

1577A-2

WATER PERMIT NO. 1577A-2

Phone: 842-0838

Name of Applicant: Frank, John and James Fisher

Post Office Address: PR 1, Box 96, Winner SD 57580

Amount of Water Claimed: no add'l (0.86 cfs) Total Acres: no add'l (60 ac)

Source of Water Supply: Dog Ear Creek and Mud Creek

Water to be used for: irrigation County: Tripp

About 1 mile Southwest of Winner

PRIORITY Date Received: 5-13-94 Fee: \$50 Remarks: Corrects the
location of 30 acres authorized by Permit No. 1577-2

Corrected Application Received: _____ Period of Annual Use: March 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED: _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: Dog Ear Creek - SW 1/4 NW 1/4

Sec 31; SW 1/4 SW 1/4 Sec 30; Mud Creek -

SE 1/4 SW 1/4 Sec 31; all in T99N-R76W

Land to be Irrigated: SW 1/4 SW 1/4 Sec 30 and

NW 1/4 NW 1/4 Sec 31; all in T99N-R76W

	30		27		23
31					
	31		32		33

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Timothy Schaal Reviewed and the Number

Assigned on: 5-17-94 By: Karen Schlaak

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1577A-2

(1) Frank, John and James Fisher of RR 1, Box 96, Winner SD 57580 made Application No. 1577A-2, May 13, 1994 for a water permit to specify the correct location of the irrigated acres from Dog Ear Creek and Mud Creek, Tripp County, South Dakota for irrigation purposes. Permit No. 1577A-2, with a priority date of March 1, 1977 (established by Water Permit No. 1577-2) was approved July 11, 1994 and issued to the applicants for diversion of water with construction of the described water supply system to be completed and the application to beneficial use of said water completed.

The applicable portions of Water Permit No. 1577-2 have been incorporated into this Water License No. 1577A-2.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.86 cubic feet of water per second for beneficial use. The location of the diversion points are: Dog Ear Creek - 1000 feet east and 725 feet north (SW 1/4 SW 1/4) and 1450 feet south and 350 feet east (SW 1/4 NW 1/4) of the northwest corner of Section 31-T99N-R76W; Mud Creek - 1350 feet east and 260 feet north (SE 1/4 SW 1/4) of the southwest corner of Section 31-T99N-R76W.

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

Section 30-T99N-R76W	SW 1/4 SW 1/4	5 acres
	SE 1/4 SW 1/4	10 acres
Section 31-T99N-R76W	NW 1/4 SW 1/4	25 acres
	SE 1/4 SW 1/4	20 acres
Total		60 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Frank, John and James Fisher of RR 1, Box 96, Winner SD 57580 the holders and/or owners of Incorporated Water Permit No. 1577A-2 has issued a license to appropriate water, the right to use 0.86 cubic feet of water per second from Dog Ear Creek and Mud Creek with a priority date of March 1, 1977 from the location specified in (2) of this license. The water is conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 1577A-2 and subject to South Dakota State Law.


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

NOV 14 1994
date

FORM 2 Application for Irrigation in South Dakota
(Type or print)

8/10/94

Mail to:
Water Rights Division
Jon Foss Building
523 E Capitol
Pierre SD 57501-3101
605 773-3352

No. 1577A-2 Hydrologic Unit 10140204
Basin White River
Newspaper Winner Advocate, Box 71, Winner
(office use only)



Application For Soil/Water Compatibility Permit And Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)
Correct acres authorized by W.P. No. 1577-2

1. Name Applicant Frank, John & James Fisher Phone 842-0838
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address RR 1, Box 96 Winner State SD 57580
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed no add'l CFS or **GPM ***AF Total Acreage no add'l
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acres - storage capacity of dam/dugout if applicable 660 AC
3. Source of water supply Dog Ear Creek & Mud Creek
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T10N11R53W)
Dog Ear Creek SW 1/4 NW 1/4 Section 31, 199N, R76W, SW 1/4 SW 1/4 Section 30, 199N, R76W
Mud Creek SE 1/4 SW 1/4 Section 31, 199N, R76W County Tripp
5. County or counties where water will be used Tripp
6. Annual period during which water is to be used March 1 - September 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SW 1/4 SW 1/4 Sec 30, 199N, R76W	5		
NW 1/4 NW 1/4 Sec 31, 199N, R76W	25		

