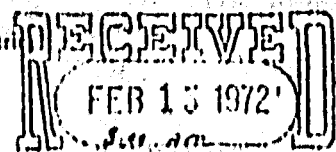


Water Right Number 956-1

1. Considered 9 MAY 17, 1972
2. Name of Applicant CLARENCE ARCHIBALD
3. Post Office Address HETTINGER, N. D.
4. Amount of water claimed 10.00
5. Source of water supply GRAND RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 703.90
7. Water to be diverted and used in PERKINS County
about 25 N 6 W Miles of BISON
8. Proof of Publication
Received 4-27-72
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 956-1Map No. 787-1 Water Division No. 1 GRAND RIVER

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

STATE WATER RESOURCES COMM.
PILRE, 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 Clarence Archibald
Postoffice address Hettinger State North Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor3. Name of diversion work Clarence Archibald Irrigation Project # 14. Amount of water claimed (cubic feet per second) 10.05. Source of water supply North Grand River6. Locality of point of diversion See attached sheet. BETWEEN POINTS 250' E OF THE SW CORNER, SECTION 13, AND 1820' W AND 600' S OF THE NE CORNER, SECTION 15, T22N, R12E County PERKINS7. Annual period or periods during which water is to be used when available8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 703.9

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
See attached sheets.			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years. LEAMON LEADER11. Choice of newspaper for Notice of Intent to appropriate Water publication Adams County Record

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
PumpB. Works proposed to transport water to place of use.
Self-propelled sprinkler.C. Works proposed to apply water to beneficial use.
SprinklerEstimated Total Cost \$ 29000.00Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of NORTH DAKOTAI, CLARENCE ARCHIBALD the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.EDNA R. BECKER
Notary Public, ADAMS CO., Hettinger, N. D.My commission expires JUNE 28, 1973 and sworn to before me this 11 day of Feb 1972Signed Clarence Archibald
Edna R. Becker
Notary Public (or other qualified officer)

NOT TO SCALE

22-12

9.5
9.9
9.1
9.1

13.6 16.4 15.8 13.6 15.1

1-90R

Clarence
Archibald

58.3

17.6

65.7

15.1

11.6

15.2

22-12

1-90L

Clarence
Archibald

956-1

NOT TO SCALE

Clarence
Archibald

17.2

10.2

22-12

1-91L

Clarence
Archibald

36.0

13

8.8
9.6
8.8
8.8
9.5
9.0
10.0

22-12

Clarence
Archibald

NOT TO SCALE

956

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 956-1
CLARENCE ARCHIBALD HETTINGER
(Applicant) (Post Office Address)

NORTH DAKOTA

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING & PRIOR WATER RIGHTS MUST BE PASSED. FLOWS 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 IRRIGATION PROJECT UNDER SUCH WITHDRAWAL.

Date of first receipt of application FEBRUARY 15, 19 72
 Date of return to applicant for correction, amendments or changes required FEBRUARY 25, 19 72
 Date of receipt of corrected application MARCH 1, 19 72
 Approved MAY 17, 19 72, Recorded in Book 12 Page 91

WATER RIGHT PERMIT NO. 956-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 956-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 15, 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 15, 19 74
3. The whole of said work is to be completed on or before MAY 17, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 17, 19 77
5. The water appropriated shall be used for the purpose of IRRIGATION
6. 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.
7. The amount of the appropriation herein granted shall not exceed 10.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 MAY 17, 19 77; said water to be used during the following described annual period: WHEN AVAILABLE

Witness my hand this 18TH day of MAY, 19 72

WATER RESOURCES COMMISSION

By:

Joe H. Hines
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

LEGAL DESCRIPTION OF LAND TO BE IRRIGATED

19.8 AC NE OF SE - SEC-10-T-22-R-12
 32.1 AC SE-4th SE-SEC 12-T-22-R-12
 17.0 AC NE-2nd NE-SEC 15-T-22-R-12
 18.7 AC NW-2nd SW-SEC 11-T-22-R-12
 32.0 AC SW OF SW-SEC 11-T-22-R-12
 30.2 AC SE OF SW-SEC 11-T-22-R-12
 3.5 AC NE OF SE-SEC 11-T-22-R-12
 31.2 AC SW OF SW-SEC 11-T-22-R-12
 40.2 AC NW OF NE-SEC-14-T-22-R-12
 40.2 AC NE OF NE-SEC-14-T-22-R-12
 7.2 AC NW OF NE-SEC-14-T-22-R-12
 40.2 AC SW OF NW-SEC-14-T-22-R-12
 10.0 AC SE OF NW-SEC-14-T-22-R-12
 36.7 AC SE OF NE-SEC-14-T-22-R-12
 2.5 AC SE OF NE-SEC-14-T-22-R-12
 40.0 AC NW OF SW-SEC-14-T-22-R-12
 40.0 AC NE OF SW-SEC 14-T-22-R-12
 29.2 AC NW OF SE-SEC-14-T-22-R-12
 12.3 AC NE OF SE-SEC-14-T-22-R-12
 40.0 AC SW OF SW-SEC-14-T-22-R-12
 40.0 AC SE OF SW-SEC-14-T-22-R-12
 40.0 AC SW OF SE-SEC-14-T-22-R-12
 40.0 AC SE OF SW-SEC-14-T-22-R-12
 25.1 AC NW OF SW-SEC-13-T-22-R-12
 9.7 AC SW OF SW-SEC-13-T-22-R-12

703.9 AC TOTAL

CLARENCE ARCHIBALD
 IRRIGATION PROJECT
 #1
 HETTINGER NO. DAK.

