

Water Right No. 1671-3

To be Considered Sept 27 - 1979

County JACKSON WASHABAUGH about 9 W. 5

Miles NORTH of WANBLEE

APPLICATION

Name Eugene Fortune

Address Cottonwood

Date

Application

Received 2-8-79

Complete - Yes X No

Date

Returned

Reason

Priority
w.o.
June 22, 1979

Date Received

Corrected Appl.

SOURCE Bear Creek

USE Irrigation

ACRES 213

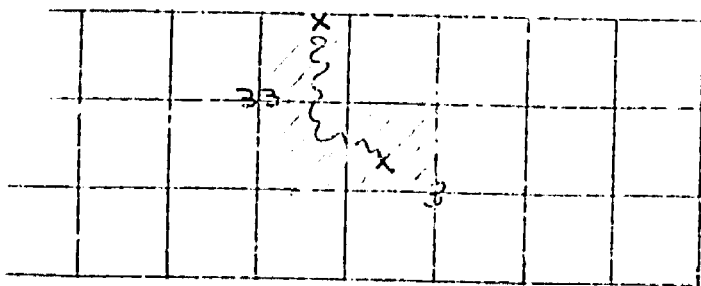
C.F.S. 3.0

ACRE-FEET

Diversion Location Between p. 33

NE⁴NE⁴ Sec. 33-43-38

SW⁴NW⁴ 3-42-38



Land to be irrigated E¹/₂ Sec 33-43-38 NW⁴ 3-42-38

Period of annual use April - November

MAP

Type of Map

Aerial

Prepared by

Map No.

1434-2

Map located in W/R

X

Map File

FEE

Received - Yes X

Amount

2.75⁰⁰

No.

Date of letter

REASON

Date Returned Corrected

LOG

Received w/Apl. - Yes

No

Date of Request

REASON

Date Received

DRILLER

Licensed in SD Yes

No.

DEPTH AND FORMATION

OTHER
INFORMATION
FILED WITH
WATER RIGHT

N/A

WATER
QUALITY

Date Received June 22, 1979 Date Approved Conditional by S.C.C.
(Circle one)

Date Disapproved by S.C.C. _____ Reason _____
Date Disapproved _____
Application Returned _____

WI-1 Land Description- same as Application- yes X no _____ Remarks _____

except diversion point not noted on WI-1

REVIEWED

This application was reviewed within 30 days of receipt, accepted as complete, Number assigned and written up for advertisement before the Board on

Sept 27, 1979

B.W.
(Signed)

This Application was unable to be completed - Reason _____

PUBLICATION

Dates Published - 1st August 23, 1979 2nd 8-30-79
Date Affidavit Received Sept 5, 1979 Remarks _____

PROTESTS

Letters/Petitions in File Yes _____ No _____ Remarks _____

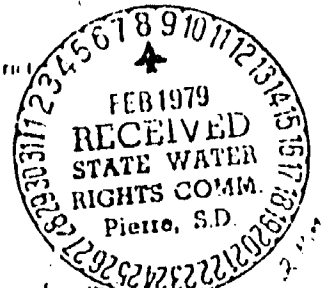
STAFF REC-
OMMENDATIONSBOARD
ACTION

Date Approved 9-27-79 Qualifications Low House/Pass

Deferred - Date _____ Reason _____

Denied - Date _____ Reason _____

REMARKS
F.F. & C. OF
LAW, FINAL
DECISIONS,
ETC.

No. 1671-2Map No. 1439-2 Water Division No. 2 WHITE RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Eugene Fortune 457-3555
 Postoffice address Cottonwood State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor
 3. Name of diversion work Lytle Place
 4. Amount of water claimed (cubic feet per second) 3.0 C.F.S.
 5. Source of water supply Bear Creek
 6. Location of point of diversion along & either side of Bear Creek from a point 800 ft E of
W $\frac{1}{2}$ Corner of Sec. 3, T42N, R38W to a point 870 feet west of the NE corner of
Sec. 33, T43N, R38W County Washabaugh
 7. Annual period or periods during which water is to be used April - November
 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 213

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.
NW $\frac{1}{4}$ 3-T42N-R38W	70		
SE $\frac{1}{4}$ 33-T43N-R38W	60		
NE $\frac{1}{4}$ 33-T43N-R38W	83		

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 2 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Kadoka Press
 12. Principal Features of the Proposed Water Supply System.
 A. Works proposed to divert water from its natural source
pump and engine
 B. Works proposed to transport water to place of use.
pipelines
 C. Works proposed to apply water to beneficial use.
gated pipes and sprinkler