8. Type of Irrigation: Gravity: ☒ Towline: ☐ Center Pivot: ☐ Gun: ☐ Other (Specify): _____
9. Crops to be irrigated: alfalfa
10. Give a description of the project (Attach sheet if more space is needed)

flood irrigate alfalfa located next to creek during dry weather periods, when creek is flowing.
Water was first pumped in 1977 on land from original water permit.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach maps, soils information and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Tripp)^{ss}

I, James Fisher, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed X James Fisher

Subscribed and sworn to before me this 12 day of may 19 94

Notary Public
Commission Exp: 5/5/2002

REPORT ON
WATER PERMIT APPLICATION No. 1577A-2
Frank, John & James Fisher
June 3, 1994

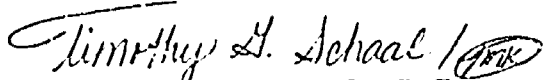
Water Permit Application No. 1577A-2 has been filed by Frank, John & James Fisher to specify the correct location of irrigated land authorized under Water Permit No. 1577-2.

Water Permit No. 1577-2 appropriates 4.0 cfs from Dog Ear Creek and Mud Creek between points located in the SE 1/4 SW 1/4 Section 31 and the SW 1/4 NW 1/4 Section 30-T99N-R76W to irrigate 320 acres located in the SE 1/4, E 1/2 NW 1/4 Section 31-T99N-R76W and the E 1/2 SW 1/4 Section 30-T99N-R76W.

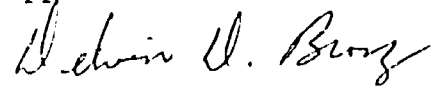
An inspection of Water Permit No. 1577-2 found 3 diversion points located in the SW 1/4 NW 1/4 and the SE 1/4 SW 1/4 of Section 31-T99N-R76W and the SW 1/4 SW 1/4 Section 30-T99N-R76W constructed and supplying 0.86 cfs to irrigate 60 acres. Water Permit Application No. 1577A-2 is being filed to correct the location of 30 of the 60 acres. The correct location of the 30 acres is the SW 1/4 SW 1/4 Section 30 and the NW 1/4 NW 1/4 Section 31-T99N-R76W. No increased diversion rate or number of acres irrigated is authorized by Water Permit Application No. 1577A-2.

Conclusion:

1. Water Permit Application No. 1577A-2 should be approved since it does not increase the diversion rate or number of irrigated acres authorized under 1577-2.


Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:


Delvin D. Brosz, P.E.
Natural Resources Engineer IV

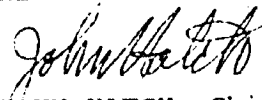
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1577A-2, Frank, John and James Fisher

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1577A-2, Frank, John and James Fisher, RR 1 Box 96, Winner, SD 57580.

The Chief Engineer is recommending APPROVAL of Application No. 1577A-2 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
June 13, 1994



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 16, 1994

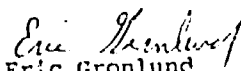
Frank, John & James Fisher
RR 1 Box 96
Winner, SD 57580

Dear Frank, John and James:

Water Permit Application No. 1577A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Winner Advocate printed at Winner, SD (Ph # 605-842-1481). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 16, 1994

Winner Advocate
Box 71
Winner, SD 57580-0071

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1577A-2 to be published twice. Please publish the first notice on June 22, 1994, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Frank, John and James Fisher, RR 1 Box 96, Winner, SD 57580 (Ph # 605-842-0838).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____
We are in receipt of your letter of _____ enclosing Notice of
Hearing to Appropriate Water by Application No. _____ which was first
published in our issue of _____. ENCLOSED IS A COPY OF THIS
FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on June 22, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1577A-2 to
Amend Water Permit No. 1577-2

Notice is given that Frank, John and James Fisher, RR 1 Box 96, Winner, SD 57580 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 1577-2 appropriates 4.0 cubic feet of water per second (cfs) from Dog Ear Creek and Mud Creek located between points in the SE 1/4 SW 1/4 Section 31 and the SW 1/4 NW 1/4 Section 30 to irrigate 320 acres located in the SW 1/4, E 1/2 NW 1/4 Section 31; E 1/2 SW 1/4 Section 30; all in T99N-R76W. An inspection of Permit No. 1577-2 found 3 diversion points located in the SW 1/4 NW 1/4, SE 1/4 SW 1/4 Section 31 and SW 1/4 SW 1/4 Section 30-T99N-R76W constructed and supplying 0.86 cfs to irrigate 60 acres. This application is to correct the location of 30 acres of the 60 acres being irrigated. The correct location of the 30 acres is the SW 1/4 SW 1/4 Section 30 and the NW 1/4 NW 1/4 Section 31; all in T99N-R76W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1577A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 11, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sioux) ssI, Carol Bickel

certify that the attached printed Notice was

taken from the Advocateprinted and published in WinnerCounty of Sioux and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:June 22, 1994June 29, 1994Cost of Printing: \$42.03Carol Bickel
(Signature)Office Manager
(Title)July 1, 1994
(Date Signed)

Notice of application no. 1577A-2 to amend water permit no. 1577-2

Notice is given that Frank, John and James Fisher, RR 1 Box 96, Winner, SD 57580 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Permit No. 1577-2 appropriates 4.0 cubic feet of water per second (cfs) from Dog Ear Creek and Mud Creek located between points in the SE 1/4 SW 1/4 Section 31 and the SW 1/4 NW 1/4 Section 30 to irrigate 320 acres located in the SW 1/4, E 1/2 NW 1/4 Section 31; E 1/2 SW 1/4 Section 30; all in T99N-R76W. An inspection of Permit No. 1577-2 found 3 diversion points located in the SW 1/4 NW 1/4, SE 1/4 SW 1/4 Section 31 and SW 1/4 SW 1/4 Section 30-T99N-R76W constructed and supplying 0.86 cfs to irrigate 60 acres. This application is to correct the location of 30 acres of the 60 acres being irrigated. The correct location of the 30 acres is the SW 1/4 SW 1/4 Section 30 and the NW 1/4 NW 1/4 Section 31; all in T99N-R76W. No increase in the diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1577A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. This applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 11, 1994.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel. If legal counsel is obtained, contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources. (25-26 3425)

My commission expires August 21, 1999

Permit No. 1577-2/1577A-2White River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Frank, John & James Fisher of RR 1 Box 96 Winner, SD holder of Permit No. 1577-2, bearing the priority of March 1 1977 authorizing the diversion of 4.0 cu. ft. per second of the waters of Mud Creek and/or Dog Ear Creek for Irrigation purposes, in Tripp County.

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

A. Works used to divert the water:

John Deere 2630 Tractor and PTO drive self Priming
8" Dia Centrifugal Pump (125,000 gph)

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

C. Works used to apply water to beneficial use:

Flood Irrigation Directly from Pump

The system is in the following condition Fair

The point of diversion is located Dog Ear Creek - 1000 ft East, 725 ft. North and
1450 ft. South, 350 ft. East of the NW Corner Sec. 31-T99N-R76W
Mud Creek - 1350 ft. East, 260 ft. North of SW Corner Sec. 31-T99N-R76W
 The works are capable of diverting and conveying to the place of use 4.0 cfs

cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: They irrigate 1 of

Field 1 - 5 Ac. SW 1/4 SW 1/4 Sec. 30-T99N-R76W these 3 Fields Once

10 Ac. SE 1/4 SW 1/4 Sec. 30-T99N-R76W every 3 years.

Field 2 - 25 Ac. NW 1/4 NW 1/4 Sec. 31-T99N-R76W

Field 3 - 20 Ac. SE 1/4 SW 1/4 Sec. 31-T99N-R76W

comprising a total of 60 acres of land and the license should be issued for 0.86 cfsApplicable permit qualifications have been complied with Yes NoExceptions to compliance are: _____ Date July 30, 1981

Timothy A. Schaal
 (Signature)

LICENSE FOR PERMIT NUMBER 1577-2

1. Legal location of wells: Dog Ear Creek - 1100 ft East & 765 ft North and
1450 ft South & 350 ft East of the NW corner Sec. 31-T9N-R76W
dams & structures: Mill Creek - 1350 ft East & 260 ft North of SW corner
Sec. 31-T9N-R76W

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make PTO Self Priming Cent. Motor a) make John Deere 2630

b) model Vwy 011 b) model No. _____

c) size 8" Pipe Dia. c) horsepower rating 70 Hp

d) capacity 125,000 gpm - 7092 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

} Flood Irrigates Directly
From Pump

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

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 _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

