

Water Right Number 1280-2

1. Considered SEPTEMBER 10, 1975
2. Name of Applicant ODIE D. BOWEN
3. Post Office Address PHILIP
4. Amount of Water claimed .30
5. Source of Water supply BAD RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 14
7. Water to be diverted and used in HAARON County
about 1 W miles 1/4 of PHILIP
8. Proof of Publication Received 1/4
Not Received _____
Approved _____
Subject to _____
Not approved _____
Action Deferred _____
9. Application

10. Remarks:

No. 1280-2Map No. 1084-2 Water Division No. 2 BAD RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

701

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Odie D. Bowen
 Postoffice address Philip, State SD
 If a corporation show date and place of incorporation ---0---
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work Bowen Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 0.2 cfs
5. Source of water supply Bad River
6. Location of point of diversion On Bad River, 160 rods N88°30'E and 57 rods N87°00'E of the Southeast corner of Section 14, T-1-N, R-20-E.
 _____ County Haakon
7. Annual period or periods during which water is to be used April 1st to November 1st
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 14

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.
1, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T1N, R20E	10		
2, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T1N, R20E	4		
Total	14		

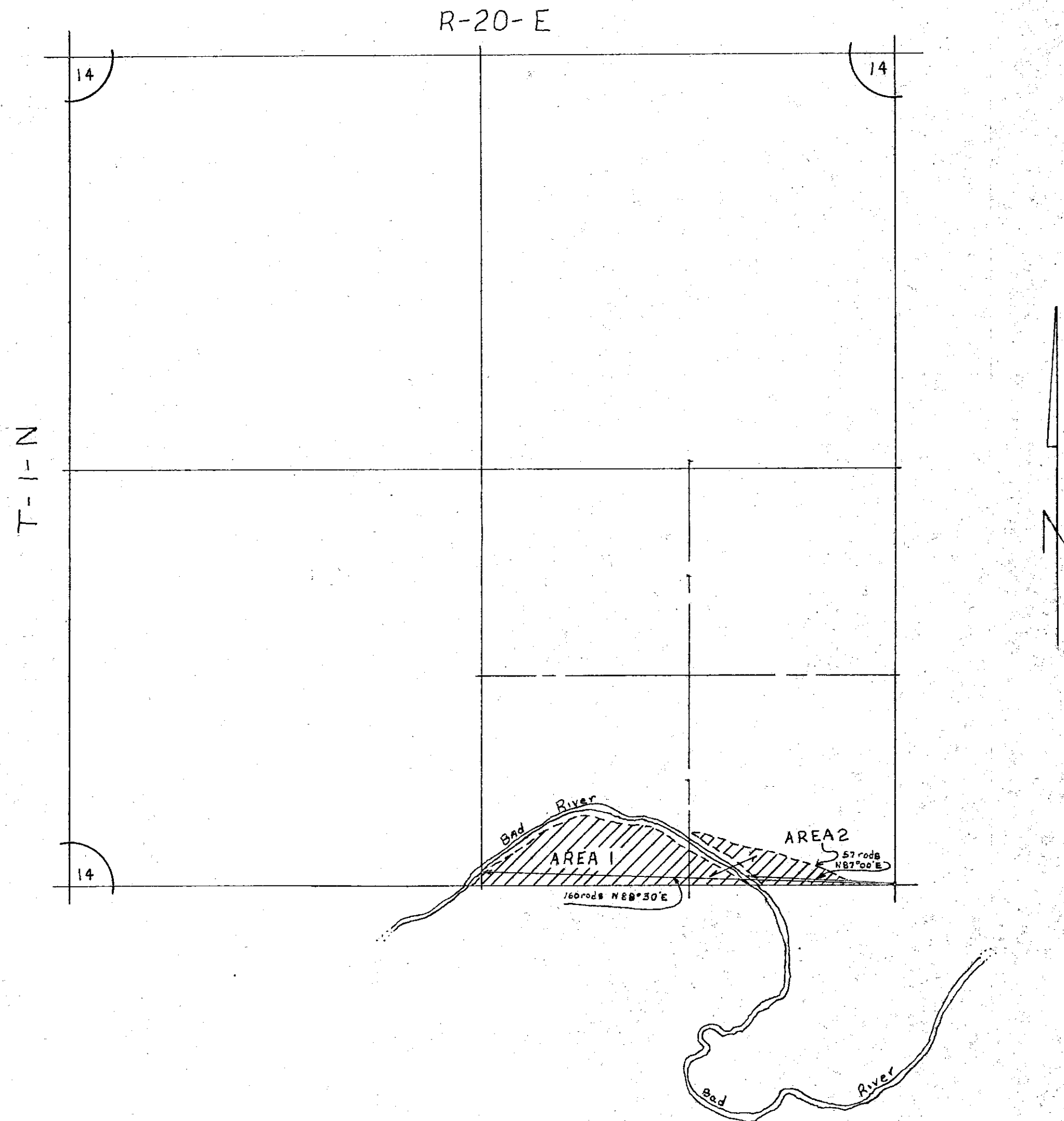
Attach sheet if more space is needed

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 4 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pioneer Review
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
Pump
- B. Works proposed to transport water to place of use.
Pipe
- C. Works proposed to apply water to beneficial use.
Gravity Flow & on Sprinkler

Estimated Total Cost \$1,500Attachments: 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 Haakon)I, Odie D. Bowen, 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.Signed Odie D. BowenSubscribed and sworn to before me this 21st day of July, 1925Harvey H. Campbell
Notary Public (or other qualified officer)



All lands described are owned by "Odie D. Bowen"

LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SE 1/4 SE 1/4	14	1 N	20 E	10
2	SE 1/4 SE 1/4	14	1 N	20 E	4
Total					14

