigation water permits/rights, requiring the reporting of that year’s water use. Please keep an eye out for that yellow questionnaire in October of each year. I will include this email address on the account so we can send you email reminders as well.

Let me know if you have any questions and thank you both.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov