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

d) 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) capacity (GPM) _____

g) siphons

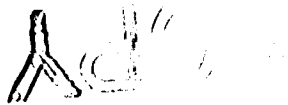
- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>NA</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>X</u>	5. Is chemigation used?
<u>NA</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
520 EAST CALHOUN
PIERRE, SOUTH DAKOTA 57501-3481

August 19, 1993

James Fisher
RR 1, Box 96
Winner, SD 57580

Dear Mr. Fisher:

I am writing regarding Water Permit No. 1577-2 (copy enclosed) held in the names of Frank, John and James Fisher. An inspection of the Permit was conducted July 30, 1991 by Tim Sanaal, a staff engineer with the Water Rights Division. This inspection found 30 acres being irrigated that were not described on Permit No. 1577-2. An amendment to Permit No. 1577-2 to correct the actual irrigated acres is necessary.

The inspection found acres being irrigated as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T99N, R76W - 5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T99N, R76W - 10 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31, T99N, R76W - 25 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T99N, R76W - 20 acres

The acres listed in bold type were not included on the original application. I have enclosed a copy of an application form to apply for a water permit to bring land being irrigated into compliance with state water rights law. The application will need to be signed and notarized and a \$50 application filing fee submitted. Also please on the application indicate the year the irrigation system was developed. You will also be required to pay the publication costs of the notice of hearing.

Correcting Permit No. 1577-2 is necessary prior to licensing the permit. Obtaining the water license is the final step in procuring your water right. If any additional information regarding a Soil Water Compatibility Permit is needed, the Division of Conservation will contact you. Please feel free to contact me if you have any questions.

Sincerely,

Eric Grönlund
Water Rights Division
605 773-3352

enclosure

Water Rights Division - PENR
Conversation File Documentation

NAME OF PERSON OR FILE: Frank, John James Fisher, water Permit No. 1577-2

ADDRESS: RR 1, Box 96, Winner, SD COUNTY: Tripp

DATE: August 11, 1993 TELEPHONE: _____

RE: Phone call from James Fisher

COMMENTS:

Mr. Fisher called regarding the letter I sent him. I explained the basis of the letter and why they needed to correct the acres on their existing permit if they want to continue irrigating the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 31. Mr. Fisher said the last two years have been so wet that they have not needed to irrigate. He wanted to know if they choose not to irrigate the 30 acres not covered by Permit No. 1577-2, whether they would still need to get a permit to correct the water permit. I said no, and that we would then move forward with licensing the water permit for the 30 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31. I stated there still would be a \$50 licensing fee.

I explained if they chose to make the application that there would be a \$50 application filing fee, they would be responsible for the publication cost of the notice of hearing and after that was completed there would still be a \$50 licensing fee.

Mr. Fisher wanted to discuss the options with his brothers. He said he'd get back to me in a month on how they want to proceed.

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: Eric J. Seabury



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

April 28, 1994

James Fisher
RR 1, Box 96
Winner SD 57580

Dear Mr. Fisher.

On August 10, 1993 you were sent a letter and application forms (copies enclosed) for a permit to appropriate water based on an inspection of Water Permit No. 1577-2 by Tim Schaal, an engineer with this office. This inspection showed that your system was not developed as originally permitted. On August 11, 1993 you called our office and indicated you wanted to discuss the situation with your brothers. To date, we have not received a response from you regarding this application.

Enclosed is another partially completed application form. Please review the application, have it signed and notarized and return it to this office.

Obtaining water permits that accurately reflect your water use ultimately benefits you by protecting your right to use water. Water Permit No. 1577-2 can not be licensed until this application is processed and a permit obtained to reflect your current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 19 1994

Frank, John and James Fisher
RR 1 Box 96
Winner, SD 57580

Dear Sirs:

Enclosed is Water Permit No. 1577A-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

**SOUTH DAKOTA
WATER PERMIT NO. 1577A-2**

Date of first receipt of application May 13, 1994.