Scale: 1" = 660'

BOWEN IRRIGATION PROJECT

No 1

"Odie D. Bowen"

Hakon County, South Dakota

Keith Kuchenbecker, Manager

West River Conservancy Sub-District

1084-2
MAP No ~~1280-2~~ 1280-2 APPL No 1280-2

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1280-2ODIE D. BRNEN

(Applicant)

PHILIP

(Post Office Address)

SOUTH DAKOTA 57567

(State)

With the following modifications:

**LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
INCLUDING LIVESTOCK WATERING, AND PRIOR WATER
RIGHTS MUST BE BY-PASSED.**

Date of first receipt of application AUGUST 25 19 75

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application _____ 19 _____

Approved SEPTEMBER 10 19 75 Recorded in Book 14 Page 26WATER RIGHT PERMIT NO. 1280-2The Water Rights Commission hereby grants and issues this Water Right Permit No. 1280-2 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 AUGUST 25 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 10 19 78
3. The whole of said work is to be completed on or before SEPTEMBER 10 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 10 19 84
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 .20 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 SEPTEMBER 10 19 84; said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 1

Witness my hand this 12TH day of SEPTEMBER 19 75

WATER RIGHTS COMMISSION

By:

John Hatch

Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Form 6. - Notice of Intent to Appropriate Water

No. 1280-2

Publish first publication, on or before
August 23, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 25, 1975

Notice is hereby given that Odle D. Bowen

whose post office address is Philip, 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 .2 cubic feet of water per second of time from the Bad River through the Bowen Irrigation Project #1, the point of diversion of which is to be located in the _____

SW 1/4 Sec 14

of Section 14, Twp. 1N, Range 20E. Said water to be used for the purpose of providing irrigation on the following described land:
portions of

SW 1/4 Sec 14, T1N, R20E

This application No. 1280-2 will be considered by the Water Rights

Commission at the Burgundy Room at the Skyline Hotel, Yankton, S.D.

upon the 10th day of September, 1975 at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Odle D. Bowen, Philip, S.D. 57567

Bowen

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

No. 1280-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Haakon) ss.

I, Les Ravellette hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pioneer Review

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 Philip

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

August 28, 1975

September 4, 1975

Burt F. Jones
(Signature)

Water Rights Specialist
(Title)

Sept 11, 1975
(Date Signed)

NOTICE
OF INTENT TO APPROPRIATE
WATER

Notice is hereby given that
Oddie D. Bowen whose post office
address is Philip, South Dakota,
has made an application in ac-
cordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use .2 cubic feet
of water per second of time from
the Bad River through the Bowen
Irrigation Project #1, the point
of diversion of which is to be
located in the SW1/4 SE1/4 of
Section 14, Twp. 1 N, Range 20E.
Said water to be used for the
purpose of providing irrigation
on portions of the following de-
scribed land; S1/2 SE1/4, Sec-
tion 14, T1N, R20E.

This application No. 1280-2
will be considered by the Water
Rights Commission at the Bur-
gundy Room at the Skyline Mo-
tel, Yankton, S. D. upon the
10th day of September, 1975, at
2:30 p.m. All interested persons
may appear and be heard.

WATER RIGHTS COMM.
BY: Burton F. JONES
Burton F. Jones,
Water Rights Specialist
(Published August 28 & Sept. 4)

1280-2
Water Rights Division
605 773-3352

November 30, 1983

Odie D Bowen
Phillip,
South Dakota 57567

Dear Mr. Bowen:

On August 25, 1983, I visited you for the final inspection of your water permit No. 1280-2. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

I have enclosed a map of the land which you are presently irrigating plus a copy of your permit. The area marked in red (1.5 acres) is covered by permit No. 1280-2; however, the area marked in blue (3.0 acres) is not covered. I talked with you about this situation and the alternative. A new permit to cover the blue area would cost \$50.00 not the usual \$150.00. The fee would be only \$50.00 because the acreage is less than 7.0 acres. The other alternative is to quit irrigating the land outlined in blue.

A final inspection fee of \$50.00 is also required before Permit No. 1280-2 (red area) can be licensed. The total fee for issuing a new permit, plus licensing both the existing and new permit would be \$100.00. The other alternative is paying a \$50.00 fee for licensing of the existing permit. Call if you have any questions about making your decision. Please send me a note letting me know what you have decided. Thank you for your time and consideration.

Sincerely,

RON DUVAL
Water Resources Engineer

RD:ks

enclosure

Permit No. 1280-2Bad River

Water District

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

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

I have this day made a thorough examination of the water use system constructed by Odie DBowen of Philip SD holder ofPermit No. 1280-2, bearing the priority of August 25 19 75 authorizingthe diversion of 20 cu. ft. per second of the waters of The Bad Riverfor irrigation purposes, in Haakon County.

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

pump: Berkeley PTO, imp. 10 in.
M.N. B3ZRM COW
S.N. 03525

A. Works used to divert the water:

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

Hand-move sprinkler:

size - 4 in. diameterlength - 2640 ft.