Estimated Total Cost \$ _____

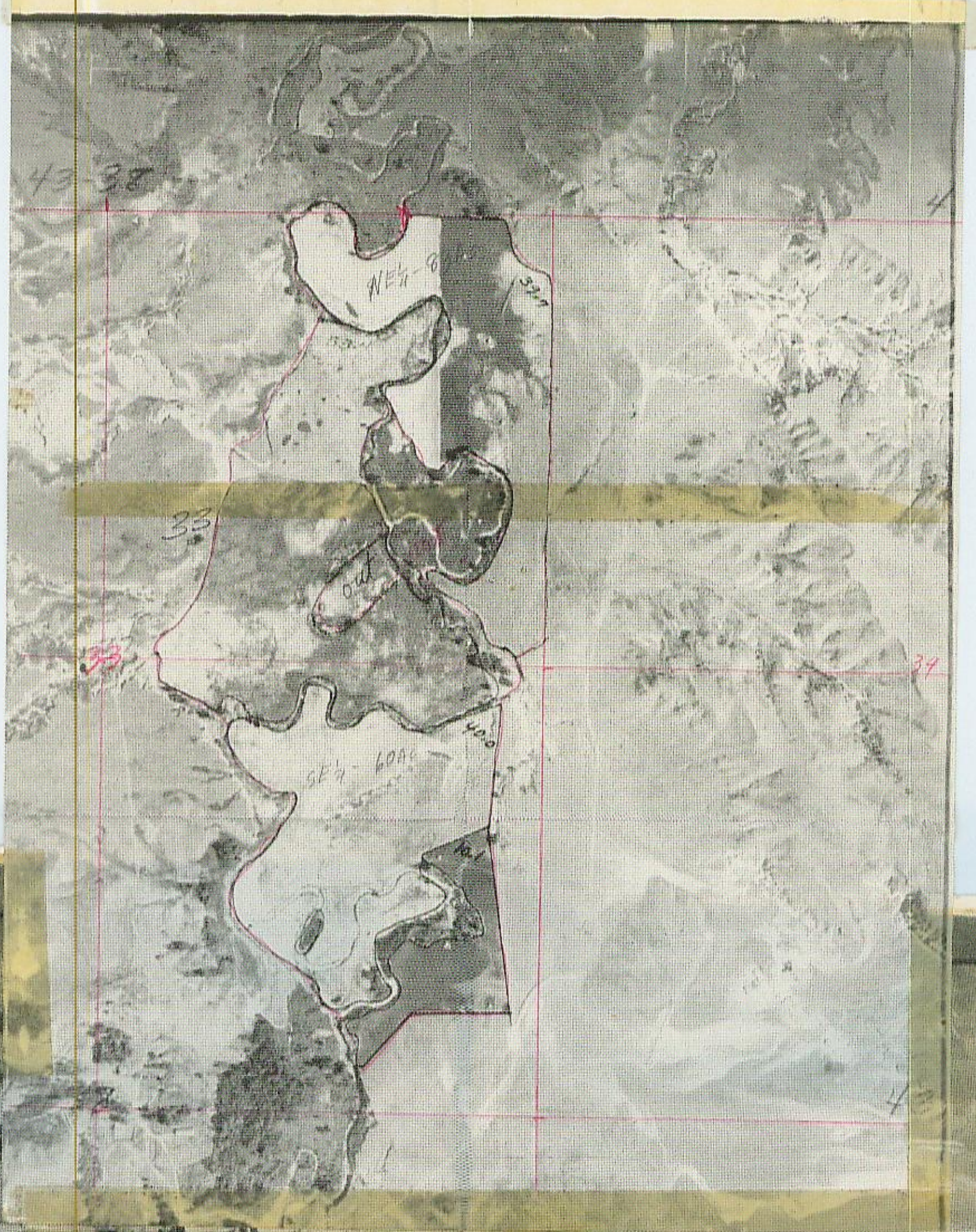
Attachments: Attach Form 2A if diversion from a well or dapout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of HughesI, Eugene Fortune, 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