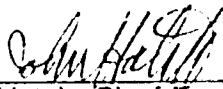
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1577A-2 to Frank, John and James Fisher, RR 1, Box 96, Winner SD 57580 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1577A-2 specifies the correct location of the irrigated acreage. Water Permit No. 1577-2 appropriates 4.0 cubic feet of water per second (cfs) from Dog Ear Creek and Mud Creek located between points in the SW 1/4 SW 1/4 Section 31 and the SW 1/4 NW 1/4 Section 30 to irrigate 320 acres located in the SW 1/4, E 1/2 NW 1/4, Section 31; E 1/2 SW 1/4 Section 30; all in T99N-R76W. An inspection of Permit No. 1577-2 found 3 diversion points located in the SW 1/4 NW 1/4, SE 1/4 SW 1/4 Section 31 and SW 1/4 SW 1/4 Section 30. T99N-R76W constructed and supplying 0.86 cfs to irrigate 60 acres. This permit corrects the location of 30 acres of the 60 acres being irrigated. The correct location of the 30 acres is the SW 1/4 SW 1/4 Section 30 and the NW 1/4 NW 1/4 Section 31; all in T99N-R76W. No increased diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 - September 30
3. The date from which applicant may claim right is March 1, 1977 (established by Water Permit No. 1577-2).
4. The date of approval of Permit No. 1577A-2 is July 11, 1994.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

AUG 19 1994
date

A circular ink stamp from the Division of Water Rights, State of Idaho. The outer ring contains the text "DIVISION OF WATER RIGHTS" at the top and "IDAHO" at the bottom. In the center, it reads "AUG 1994". There are some handwritten marks and numbers around the perimeter, possibly file numbers or dates like "8-17-94" and "8-18-94".

Thank you
James Fisher, partner
Frank, John, and James Fisher

RECEIPT

414262

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 20, 1994

RECEIVED OF James Fisher, Rt 1 Box, Winner, SD 57580-9694

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1577A-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By James Fisher
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 14 1994

1577A-2

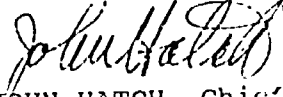
Frank, John and James Fisher
RR 1, Box 96
Winner, SD 57580

Dear Sirs:

Enclosed is Water License No. 1577A-2 and Receipt No. 414262 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1577A-2 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License 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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 1577-2 have been incorporated into this Water License No. 1577A-2.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

1577A-2
414168

Pierre, _____ May 17, 19 94

RECEIVED OF James Fisher, Rt 1 Box 96, Winner, SD 57580-9694

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

Fee for Application for Permit No. <u>1577A-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John R. [Signature]*
Chief Engineer



1577A-2

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: FRANK FISHER, RR 1 BOX 96, WINNER, SD 57580 9694

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 has not been submitted for Permit No(s) 1577A-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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1577A-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, 1999, 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.

1577A-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:

FRANK FISHER
RR 1 BOX 96
WINNER SD 57580 9694

4a. Article Number

2119141 665

4b. Service Type

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

7. Date of Delivery

AUG. 23 - 99

5. Received By: (Print Name)

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

6. Signature: (Addressee or Agent)

X *Frank Fisher*

PS Form 3811, December 1994

102595-97-8-0179 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 57501-3
www.state.sd.us/denr

January 25, 1999

1577A-2

Jim Fisher
RR 1 Box 96
Winner, SD 57580

Dear Mr. Fisher:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right No. 1577A-2.

I completed a questionnaire for you based on our January 25th telephone conversation. The information was received in our office prior to the Water Management Board meeting and the matter has been deleted from the agenda.

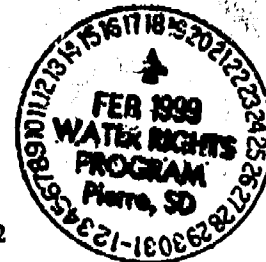
Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for filing an ownership change with the water right. Please review and complete the portion titled "to be transferred to (name & address)....". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

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

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1577A-2

Date: February 11, 1999

I/We request that Water Right No. 1577A-2

formerly owned by: Frank, John & James Fisher, RR 1 Box 96, Winner, SD 57580

be transferred to: (name & address) James Fisher, RR 1, Box 96, Winner, SD 57580

Telephone No. (605) 842-0838

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

60 acres - S 1/2 SW 1/4 Section 30, NW 1/4 NW 1/4, SE 1/4 SW 1/4 Section 31 T99N, R76W

I/We understand that the validity of Water Right No. 1577A-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.

STATE OF SOUTH DAKOTA)

TRIPP)

County of _____)

I/We ~~Ruben & Monica~~ James Fisher being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

James Fisher
(Signed)

Subscribed and sworn to before me this 11th day of February, 19 99.