C. Works used to apply water to beneficial use:

sprinklers - Rainbird 14600The system is in the following condition goodThe point of diversion is located On Bad River: 1155 ft W from the NE corner
of sec. 24 - T1N - R20EThe works are capable of diverting and conveying to the place of use .44cu. 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:

SE 1/4 SE 1/4 sec 13 - T1N - R20E Acres 1.5comprising a total of 1.5 acres of land and the license should be issued for .02 acresApplicable permit qualifications have been complied with ☒ Yes ☐ Noexceptions to compliance are: _____ Date Aug 25, 1983Ron D. Small
(signature)

LICENSE FOR PERMIT NUMBER 1280-3

1. Legal location of wells: _____

dams & structures: _____

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 _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. ~~Distribution lines~~ _____

a) size of lines 4 in

b) type Aluminum

c) length 3640 ft

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: _____

1) size _____

2) type _____

3) length _____

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) lowline: _____

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

Hand-move sprinkler
Rainbird 14600

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 _____

g) Gun

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

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 _____

h) Hydromatic

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

YES	NO	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
☒	☐	2. Special Qualifications to permit being abided by.
☒	☐	3. All Structures, wells and lands on map.

REMARKS:

pump: Berkeley PTO, imp. 10 in

M.N. B3ZRM OOW

S.N. 03525

Water Rights Division
605 773-3352

March 8, 1984

1280-2

Odie D Bowen
Phillip,
South Dakota 57567

Dear Mr. Bowen:

Permit No. 1280-2 will be readvertised in the PIONEER REVIEW on March 15, 1984. The advertisement is to correct an omission in the original notice which was published on August 28, 1975. The land which you are presently irrigating in the SE 1/4 SE 1/4 of Section 13, T1N, R20E was not included in the original notice. The readvertisement cost will be payed by the Division of Water Rights.

Sincerely,

RON DUVALL
Water Resources Engineer

RD:ks

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

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

Water Rights Division
605 773-3352

No. 1280-2

March 8, 1984

PIONEER REVIEW

Box 70

Phillip SD 57567

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Odie D. Bowen

Application No. 1280-2, in Haskell County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on, or before March 15, 1984

Please bill the Water Rights Division for the cost of the publications.

Please receipt for this notice IMMEDIATELY after first publication attaching thereto a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The permit to appropriate water cannot be considered by the Water Management Board until proof of publication has been received.

Very truly yours,

KEVIN C LARSON
Water Resources Engineer

enclosures

No. 1280-2

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501

We are in receipt of your letter of _____, 1984 enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. _____ which was first published in our issue of _____, 1984. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

Equal Opportunity Employer

WP ~~000-7703~~ No. 1280-2

Instruction to Newspaper - Publish first publication of the following Notice on or before March 15, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

~~NOTICE OF HEARING~~ ^{CORRECTION of advertising for} Application No. 1280-2 to Appropriate Water ~~and/or to Amend Water Permit or Water Rights~~