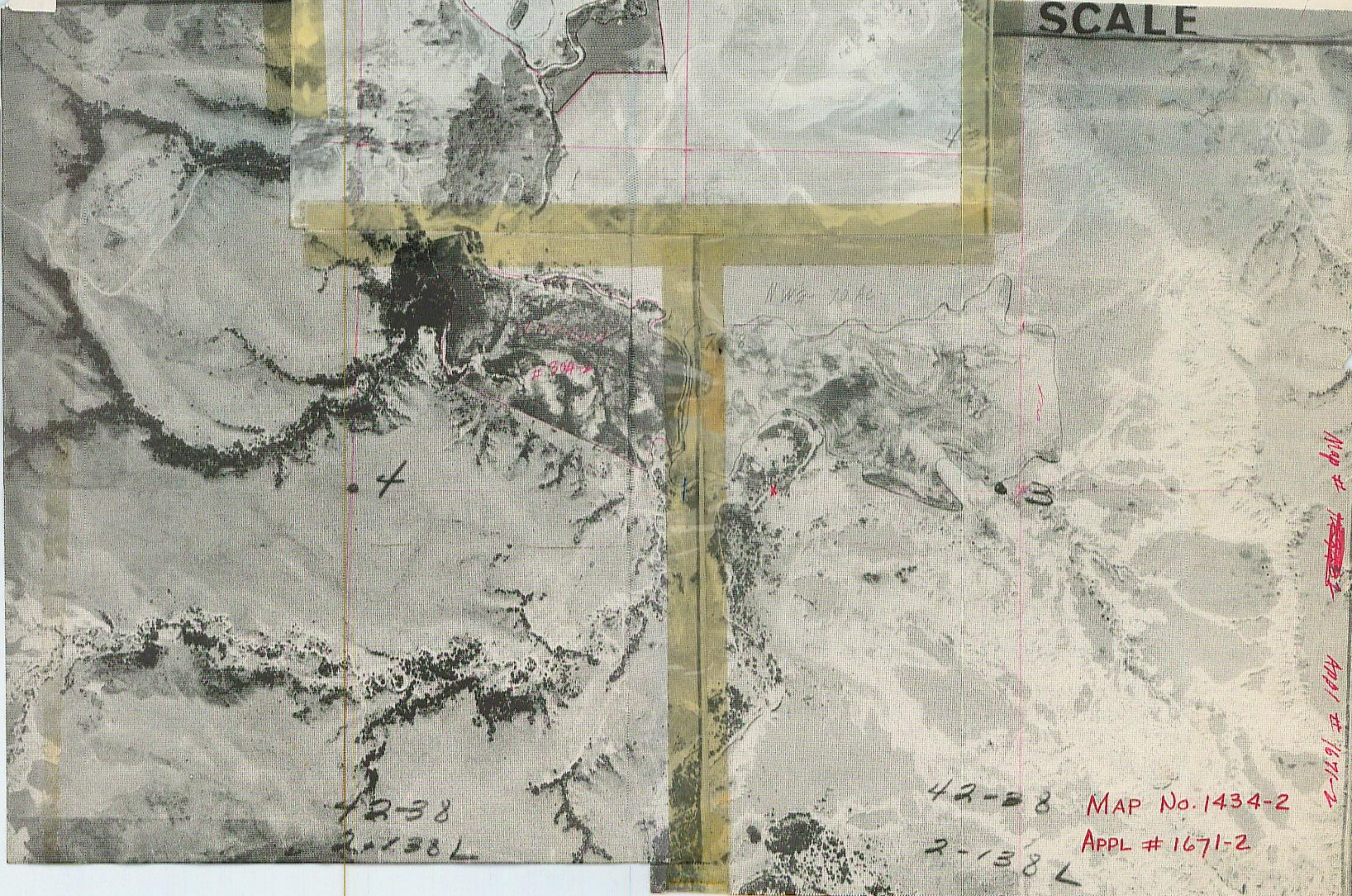
Subscribed and sworn to before me this

Signature Eugene Fortune
8th day of February, 1977
Justin L. Zickrick
 Notary Public (or other qualified officer)
 My Commission Expires 3/27/83



NOT T

SCALE



Map # ~~1671-2~~ Appl # 1671-2

42-28 MAP No. 1434-2
2-138L APPL # 1671-2

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1671-2
EUGENE FORTUNE COTTONWOOD
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57728 With the following modifications.
 (State)

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

Date of first receipt of application FEBRUARY 8, 19 79
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application W.O. JUNE 22, 19 79
 Approved SEPTEMBER 27, 19 79, Recorded in Book 21 Page 38

WATER RIGHT PERMIT NO. 1671-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1671-2 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 JUNE 22, 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 27, 19 82
3. The whole of said work is to be completed on or before SEPTEMBER 27, 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 27, 19 86
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, L., 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 3.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use served, and if for the irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and is 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 27, 19 86; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 2ND day of OCTOBER, 19 79

WATER RIGHTS COMMISSION

By:

John H. Helt
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

CONSERVATION COMMISSION
FORM WI #1
6/77

SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



IMPORTANT: Read Instructions Before Proceeding!!

NAME Eugene Fortune 457-3555

ADDRESS Cottonwood SD 57728

COUNTY Jackson Land in Washnbaugh Co.

RECEIVED

MAY 10 1979

South Dakota

In accordance with State Law (Section 1, SB-58), if a water right is granted with a conditional permit (Soil/Water compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 5 months of receipt of such water right.

LEGAL DESCRIPTION:

1. WELL LOCATION OR DIVERSION POINT

2. LOCATION OF AREA TO BE IRRIGATED Nw 1 of sec 3, T42, R38 and SE 1/4 of Sec 33, T42, R38
3-18-77

TYPE OF IRRIGATION:

3. GRAVITY ☒ TOWLINE ☐ CENTER PIVOT ☐

OTHER (SPECIFY) Other

4. CROPS TO BE IRRIGATED Alfalfa and Grass mixture

WATER QUALITY: (To be completed by SDSU Water Quality Lab)

5. SAMPLE NUMBER	<u>79-220</u>
6. SALINITY (EC X 10 ³)	<u>209</u> (Medium)
7. SODIUM (SAR)	<u>2.00</u> Adj. SAR = <u>4.50</u> (Low)
8. RESIDUAL SODIUM CARBONATE (meg/1.)	<u>1.94</u>

I do hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Jackson-Washnbaugh Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

SUBSCRIBED AND SWORN BEFORE ME THIS
30 DAY OF March, 1979.

Adeline L. Lindahl
(TITLE OR SEAL) Notary Public

Eugene Fortune by
APPLICANT'S SIGNATURE
Raymond Fortune
Keith L. Hansen
Approved ☐
Disapproved ☐
Conditionally Approved ☒

(SOILS INFORMATION ON REVERSE SIDE)

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Fortune Eugene Fortina Date Rec'd May 7, 1979
 Address: Cottonwood, SD 57728 Sample No. 79-220
 Identification _____

WATER ANALYSIS

Calcium (Ca)	69	ppm*	3.45	me/l**
Magnesium (Mg)	7	ppm	0.57	me/l
Sodium (Na)	66	ppm	2.87	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	17	ppm	0.35	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.13	me/l
Bicarbonate (HCO ₃)	315	ppm	5.16	me/l
Carbonate (CO ₃)	24	ppm	0.80	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	258	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	40	ppm (as CaCO ₃)		
Electrical Conductivity	509	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.00	Adjusted SAR	4.50	
Sodium	39.85	% of cations		
Residual sodium carbonate	1.94	me/l		
pH	8.22			

Others:

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 7.20 me/l
 Total anions 6.44 me/l

By: Shirley Hittan

Service Performed	Amount Due
Irrigation analysis	\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-220