Richard L. Mauris
(Notary Public)
MY Commission Expires: 2/28/2005

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No. 416049

Pierre, February 23, 19 99

RECEIVED OF James Fisher, RR 1, Box 96, Winner, SD 57580
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form Water Right No. 1577A-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By _____
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1999

1577A-2

James Fisher
RR 1 Box 96
Winner, SD 57580

Dear Mr. Fisher:

Thank you for sending in the ownership change for Water Right No. 1577A-2. The transfer has been completed and the water right is now listed in your name.

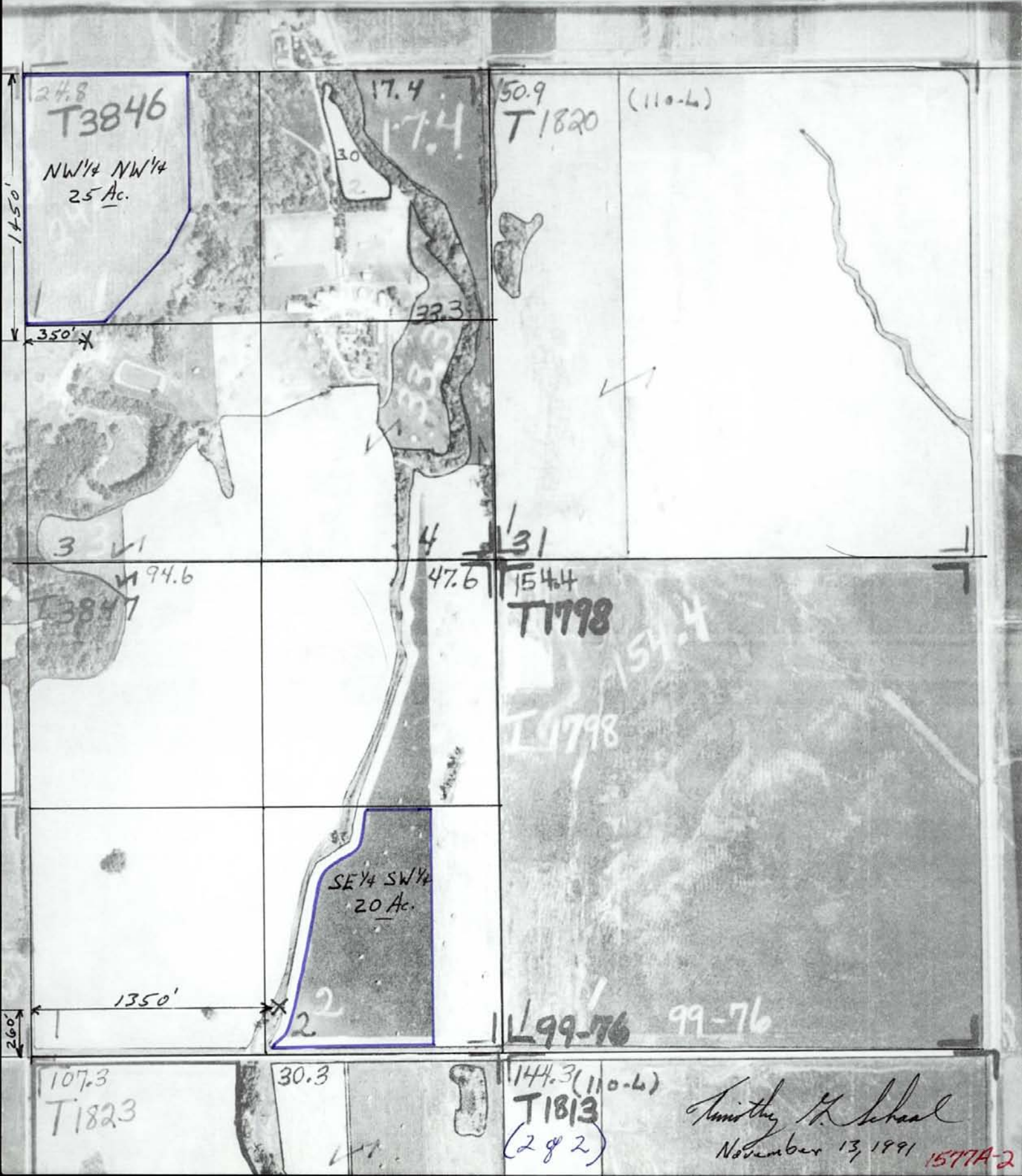
Enclosed is your Receipt No. 416049 in the amount of \$2.50. I am also enclosing a copy of the transfer form you submitted. You may keep both of these for your records.