Notice is hereby given that Odle D Bowen whose mailing address is Philip, South Dakota ~~has~~ made an application for a permit on August 25, 1975. This notice is a correction of the original notice published on August 28, 1975. The original application was to appropriate 0.20 cubic feet per second to irrigate 14.0 acres. This notice is to correct an advertising error and to change the amount to be appropriated from 0.20 cubic feet per second to 0.02 cubic feet per second and the acreage irrigated from 14.0 to 1.5 acres. The corrected diversion rate and acreage in this notice are totals and are not in addition to the original application. Therefore, 0.02 cubic feet per second is to be diverted from the Bad River in the SE 1/4 SE 1/4 of Section 13 and 1.5 acres are to be irrigated in the SE 1/4 SE 1/4 of Section 13; all in T1N, R20E.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends this advertising correction of Application No. 1280-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota on April 25 19 84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by April 25, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~46-5-32, 46-5-33, 46-5-34, 46-5-35, 46-5-36, 46-5-37, 46-5-38, 46-5-39, 46-5-40, 46-5-41, 46-5-42, 46-5-43, 46-5-44, 46-5-45, 46-5-46, 46-5-47, 46-5-48, 46-5-49, 46-5-50, 46-5-51, 46-5-52, 46-5-53, 46-5-54, 46-5-55, 46-5-56, 46-5-57, 46-5-58, 46-5-59, 46-5-60, 46-5-61, 46-5-62, 46-5-63, 46-5-64, 46-5-65, 46-5-66, 46-5-67, 46-5-68, 46-5-69, 46-5-70, 46-5-71, 46-5-72, 46-5-73, 46-5-74, 46-5-75, 46-5-76, 46-5-77, 46-5-78, 46-5-79, 46-5-80, 46-5-81, 46-5-82, 46-5-83, 46-5-84, 46-5-85, 46-5-86, 46-5-87, 46-5-88, 46-5-89, 46-5-90, 46-5-91, 46-5-92, 46-5-93, 46-5-94, 46-5-95, 46-5-96, 46-5-97, 46-5-98, 46-5-99, 46-5-100~~ (Future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-20.2, 46-5-20.3, 46-5-20.4, 46-5-20.5, 46-5-20.6, 46-5-20.7, 46-5-20.8, 46-5-20.9, 46-5-20.10, 46-5-20.11, 46-5-20.12, 46-5-20.13, 46-5-20.14, 46-5-20.15, 46-5-20.16, 46-5-20.17, 46-5-20.18, 46-5-20.19, 46-5-20.20, 46-5-20.21, 46-5-20.22, 46-5-20.23, 46-5-20.24, 46-5-20.25, 46-5-20.26, 46-5-20.27, 46-5-20.28, 46-5-20.29, 46-5-20.30, 46-5-20.31, 46-5-20.32, 46-5-20.33, 46-5-20.34, 46-5-20.35, 46-5-20.36, 46-5-20.37, 46-5-20.38, 46-5-20.39, 46-5-20.40, 46-5-20.41, 46-5-20.42, 46-5-20.43, 46-5-20.44, 46-5-20.45, 46-5-20.46, 46-5-20.47, 46-5-20.48, 46-5-20.49, 46-5-20.50, 46-5-20.51, 46-5-20.52, 46-5-20.53, 46-5-20.54, 46-5-20.55, 46-5-20.56, 46-5-20.57, 46-5-20.58, 46-5-20.59, 46-5-20.60, 46-5-20.61, 46-5-20.62, 46-5-20.63, 46-5-20.64, 46-5-20.65, 46-5-20.66, 46-5-20.67, 46-5-20.68, 46-5-20.69, 46-5-20.70, 46-5-20.71, 46-5-20.72, 46-5-20.73, 46-5-20.74, 46-5-20.75, 46-5-20.76, 46-5-20.77, 46-5-20.78, 46-5-20.79, 46-5-20.80, 46-5-20.81, 46-5-20.82, 46-5-20.83, 46-5-20.84, 46-5-20.85, 46-5-20.86, 46-5-20.87, 46-5-20.88, 46-5-20.89, 46-5-20.90, 46-5-20.91, 46-5-20.92, 46-5-20.93, 46-5-20.94, 46-5-20.95, 46-5-20.96, 46-5-20.97, 46-5-20.98, 46-5-20.99, 46-5-21.00 and Board Rules ARS 74:02:01:01 thru 74:02:01:15; (Future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:26 thru 74:02:01:27; (Future use) 74:02:01:28 thru 74:02:01:29; (10,000 AFA) 74:02:01:30 thru 74:02:01:31; (Future use) 74:02:01:32 thru 74:02:01:33; (10,000 AFA) 74:02:01:34 thru 74:02:01:35; (Future use) 74:02:01:36 thru 74:02:01:37; (10,000 AFA) 74:02:01:38 thru 74:02:01:39; (Future use) 74:02:01:40 thru 74:02:01:41; (10,000 AFA) 74:02:01:42 thru 74:02:01:43; (Future use) 74:02:01:44 thru 74:02:01:45; (10,000 AFA) 74:02:01:46 thru 74:02:01:47; (Future use) 74:02:01:48 thru 74:02:01:49; (10,000 AFA) 74:02:01:50 thru 74:02:01:51; (Future use) 74:02:01:52 thru 74:02:01:53; (10,000 AFA) 74:02:01:54 thru 74:02:01:55; (Future use) 74:02:01:56 thru 74:02:01:57; (10,000 AFA) 74:02:01:58 thru 74:02:01:59; (Future use) 74:02:02:00 thru 74:02:02:01; (10,000 AFA) 74:02:02:02 thru 74:02:02:03; (Future use) 74:02:02:04 thru 74:02:02:05; (10,000 AFA) 74:02:02:06 thru 74:02:02:07; (Future use) 74:02:02:08 thru 74:02:02:09; (10,000 AFA) 74:02:02:10 thru 74:02:02:11; (Future use) 74:02:02:12 thru 74:02:02:13; (10,000 AFA) 74:02:02:14 thru 74:02:02:15; (Future use) 74:02:02:16 thru 74:02:02:17; (10,000 AFA) 74:02:02:18 thru 74:02:02:19; (Future use) 74:02:02:20 thru 74:02:02:21; (10,000 AFA) 74:02:02:22 thru 74:02:02:23; (Future use) 74:02:02:24 thru 74:02:02:25; (10,000 AFA) 74:02:02:26 thru 74:02:02:27; (Future use) 74:02:02:28 thru 74:02:02:29; (10,000 AFA) 74:02:02:30 thru 74:02:02:31; (Future use) 74:02:02:32 thru 74:02:02:33; (10,000 AFA) 74:02:02:34 thru 74:02:02:35; (Future use) 74:02:02:36 thru 74:02:02:37; (10,000 AFA) 74:02:02:38 thru 74:02:02:39; (Future use) 74:02:02:40 thru 74:02:02:41; (10,000 AFA) 74:02:02:42 thru 74:02:02:43; (Future use) 74:02:02:44 thru 74:02:02:45; (10,000 AFA) 74:02:02:46 thru 74:02:02:47; (Future use) 74:02:02:48 thru 74:02:02:49; (10,000 AFA) 74:02:02:50 thru 74:02:02:51; (Future use) 74:02:02:52 thru 74:02:02:53; (10,000 AFA) 74:02:02:54 thru 74:02:02:55; (Future use) 74:02:02:56 thru 74:02:02:57; (10,000 AFA) 74:02:02:58 thru 74:02:02:59; 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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Haakon)

I, Les Ravellette hereby

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

Water was taken from the Pioneer Review

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 Philip of Philip

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

March 15, 1984

March 22, 1984

Les Ravellette
 (Signature)

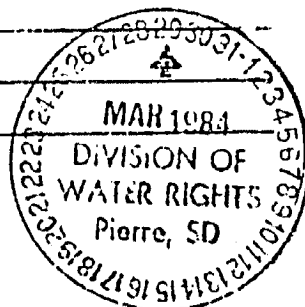
Publisher

(Title)

March 28, 1984

(Date Signed)

Cost of Printing: \$44.24



WNR-603-7/79
 Proof of Publication

NOTICE OF CORRECTION of advertising for Application

No. 1280-2 to Appropriate Water

Notice is hereby given that Odie D. Bowen whose mailing address is Philip, South Dakota made an application for a permit on August 25, 1975. This notice is a correction of the original notice published on August 28, 1975. The original application was to appropriate 0.20 cubic feet per second to irrigate 14.0 acres. This notice is to correct an advertising error and to change the amount to be appropriated from 0.20 cubic feet per second to 0.02 cubic feet per second and the acreage irrigated from 14.0 to 1.5 acres. The corrected diversion rate and acreage in this notice are totals and are not in addition to the original application. Therefore, 0.02 cubic feet per second is to be diverted from the Bad River in the SE 1/4 SE 1/4 of Section 13 and 1.5 acres are to be irrigated in the SE 1/4 SE 1/4 of Section 13; all in T1N, R20E. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of this advertising correction because 1) unappropriated water is available 2) will be no unlawful impairment of existing rights 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota on April 25, 1984 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by April 25, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16, 46-2-1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-6-30.2, 46-5-31, 46-2A-1 thru 46-2A-10, 46-2A-12, and Board Rules ARSD 74-02-01:01 thru 74-02-01:16.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped, can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605) 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition.