Amount Enclosed \$ _____

Signed _____

SD-CONS-31A
5/75

SOIL MAP

Owner Eugene Fortune Operator Same

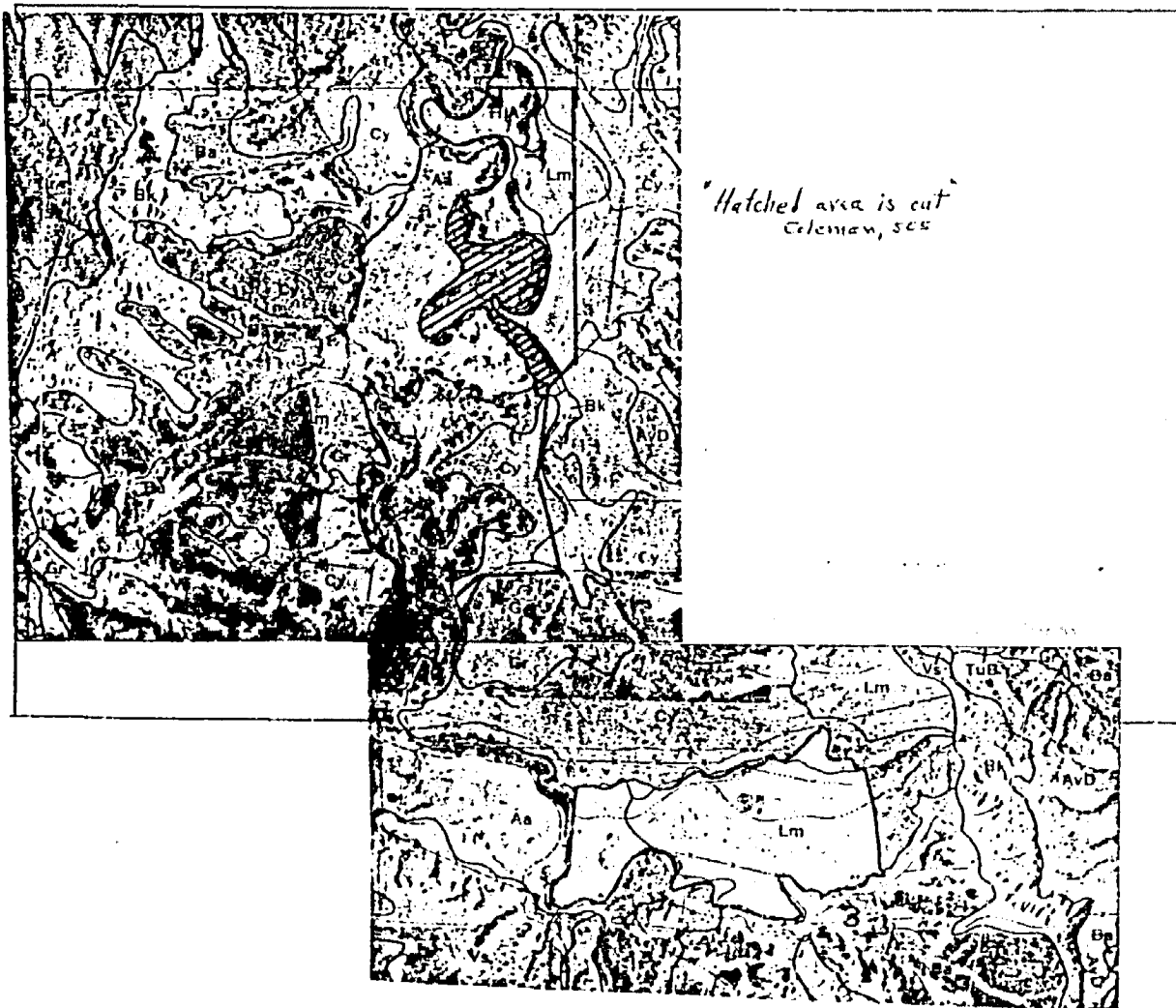
County WDM Jackson State South Dakota

Soil survey sheet(s) or code No.(s) 18 & 30 Approximate scale 3.2" = 1 Mi

N

Prepared by U.S. Department of Agriculture, Soil Conservation

Service cooperating with Jackson washabaugh Conservation District



SOIL LEGEND ATTACHED

REC-MGMT/FORM
12/78

water rights
CONDITIONAL
Waterspreading

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Eugene Fortuna, Cottonwood, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



RECOMMENDED MANAGEMENT: Management of the clayey soils:

1. Water should not be applied more than _____ times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least _____ inches of water.
3. ☐ Yes ☐ No Surface drainage suggested on _____.
4. ☐ Yes ☐ No Subsurface drainage suggested on _____.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.

COMMENTS:

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application gravity or gun.

GENERAL COMMENTS:

As I understand, your plan is to divert water from the spring-fed creek at several suitable places between the west side of Section 3-42-38 and north side of 33-43-28. With this plan, you should put your water to use on the better irrigable soils first or on the alluvial bottoms.

You will not get good results from irrigation on your clayey soils unless you can apply the water slow enough and long enough to assure penetration into the lower root zone. This may occasionally necessitate the use of a deep ripper, especially on the sloping parts.

Your water, as indicated on sample #79220, is satisfactory for your bottom land soils. As the sodium is about 40% you may expect this to get worse as the season progresses or as flows decrease.