THIS MAP WAS PREPARED BY

THE SOIL CONSERVATION SERVICE, BUREAU OF SOILS

AS PART OF AN IRRIGATION PLAN

Form 8 - Proof of Publication - Notice of
Intent to Appropriately Water

No. 956-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Perkins) ss.

I, Jane Boorman, hereby

certify that the annexed printed copy of Notice of Intent to Appropriately

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

March 30, 1972

April 6, 1972

April 13, 1972

April 20, 1972

Jane Boorman
(Signature)

Editor

(Title)

April 20, 1972

(Date Signed)

NOTICE
INTENT TO APPROPRIATE WATER

Notice is hereby given that Clarence Archibald whose post office address is Heltinger, 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 10.0 cubic feet of water per second of time from the Grand River through the Archibald Irrigation Project No. 1, the point of diversion of which is to be located between points in the NE 1/4 NE 1/4, Section 15, and in the SW 1/4 SW 1/4 of Section 13, Twp. 22N, Range 12E. Said water is to be used for the purpose of providing irrigation on portions of the following described land: E 1/2 SE 1/4, Section 10; W 1/2 SW 1/4, SE 1/4 SW 1/4, W 1/2 SW 1/4, Section 11; W 1/2 SW 1/4, Section 13; SE 1/4, SW 1/4, NE 1/4 and NW 1/4, Section 14; and NE 1/4 NE 1/4, Section 15, T22N, R12E.

This application No. 756-1 will be considered by the Water Resources Commission at their office at Pierre, upon the 17th day of May, 1972, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COM-
MISSION

By: s: Burton F. Jones
BURTON F. JONES,
Water Rights Specialist
(Pub. Mar. 30-Apr. 20)

RECEIVED
APR 27 1972

STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

956-1

Public first publication, on or before April 20, 1972

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 22, 1972

Notice is hereby given that Clarence Archibald

whose post office address is Hettinger, North Dakota, ~~South 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

10.0 cubic feet of water per second of time from the Grand River through the Archibald Irrigation Project #1, the point of diversion of which is to be located ~~in the~~ between points in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, and in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 13, Twp. 22N, Range 12E. Said water to be used for the purpose of providing irrigation ^{portions of} the following described land:

E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 11; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 13; SE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 14; and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, T22N, R12E.

This application No. 956-1 will be considered by the Water Resources Commission at their office at Pierre upon the 27th day of May, 1972, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Mr. Clarence Archibald, Hettinger, North Dakota 58639

750-1

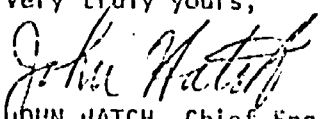
**South Dakota Department of
Water & Natural Resources**
Joe Foss Building Division of Water Rights (605) 773-3352
Pierre, South Dakota 57501

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

956-1

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

September 8, 1980

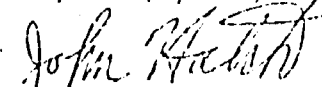
956-1
Clarence Archibald
Hettinger, ND 58639

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

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

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

April 15, 1985

Clarence Archibald
Hettinger ND 58639

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 956-1. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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). 956-1 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.

Sincerely,

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

South Dakota
Department of
Water & Natural Resources

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

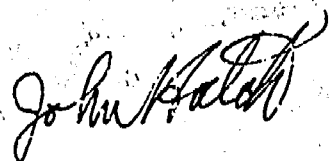
June 12, 1985

Notice or Amendment to Water Permit(s)

To: Clarence Archibald
Hettinger, ND 58639

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 956-1.



Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 956-1 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



**Department of
Water & Natural Resources**

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

Attachment to Water Permit No(s). 956-1

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 956-1 to add the following qualification:

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

31 May 1985

Department of
Water & Natural Resources
Pierre, S.D. &c.

Dear Sir:

My 1984 Irrigation
Questionnaire was "mislaid
or lost". I would like to
know how I can get
a permit 956-1 reinstated
as I would like to
irrigate again this year.

Sincerely yours

Carlene K. Hild
Hettinger, Dak



Water Rights Division - DWMR

File No. 956-1

Conversation or File Documentation

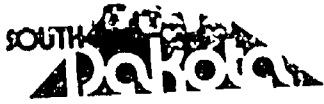
NAME OF PERSON OR FILE: Clarence ArchibaldADDRESS: Netting, ND 58639 COUNTY DATE: June 7, 1985 TELEPHONE 605-564-2636RE: Board action on violation of queue. Returned

COMMENTS:

In regard to a letter received from Mr. Archibald concerning reinstatement of his water right - I called him (spoke with his wife) and explained what the Board action to amend his water right meant. I indicated to her that they could still irrigate this year -- no rights were taken away - the water right was amended to allow the Board to take action on future violations.

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

NAME: Jenny McMath



Department of Water & Natural Resources

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

SEP 14 1989

Clarence Archibald
Hettinger, ND 58639

Dear Mr. Archibald:

Enclosed is Water License No. 956A-1. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411242 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

As long as you use the water beneficially, as state 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 Permit No. 956-1 are incorporated into this Water License No. 956A-1. A priority date of February 15, 1972 is retained.