Water Rights Division
605 773-3352

July 9, 1984

Odie D Bowen
Philip SD 57567

Dear Mr. Bowen:

I am contacting you in reference to a letter which was mailed to you on November 30, 1983. I have enclosed another copy of the letter and map.

If I do not have a response from you in 30 days I will assume you are not interested in applying for a new permit. The existing Permit No. 1280-2 will be licensed for the 1.5 acres which are covered. Thank you for your time and consideration.

Sincerely,

RON DUVALL
Water Resources Engineer

RD:ks

encl.

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1280-2

June 11, 1985

Odle D. Bowen
Phillip, South Dakota 57567

Dear Mr. Bowen:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1280-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

m/

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

SECOND NOTICE

November 5, 1985

Permit No. 1280-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Odle D. Bowen
Phillip, South Dakota 57567

Dear Mr. Bowen:

June 11, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 1280-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-50.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 775-3352

S508.WR

DN0412KS.WR

WATER RIGHTS DIVISION
(605) 773-3352

February 14, 1986

Odie D. Bowen
Box 407
Philip, South Dakota 57567

Dear Mr. Bowen:

This letter will acknowledge receipt of and thank you for returning your 1985 irrigation questionnaire. In reviewing the data sheet, there was some question as to how many acres, if any, you irrigated in 1985. The "did not irrigate" box was checked but you also reported data for irrigation of 7 acres.

You have paid the required fee for inspection and issuance of Water License No. 1280-2. The license will be issued for 1.5 acres. If you are irrigating more than 1.5 acres, you do not have a permit to do so and should make an application for the additional acres.

The issuance of Water License No. 1280-2 will be held up until we hear from you. Please advise.

Sincerely,

Genny McIlath
Natural Resources Analyst

GMM:ms

Conversation or File Documentation

NAME OF PERSON OR FILE: Oddie D BowerADDRESS: Philip SDCOUNTY La GrangeDATE: July 25, 1986

TELEPHONE _____

RE: additional acreage to be irrigated

COMMENTS:

I called Mr. Bower to inquire whether or not he was irrigating the additional lands found during the inspection (conducted in '83). He indicated he only ever irrigated about 1 1/2 acres. On every dry year he may irrigate more. I indicated to him that he did not have a right to irrigate more than the 1 1/2 acres and any additional lands irrigated would require a new permit. He said if he wanted to irrigate more lands he would do it anyway.

He did not ~~wish~~ to apply for a permit at this time. Issue license for 1.5 acres.

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

NAME: Gerry McMath

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No. 410318

Pierre, February 7, 1936

Odle or Juanita Bowen, Box 407, Philip, SD 57567

RECEIVED OF

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. 1280-2	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

JOHN HATCH/CS

State of South Dakota
Water License No. 1280-2

(1) Odle D. Bowen
of Box 407, Philip, South Dakota 57567
made Application No. 1280-2, August 25, 1975 for a water permit to appropriate
0.2 cubic feet per second of water from the Bad River
Haakon County, South Dakota for irrigation purposes.
Permit No. 1280-2, with a priority date of August 25, 1975
was approved September 10, 1975 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before September 10, 1980 and for the application to beneficial use of said
water on or before September 10, 1984

and

(2) I certify that the application 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 0.02 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on the Bad River; 1155 ft W from the
NE Corner of Section 24, T1N, R20E

No. 1280-2

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 5 1986

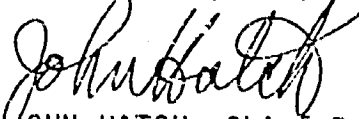
Odie D. Bowen
Box 407
Phillip, South Dakota 57567

Dear Mr. Bowen:

Enclosed herewith is, Water License No. 1280-2. 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

JH:ms

Enclosures



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

January 29, 1988

ODIE DALE BOWEN
BOX 407
PHILLIP, SD 57567

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) 1280-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s) 1280-2 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 12, 1988

1280-2

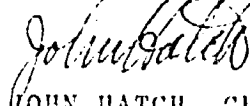
Odie Dale Bowen
Box 407
Phillip SD 57567

Dear Mr. Bowen:

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. 1280-2 and the hearing date before the Water Management Board.

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

Very truly yours,



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

ODIE DALE BOWEN
BOX 407
PHILLIP SD 57567

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1280-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

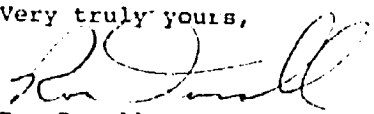
The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing,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

1. Amend Permit No(s) 1280-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,



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



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

February 6, 1992

1280-2

Odie Dale Bowen
Box 407
Philip, SD 57567

Dear Mr. Bowen:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 1280-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return 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 Fee will provide you the signature of the person delivered to and the date of delivery.

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

ODIE DALE BOWEN
BOX 407
PHILLIP, SD 57567

4a. Article Number

P 906 557 700

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

1-29-92

5. Signature (Addressee)

Odie Dale Bowen

6. Signature (Agent)

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



January 30, 1996

1280-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: ODIE DALE BOWEN, BOX 407, PHILLIP, SD 57567

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1280-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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 9:45 am, March 6, 1996, 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) 1280-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

ODIE DALE BOWEN
BOX 407
PHILLIP SD 57567

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Odie Dale Bowen

PS Form 3811, December 1994

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

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

4a. Article Number

2348 218 023

4b. Service Type

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

7. Date of Delivery

1-31-96

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

Domestic Return Receipt

Thank you for using Return Receipt Service.