Copy to applicant
Copy to Water Rights
Copy on File

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6771

PIERRE, February 8, 1979

RECEIVED OF Eugene Fortune, Cottonwood SD

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

Fee for Application for Permit to Appropriate Water No. 1671-2 (examination, processing, recording and filing)	27	00
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	27	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH KJW

No. 1671-2

Publish first publication, on or before August 31, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 14, 1979

Notice is hereby given Eugene Fortune whose post office address is Cottonwood, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from ~~the~~ Bear Creek through the Lytle Place, the point(s) of diversion of which ~~is~~ (are) to be located ~~xxxxxx~~ on Bear Creek between points from NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33-T43N,R38W and the SW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 3, Twp. 42N, Range 38W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E $\frac{1}{4}$, Section 33, T43N,R38W and NW $\frac{1}{4}$ Section 3, T42N,R38W

This Application No. 1671-2 will be considered by the Water Management Board at the Community Room, City Hall 222 E. Dakota, Pierre, SD 57501 upon the 27th day of September, 1979

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

BETTY ~~JUST~~LUND

Water Rights Specialist

cc: Eugene Fortune, Cottonwood, SD 57726

No. 1671-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Jackson)

L. G. Parkinson hereby

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

Water was taken from the Kadoka Press

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 Kadoka

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

Thursday, August 23, 1979

Thursday, August 30, 1979

~~L.~~ G. Parkinson

(Signature)

Editor

(Title)

September 30, 1979

(Date Signed)

**NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER**
Pierre, South Dakota 57501

Pierre, South Dakota 57501
August 14, 1979

August 14, 1979

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WATER MANAGEMENT
BOARD

BETTY WESTLUND;
Water Rights Specialist
Pub. Aug. 23-30



SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Fess Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 5, 1987

304-2
1671-2

Eugene Fortune
St Rt Box 19
Cottonwood, SD 57728

Dear Mr. Fortune:

Enclosed are copies of the following documents:

1. Water Right No. 304-2,
2. Water Permit No. 1671-2, and
3. Irrigation Questionnaires from 1978-1985.

Mrs. Fortune spoke with Genny McMath, of this office, May 4, 1987. She advised that you were having difficulties obtaining the 1986 irrigation data since the person who operated your irrigation systems last year was no longer around. Mrs. Fortune requested a 30-day extension to try and obtain the information needed for the irrigation questionnaires.

This type of situation is understandable and under the circumstances, we realize you will not be able to submit the irrigation questionnaires by the May 6th hearing date. A 30-day extension will not be necessary. Your name will be deleted from the agenda for the Water Management Board hearings pertaining to the irrigation questionnaire violations. However, we would appreciate receiving any type of information you may be able to obtain concerning irrigation done during the 1986 season.

Very truly yours,

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

encl

1671-2

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

EUGENE FORTUNE
COTTONWOOD, SD 57728

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1671-2, 304-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm. May 6, 1987 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. The hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1671-2, 304-2 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 hearing date, your name will be deleted from the agenda for the hearing.



1671-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: EUGENE FORTUNE, 22150 GRINDSTONE RD, QUINN, SD 57775

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 304-2 & 1671-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 304-2 & 1671-2 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 questionnaires are received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, 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.



1671-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2005

304-2
1671-2

Eugene Fortune
22150 Grindstone Rd
Quinn SD 57775

Dear Mr. Fortune:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. I completed questionnaires for you based on my January 24th telephone conversation with Mrs. Fortune. Enclosed is a copy of the forms for you to keep for your records.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 304-2 and 1671-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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

1671-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 2011

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

Thank you for calling concerning the necessary ownership change for Water Right No. 304-2 and Water Permit No. 1671-2. They are currently listed in the name of Eugene Fortune.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (**total of \$100.00**) The check or money order for the fee can be made payable to the Water Rights Program.

With regard to the irrigation questionnaires for this year and I have completed them for you indicating no irrigation was necessary during 2011 due to sufficient natural moisture.

You mentioned that you are irrigating additional land on Water Right No. 304-2. Any additional acreage will require a new permit. I have enclosed the application forms for filing for a new permit.

To recap, the following documents are enclosed:

- Copies of Water Right No. 304-2 and Permit No. 1671-2 (you can keep these)
- Large map showing acreage authorized under No. 304-2 (you can keep this)
- Transfer of ownership forms
- Application forms and an instruction sheet to apply for new irrigation permit

If you have any questions, please contact me.

Sincerely,

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

File No. 304-2

1671-2

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Dorothy Fortune, 20650 222nd St, Quinn SD 57775

DATE: October 16, 2012

TELEPHONE: (605) 457-3555

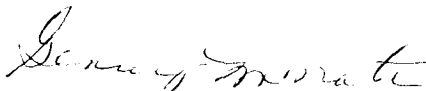
RE: ownership changes for water rights listed in the name of Eugene Fortune

COMMENTS:

Dorothy Fortune called regarding the irrigation questionnaires she received that were addressed to Eugene Fortune. She had wondered if the ownership changes got completed or not. I looked thru the file and found I mailed transfer forms and new permit application forms to Wayne Fortune (her son) in December, 2011.

She said after looking at the maps I sent to Wayne, he decided he did not need to apply for anything additional. She thought for now all that he wanted done was to transfer the water rights to his name.

Mrs. Fortune requested I send her a set of transfer forms and she would give them and the irrigation questionnaires to Wayne to complete and return to us.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 17, 2012

304-2
1671-2

Dorothy Fortune
20650 222nd St
Quinn SD 57775

Dear Ms. Fortune:

Thank you for calling in regard to the ownership changes needed for Water Right No. 304-2 and Water Permit No. 1671-2. Forms were sent to Wayne Fortune last December and since they were not returned, it caused the annual irrigation questionnaire to again be sent to your address.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please have Wayne complete and return them to us with a required filing fee of \$50.00 each (total of \$100.00). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you for taking care of this and as we discussed, it is fine to have him mail back the forms and fee along with the irrigation questionnaires. If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

NOV 19 2012

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1671-2

Date:

11/10/12

I/We request that Water Permit No. 1671-2

formerly owned by: Eugene Fortune

be transferred to: (name & address)

Wayne Fortune
21150 Lone Tree Road
Interior, S. DAK 57750 Telephone No. 605-433-5301

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

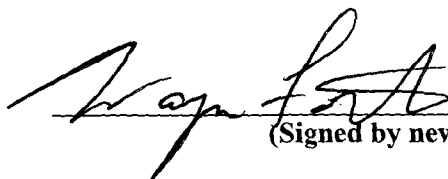
213 acres – NW ¼ Section 3, T42N, R38W and E ½ Section 33, T43N, R38W

I/We understand that the validity of Water Permit No. 1671-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Wayne Fortune, the new owner, certify that the above information is true and correct.