If you have any questions, please contact me.

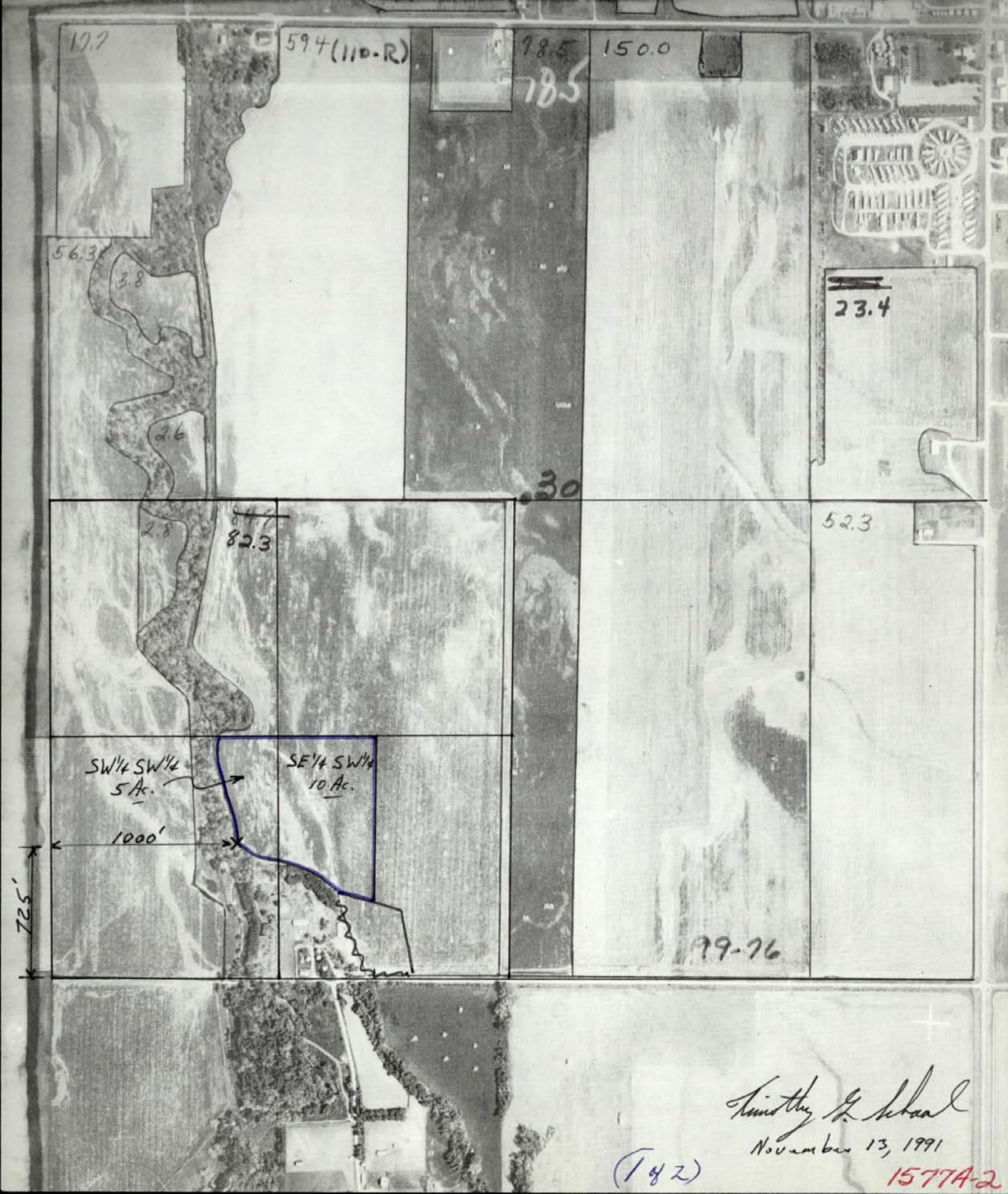
Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-335

NOT TO SCALE



NOT TO SCALE



Timothy G. Leland
November 13, 1991

(142)

1577A-2