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

March 7, 1996

NOTICE OF AMENDMENT OF WATER PERMIT

TO: ODIE DALE BOWEN, BOX 407, PHILLIP, SD 57567

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352 

SUBJECT: Amendment to Water Permit No. 1280-2

Pursuant to the provisions of the notice dated January 30, 1996, and following the hearing March 6, 1996, the Water Management Board has amended Water Permit No. 1280-2 to add the following qualification:

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

The addition of this qualification to your Water Permit 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.

CERTIFICATION

I hereby certify that on March 7, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1996, regarding Notice of Amendment of Water Permit Nos. 1280-2, 1335-3, 2097-3, 136-1, 2453-3, 768A-1, 2534-3, 3255-3, 550-3, 910-2 and 3466-3, addressed as stated below:

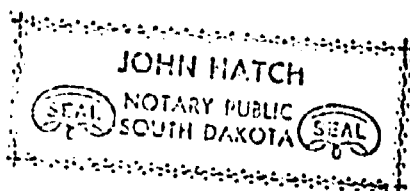
1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.
1335-3: John M. Casey, RR 1, Box 262, Mitchell, SD 57301.
2097-3: Keven L. Christensen, RR 2, Box 220, Bruce, SD 57220.
136-1: Cinch Buckle Ranch, RR 2, Box 2660, Belle Fourche, SD 57717.
2453-3: Percy Coleman, Box 103, Springfield, SD 57062.
768A-1: Arlene Cox, HC 73, Box 2291, Deadwood, SD 57732.
2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.
550-3: Brad Schnabel, RR 4, Box 268, Huron, SD 57350-8915.
910-2: Frank W. Schooler, HCR 7, Box 18, Reliance, SD 57569.
3466-3: I A Schwan, P.O. Box 97, Hitchcock, SD 57348-0097.



Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
)
COUNTY OF HUGHES) SS

Sworn to, before me, this 8th day of March, 1996



Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: ODIE DALE BOWEN, BOX 407, PHILLIP, SD 57567
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s). 1280-2

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1280-2. 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 permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1280-2 qualification:

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

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. 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) 1280-2 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 February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

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:

ODIE DALE BOWEN
BOX 407
PHILLIP SD 57567

1200-2

4a. Article Number

P 378 081 418

4b. Service Type

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

7. Date of Delivery

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *[Signature]*

FS Form 3811, December 1994

Domestic Return Receipt

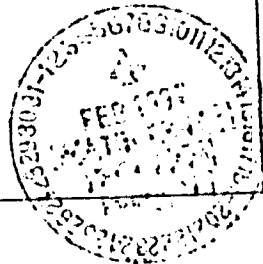
Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E. CAPITOL JOE FOSS BLDG.
PIERRE, SOUTH DAKOTA 57501





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

March 7, 1997

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: ODIE DALE BOWEN, BOX 407, PHILLIP, SD 57567

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352 *John Hatch*

SUBJECT: One Year Suspension of Water Right No. 1280-2

Pursuant to the provisions of the notice dated February 4, 1997, and following the hearing of March 5, 1997, the Water Management Board has ordered:

That Water Right No. 1280-2 be suspended until December 31, 1997, for failure to submit the 1996 irrigation questionnaire.

Suspension of a water right or permit means water may not be pumped during the 1997 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1996 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for April 29, 1997, in Pierre, SD. The letter should include your reasons for not completing the 1996 irrigation questionnaire.

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

CERTIFICATION

I hereby certify that on March 7, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 7, 1997, regarding One Year Suspension of the following Water Rights/Permits, addressed as stated below:

W.R. #884B-1: Dale Johnson, RR 3, Box 23AA, Vale, SD 57788.

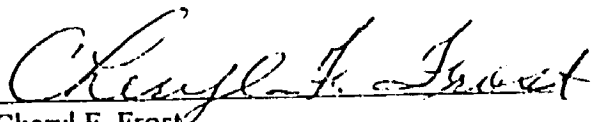
W.R. #816-2 & W.P. #973-2: Lien Ranch, Inc., HCR 20, Box 17, Presho, SD 57568.

W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

W.R. #1342-2: Gerald Novak, Manager, HCR 1, Box 51, Martin, SD 57551.

Copy sent to: Leonard Novak, Box 139, Batesland, SD 57551.

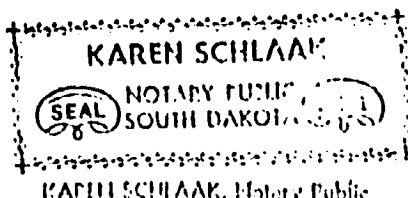
W.R. #3466-3: I. A. Schwan, P.O. Box 97, Hitchcock, SD 57348-0097.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1997


Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: ODIE DALE BOWEN, BOX 407, PHILLIP, SD 57567

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1280-2. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(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) 1280-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1280-2 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 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

1200-2

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

ODIE DALE BOWEN
BOX 407
PHILLIP SD 57567

4a. Article Number

2119-141643

4b. Service Type

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

7. Date of Delivery

1-25-99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *W. C. Bowen*

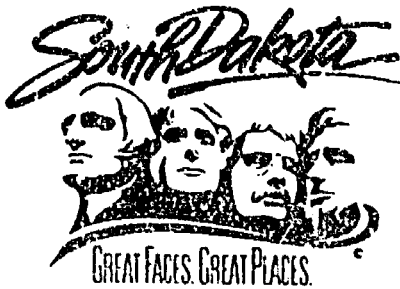
8. Addressee's Address (Only if requested and fee is paid)

P5 Form 3811, December 1994

102595-97 B-0170

Domestic Return Receipt

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 1999

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: ODIE DALE BOWEN, BOX 407, PHILLIP, SD 57567

FROM: JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Three Year Suspension of Water Right No. 1280-2

Pursuant to the provisions of the notice dated January 22, 1999, and following the hearing of March 3, 1999, the Water Management Board has ordered:

That Water Right No. 1280-2 be suspended until December 31, 2001, for failure to submit the 1998 irrigation questionnaire.