(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

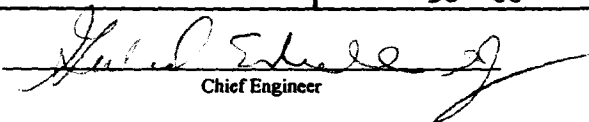
Date 11/19, 20 12

RECEIVED OF Dorothy Fortune 20650 222nd St QUINN SD 57775

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	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 <u>1671-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 05704

By 
Chief Engineer



1671-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2012

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of the 2012 irrigation questionnaires and the ownership changes you filed for Water Right No. 304-2 and Water Permit No. 1671-2.

The ownership changes have been completed. Water Right No. 304-2 and Water Permit No. 1671-2, formerly held by Eugene Fortune are now listed in your name.

The receipts for the filing fees are being forwarded by copy of this letter to Dorothy Fortune. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

c: Dorothy Fortune w/Receipt Nos. 05703 and 05704



1671-2
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, 2014

NOTICE

TO: WAYNE FORTUNE, 21150 LONE TREE RD, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 304-2 & 1671-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 304-2 & 1671-2 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 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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 26, 2014

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of the information for your 2013 irrigation questionnaires. I completed forms for you based on our February 25th phone conversation.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right No. 304-2 and Water Permit No. 1671-2. 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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



1671-2
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 16, 2015

NOTICE

TO: WAYNE FORTUNE, 21150 LONE TREE RD, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 304-2 & 1671-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 304-2 & 1671-2 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 4, 2015** 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

January 27, 2015

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 304-2 and Water Permit No. 1671-2. 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

Water Permit No. 1671-2
Jackson County

Report of Examination of Works and/or Application of Water to Beneficial Use

To: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 15, 2015 made a thorough examination of the water system used by Wayne Fortune, 21150 Lone Tree Rd., Interior, SD 57750, holder of Water Permit No. 1671-2, bearing the priority date of June 22, 1979. Water Permit No. 1671-2 authorizes the diversion of 3.0 cubic feet per second (cfs) from Bear Creek for the purposes of irrigating 213 acres in Jackson County as follows: 70 acres in the NW $\frac{1}{4}$ of Section 3, T42N-R38W, 60 acres in the SE $\frac{1}{4}$ of Section 33, and 83 acres in the NE $\frac{1}{4}$ of Section 33, both in T43N-R38W.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
Crisafulli Pump and tractor
- 2) Works used to transport water to a place of use:
12 inch distribution line

The system is in the following condition: well maintained. The points of diversion are located along Bear Creek from the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T43N-R38W to the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T42N-R38W. Specific points of diversion include (but are not limited to) the following:

- 1) **1,100 feet south and 1,000 feet west of the northeast corner of Section 33, T43N-R38W. Lat 43.66128N Lon 101.84483W.**
- 2) **2,900 feet south and 1,600 feet west of the northeast corner of Section 33, T43N-R38W. Lat 43.65627N Lon 101.84716W.**
- 3) **4,550 feet south and 1,250 feet west of the northeast corner of Section 33, T43N-R38W. Lat 43.65176N Lon 101.84590W.**
- 4) **1,400 feet south and 100 feet west of the northeast corner of Section 4, T42N-R38W. Lat 43.64596N Lon 101.84167W.**
- 5) **2,500 feet south and 100 feet west of the northeast corner of Section 4, T42N-R38W. Lat 43.64304N Lon 101.84160W.**

The lands irrigated by the fore mentioned well are as follows:

- 1) **64 acres in the NE $\frac{1}{4}$ of Section 33, T43N-R38W**
- 2) **42 acres in the SE $\frac{1}{4}$ of Section 33, T43N-R38W**
- 3) **42 acres in the NE $\frac{1}{4}$ of Section 4, T42N-R38W (26.17 acres of which are authorized under Water Right No. 304-2)**
- 4) **25 acres in the NW $\frac{1}{4}$ of Section 3, T42N-R38W**

For a total of 173 acres, 146.83 acres of which are authorized under Water Permit No 1671-2.

License should be issued for the diversion rate of: **2.10 cfs or 940 gpm, or 1.0 cfs for every 70 acres.**

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**

Date Report Completed: **September 17, 2015**


Bracken Capen

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 1671-2

DATE OF INVESTIGATION:	September 15, 2015
NAME & ADDRESS OF PERMIT HOLDER	Wayne Fortune 21150 Lone Tree Rd. Interior, SD 57750
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Wayne Fortune
DIVERSION POINT LEGAL LOCATIONS	Along Bear Creek in Jackson County from the NE ¼ NE ¼ of Section 33, T43N-R38W to the SW ¼ NW ¼ of Section 3, T42N-R38W

WELL INFORMATION: N/A

- 1) Well Drilling Firm:
- 2) Number of Wells:
- 3) Depth:
- 4) Well Log Available:
- 5) Comment:

Motor

- 1) Make: **Tractor**
- 2) Model No:
- 3) Power: **90 hp**

Pumps

- 1) Make: **Crisafulli**
- 2) Model:
- 3) Size:
- 4) Capacity: **1,300 gpm**

System Type

- 1) Make:
- 2) Overall length:
- 3) Number of Towers:
- 4) Distance Between Towers:
- 5) End Gun:
- 6) Pressure:
- 7) Capacity:

Casing

- 1) Diameter:
- 2) Length:
- 3) Type:

CHEMIGATION EQUIPMENT: No

- 1) Mainline Check Valve:
- 2) Low Pressure Drain:
- 3) Inspection Port/Air Relief:
- 4) Discharge 20 Feet Away:
- 5) Injection Line Check Valve or Positive Displacement Pump:
- 6) Injection Check Valve:
- 7) Properly Installed:

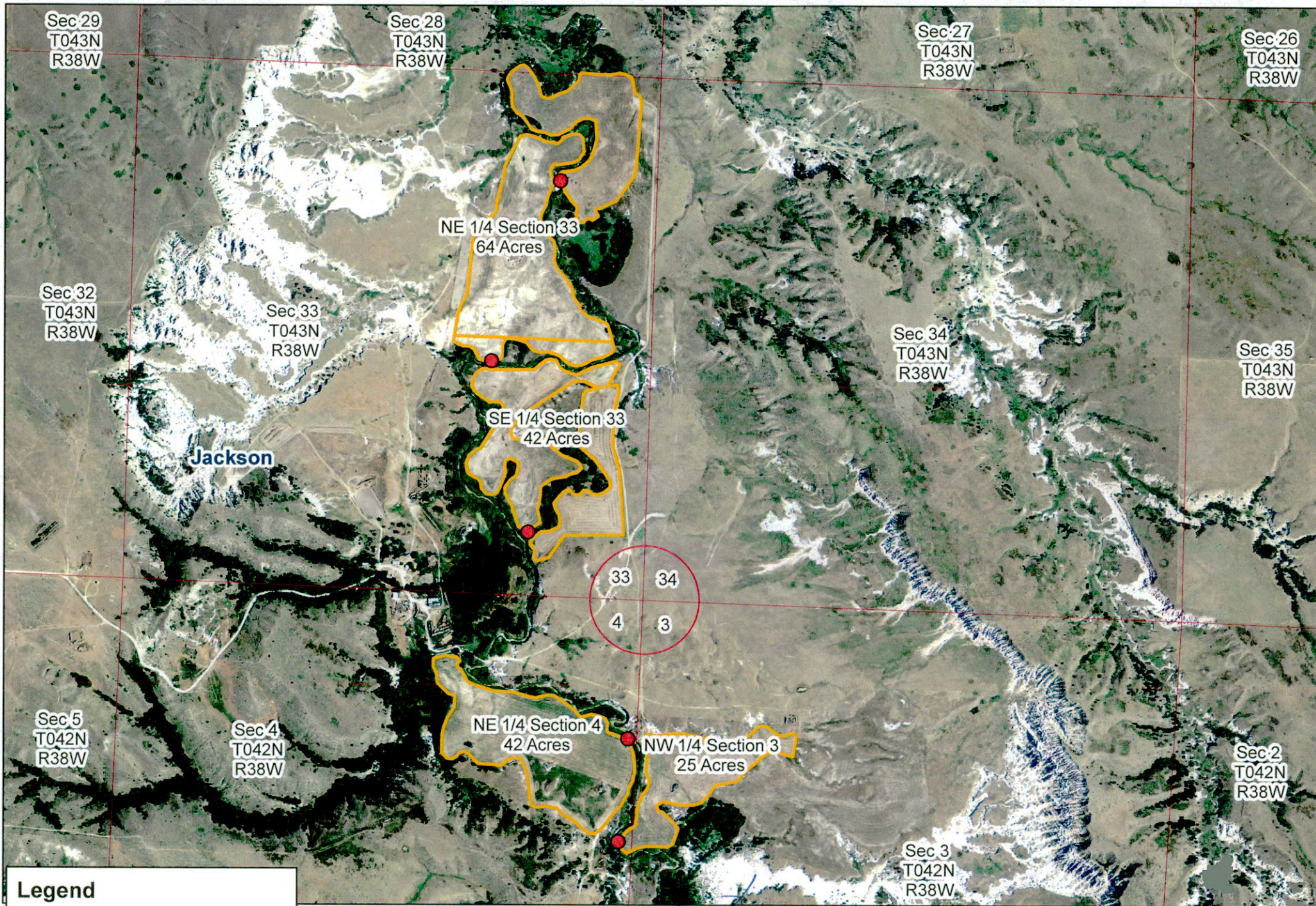
Screen

- 1) Type:
- 2) Length:
- 3) Static Water Level:

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **N/A**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Reported irrigation beginning in 1980.**

COMMENTS: Although the number of acres being irrigated is less than the number initially applied for, some of the irrigated acres are in the NE ¼ of Section 4, T42N-R38W rather than the NW ¼ of Section 3, T42N-R38W as was initially applied for. These acres are in addition to the 26.17 acres authorized under Water Right No. 304-2. It is recommended that upon licensing, Water Permit No. 1671-2 be incorporated into Water Right No. 304-2.



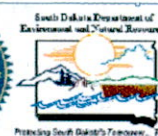
Legend

- Irrigated_Acres
- Section Boundaries - PLSS
- Diversion Points



0 0.1 0.2 0.4 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program



Licensing of Acreage Outside of Permitted Area

NAME: Wayne Fortune

ADDRESS: 21150 Lone Tree Rd., Interior, SD 57750

DATE: September 21, 2015 **COUNTY:** Jackson **TELEPHONE:** (605) 433 5301

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

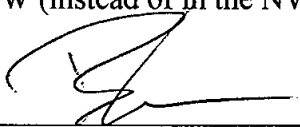
Water Permit No. 1671-2 authorizes the irrigation of 70 acres in the NW ¼ of Section 3, T42N-R38W. Although Wayne Fortune has not developed more acres than was initially applied for, 15.83 of these 70 acres are in the NE ¼ of Section 4, T42N-R38W instead of Section 3, T42N-R38W. These acres combine with the 26.17 acres authorized under Water Right No. 304-2 for a total of 42 acres in Section 4, T42N-R38W.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**
Yes
- **Owned by Same Property Owner**
Yes
- **Developed Prior to Expiration of Construction Period**
Yes

RECOMMENDED ACTION

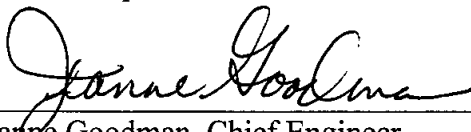
Based on the above criteria, it is recommended that the 15.83 acre area located in the NE ¼ of Section 4, T42N-R38W (instead of in the NW ¼ of Section 3) be included in the water license.



Bracken Capen, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 24, 2015

1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

On September 15, 2015 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1671-2, was completed by Bracken Capen, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

A handwritten signature in black ink, which appears to read "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/2, 20 15

RECEIVED OF Wayne Fortune 21150 Lone Tree Rd Interior SD 57750

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 *	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. <u>1671-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 07504

By

J. some Goodman Jr
Chief Engineer

1671-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 19 2015

304-2
1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

Enclosed is Water License No. 1671-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 304-2 were incorporated into Water License No. 1671-2.

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1671-2**

(1) Eugene Fortune made Application No. 1671-2, February 8, 1979 for a water permit to divert 3.00 cubic feet of water per second (cfs) from Bear Creek, Jackson County, South Dakota for irrigation purposes. Permit No. 1671-2, with a priority date of June 22, 1979 was approved September 27, 1979 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 27, 1984 and for the application to beneficial use of said water on or before September 27, 1986.

Water Right No. 304-2, with a priority date of June 6, 1945 authorizes diversion of 0.37 cfs from Bear Creek for irrigation of 26.17 acres. Water Permit No. 1671-2 was obtained to add acreage and diversion authority to the existing project.

On November 19, 2012, Water Right No. 304-2 and Water Permit No. 1671-2 were transferred to Wayne Fortune.

An investigation of the water use system found acreage developed outside of the permitted area. The Chief Engineer made a finding pursuant to SDCL 46-5-30.5 that the acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.

The applicable portions of Water Right No. 304-2 have been incorporated into Water License No. 1671-2.

(2) It is certified that the permit holder 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 2.10 cubic feet of water per second for beneficial use. The location of the diversion points are between points along Bear Creek from the NE ¼ NE ¼ Section 33, T43N, R38W to the SW ¼ NW ¼ Section 3, T42N, R38W. Specific points of diversion include (but are not limited to) the following:

- a) 1,100 feet south and 1,000 feet west of the NE corner of Section 33, T43N, R38W;
- b) 2,900 feet south and 1,600 feet west of the NE corner of Section 33, T43N, R38W;
- c) 4,550 feet south and 1,250 feet west of the NE corner of Section 33, T43N, R38W;
- d) 1,400 feet south and 100 feet west of the NE corner of Section 4, T42N, R38W;
- e) 2,500 feet south and 100 feet west of the NE corner of Section 4, T42N, R38W.

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

T43N, R38W Section 33	NE ¼	64 acres	Priority date: June 22, 1979
	SE ¼	42 acres	Priority date: June 22, 1979
T42N, R38W Section 4	NE ¼	42 acres	Priority date: June 22, 1979 (15.83 acres)
			Priority date: June 6, 1945 (26.17 acres)
T42N, R38W Section 3	NW ¼	25 acres	Priority date: June 22, 1979
	Total	173 acres	

Priority dates: June 22, 1979 – established under Water Permit No. 1671-2

June 6, 1945 – established under Water Right No. 304-2

continued

Water License No. 1671-2

Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Wayne Fortune, 21150 Lone Tree Rd., Interior SD 57750 the holder and/or owner of Water Right No. 1671-2 is issued a license to appropriate water, the right to use 2.10 cubic feet of water per second from Bear Creek with priority dates of June 6, 1945 (26.17 acres and 0.37 cfs) and June 22, 1979 (146.83 acres – 1.73 cfs) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1671-2 and subject to the following qualifications:

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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 19 2015

date





1671-2
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 25, 2019

NOTICE

TO: WAYNE FORTUNE, 21150 LONE TREE RD, INTERIOR, SD 57750

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 1671-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1671-2 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 6, 2019** 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.



1671-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2019

1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 1671-2. 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,

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

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



1671-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2022

NOTICE

TO: WAYNE FORTUNE, 21150 LONE TREE RD, INTERIOR, SD 57750

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire has not been submitted for Permit No(s) 1671-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1671-2 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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: JFXJQB**

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.

1671-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 31, 2022

1671-2

Wayne Fortune
21150 Lone Tree Rd
Interior SD 57750

Dear Mr. Fortune:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 1671-2. 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
Genny.mcmath@state.sd.us