Suspension means water may not be pumped during the 1999, 2000 or 2001 irrigation seasons. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1998 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5, 1999, in Pierre, SD. The letter should include your reasons for not completing the 1998 irrigation questionnaire.

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

CERTIFICATION

I hereby certify that on March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding Amendments, One Year and Three Year Suspensions of Water Rights/Permits shown below, addressed as stated below:

The following are Amendments to Water Rights:

- W.R. #402-1: Calvin/Jana Meyers, HC 69, Box 22, Belle Fourche, SD 57717-9302.
- W.R. #100-3: Harold Weismantel, 1425 15th Ave. SE Apt. 223, Aberdeen, SD 57401-7780.
- W.R. #'s 398-3, 962-3, 1203-3 & 1923-3: Monte Neitzci, 1102 S. Main, Redfield, SD 57469.
- W.R. #1231-3: Lynn Christopherson, Mgr., P.O. Box 217, Howard, SD 57349-0217.
- W.R. #2943-3: Irvin Rogers, 13575 383rd Ave., Aberdeen, SD 57401.
- W.R. #3026-3: George Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.

The following are One Year Suspensions of Water Rights/Permits:

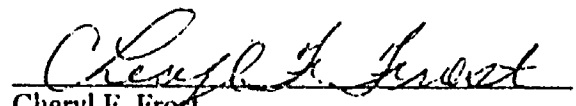
- W.R. #418-1: Dennis Lien, RR 1, Box 8B, Vale, SD 57788.
- W.R. #1222A-1 & W.P. #1524-1: John Ismay, DVM, P.O. Box 396, Sturgis, SD 57785-0396.
- W.R. #954-2: Kimberly Kaye Sealine, 24300 173rd Ave., Caputa, SD 57725.
- W.R. #849-3: Florence Demers, RR 2, Box 248, Elk Point, SD 57025-9757.
- W.R. #1172-3: Jesse Wright, 10 Bittersweet Ln., Atkinson, NH 03811.
- W.R. #2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
- W.R. #3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.

The following are Three Year Suspensions of Water Rights:

- W.R. #1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
- W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

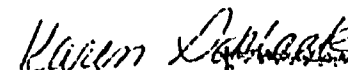
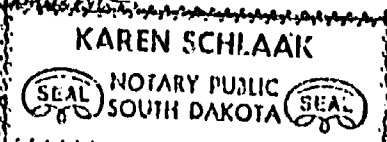
Amendment of Water Right No. 1192-1B and One Year Suspension of Water Right No. 1201-1:

George W. Jenter, 748 Park Sturgis, SD 57785.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1999


Notary Public
KAREN SCHLAACK
KAREN SCHLAACK, Notary Public
My Commission Expires


REPORT ON INSPECTION OF SUSPENDED WATER PERMIT(S)

N. R. Tech. McCue 6-21-2001

On 6-19-2001 at 12:15 PM I inspected permit 1280-2. I accessed what I believed to be the acreage from trails to the north. I found the geodetic survey marker A372 and a double-female 3 to 4 inch irrigation pipe fitting (with riser) near the gate at the west edge of the property, also the City Lagoons are just to the west of the meadow. The field had recently been mowed and raked for hay but I could see no evidence of irrigation. When leaving the area up the hill to the north I told a woman and a young man at the white mobile home what I was doing there.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 20, 2002

Roy Pfeifer
PO Box 676
Philip SD 57567

Dear Mr. Pfeifer:

Water Right No. 1280-2 was issued to Odie D. Bowen authorizing irrigation from the Bad River of 1.5 acres located SE ¼ SE ¼ Section 13-T1N-R20E. It is our understanding that Mr. Bowen is deceased. After talking with the Haakon County Assessors office, it appears that you may be the owner of this land.

Enclosed is copy of an aerial photo with the land in question outlined. Do you own this property and if so, do you irrigate any of it? If you do irrigate then the water right should be transferred to you. Any assistance you can give us regarding ownership of this land would be appreciated. Enclosed is a postage prepaid envelope for your response.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 20, 2002

Roy Pfeifer
PO Box 676
Philip SD 57567

Dear Mr. Pfeifer:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1280-2. The water right is currently listed in the name of Odie D. Bowen.

The transfer form should be checked over for accuracy and signed by the you. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

As you requested, enclosed are the Water Rights Law and General Rules. If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Dept of Environmental
& Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

RECEIVED

JUN 28 2002

WATER RIGHTS
PROGRAM

Dear Karen,

We received your letter of
June 20, 2002 regarding water
rights No. 1280-2.

We own the land you have
marked on the map you sent
1.5 acres located SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13-T1N-R20E.

We irrigate when there is enough
water in the Bad River.

As there is no charge to transfer
or for the water right, please
transfer these to our name.

Please advise. Please
send us a copy of 'water right
regulations'. We will wait to
receive your letter.

Sincerely,

Roy R. Rife,
MR



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 1, 2002

Roy Pfeifer
PO Box 676
Philip SD 57567

Dear Mr. Pfeifer:

On June 20, 2002, we sent you a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1280-2. You had indicated that you were the present owner of the land.

Enclosed is another transfer form. The form should be checked over for accuracy and signed by the you. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 16, 20 02

RECEIVED OF J Eay Pfeiffer, PO Box 676, Philip, SD 57567

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	2.50	
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>1280-2</u>		
Fee for _____ for C.Y. _____		
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.

000348

By J. Ireland Eide
Chief Engineer *gms*

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED
OCT 16 2002
WATER RIGHTS
PROGRAM

No. 1280-2
Date: 10-2-02

I/We request that Water Right/Permit No. 1280-2

formerly owned by: Odie D Bowen

be transferred to: (name & address) Roy Pfeifer, PO Box 676, Philip SD 57567

Telephone No.

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

1.5 acres located in the SE 1/4 SE 1/4 Section 24-T1N-R20E

I/We understand that the validity of Water Right/Permit No. 1280-2 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 Roy Pfeifer, the new owner, certify that the above information is true and correct.

Roy Pfeifer
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 16, 2002

1280-2

Roy Pfeifer
PO Box 676
Philip SD 57567

Dear Mr. Pfeifer:

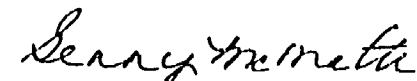
Thank you for sending in the ownership change for Water Right No. 1280-2. The transfer has been completed. The water right formerly held by Odie Dale Bowen, is now listed in your name.

Enclosed is your Receipt No. 000318 in the amount of \$2.50 which you paid for filing the ownership change. You may keep this for your records.

Also enclosed is the 2002 irrigation questionnaire pertaining to Water Right No. 1280-2. Please complete the form and return it to our office prior to December 2nd. Last week, you should have also received a questionnaire for Water Right No. 803-2 (ground water source). It will be fine to mail both forms back to us in the enclosed postage paid envelope.

Thank you and if you have any questions, please let me know.

Sincerely,


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

enclosures

NOT TO SCALE



10-31-05

Water Rights

Send us a copy
of our Water Permit
1280-2.

thanks,

Roy Puffer

PO B 676

Pike, SD 57567

Water Rights Program - File Documentation

NAME: Roy Pfeifer

ADDRESS: Philip SD

DATE: 11-7-05 **COUNTY:** Haakon **TELEPHONE:**

RE: Reissued Water License No. 1280-2

COMMENTS:

Water License No. 1280-2 is being reissued because the second page of the original license is not on the microfiche or scanned files.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 08 2005

Roy Pfeifer
PO Box 676
Philip SD 57567

Dear Mr. Pfeifer:

As requested, enclosed is a copy of Water License No. 1280-2.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1280-2

(1) Odie D Bowen, Philip SD made Application No. 1280-2, August 25, 1975 for a water permit to divert 0.2 cubic feet of water per second from the Bad River, Haakon County, South Dakota for irrigation purposes. Permit No. 1280-2, with a priority date of August 25, 1975 was approved September 10, 1975 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 10, 1980 and for the application to beneficial use of water on or before September 10, 1984.

On October 16, 2002, Water Right No. 1280-2 was transferred to Roy Pfeifer, PO Box 676, Philip SD 57567.

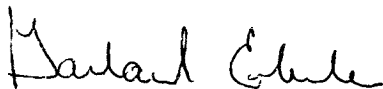
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1280-2 is issued a license, bearing a priority date of August 25, 1975 to appropriate 0.02 cubic feet of water per second from the Bad River to irrigate 1.5 acres.

The diversion point is located: 1,155 feet west from the northeast corner of Section 24-T1N-R20E. The acres authorized for irrigation are as follows:

1.5 acres SE ¼ SE ¼ Section 13-T1N-R20E

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1280-2 including the following now applicable qualifications:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 08 2005

date





1280-2

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, 2013

NOTICE

TO: ROY PFEIFER, PO BOX 676, PHILIP, SD 57567 0676

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1280-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 1280-2 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 1280-2 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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 2013

1280-2

Roy Pfeifer
PO Box 676
Philip SD 57567 0676

Dear Mr. Pfeifer:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1280-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



1280-2
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 15, 2016

NOTICE

TO: ROY PFEIFER, PO BOX 676, PHILIP, SD 57567 0676

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1280-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 1280-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1280-2 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 before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 3, 2016

1280-2

Roy Pfeifer
PO Box 676
Philip SD 57567-0676

Dear Mr. Pfeifer:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 1280-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 22, 2025

No. 1280-2

Roy Pfeifer
PO Box 676
Philip, SD 57567

Dear Mr. Pfeifer:

I'm writing to you today in reference to Water Right No. 1280-2. This license authorized the diversion of 0.02 cfs (9 gpm) from the Bad River, for the irrigation of 1.5 acres located within the SE ¼ SE ¼ Section 13, T1N, R20E.

In 2003 Water Rights Program staff reached out to you concerning cancellation of Water Right No. 1280-2 due to abandonment or forfeiture or both. The Water Right was not scheduled for cancellation in 2003.

The last irrigation questionnaire indicating that irrigation took place on this property was in 1994. Additionally, on your 2016 and 2018 irrigation questionnaire's you indicated that the irrigation system was not constructed.

I am reaching out to schedule Water Right No. 1280-2 for cancellation by the Water Management Board. Pursuant to SDCL 46-5-37, if any person entitled to the use of appropriated water fails to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three or more years, the water permit/right is subject to cancellation due to forfeiture or abandonment.

Please contact the Water Rights Program to discuss cancellation of Water Right No. 1280-2.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure