

White River
10140202

Water Right No. 1707-2

462-6434

1. Considered May 22 1980
2. Name of Applicant KENNETH TAFT
3. Post Office Address NORRIS, S.D.
4. Amount of Water Claimed 3.4
5. Source of Water Supply BLACK PIPE CREEK, DUGOUT & DRAW
6. Water to be used for IRRIGATION
7. Acres to be irrigated 240 maximum acre feet
8. Water to be diverted and used in MELLETT County about 1 mile EAST of NORRIS
9. PROOF OF PUBLICATION Received (5-5-80) (GW Adv)
Not Received 9-3-80

APPLICATION

Approved 9-25-80

Subject to Low Head on Black Pipe Creek

Not Approved (Funding of Taft & S.D.)

Action deferred 5/23/80 - for investigation

BIA PROTEST LTR

Priority

Date

Received 2-1-80

Application Complete yes - no -

FEE 275.00

Remarks

Need info from the well before we can advertise.

Date information and/or

fee or corrected Application received

Period of Annual use

Received (yes) 4/16/80 no

APPROVED/CONDITIONAL (Circle one)

Description same as application (yes) yes no

Remarks

Disapproved

Returned

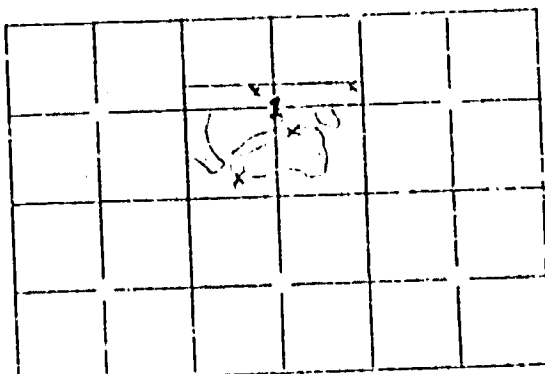
Diversion Point Black Pipe Creek
Between SE 1/4 NW 1/4 and SE 1/4 SW 1/4
Dugout NW 1/4 SE 1/4 and a draw
to SE 1/4 NE 1/4 all in Section 1-

TOWN-R3-N

Lands to be irrigated

5 1/2 S 1/2 NW 1/2 and 5 1/2 Section 1

TOWN-R3-EW



WELL
LOG

Remarks

Dugout 50' x 100', 15' deep

Driller

William Miller

Licensed yes - no -

Depth

110'

Well 8/1/80
Copy to Taft
(not license in 79)

MAP Map No. Aerial Map located in Water Right X Map file. _____
 Type of Map Aerial Prepared by ASCS-Mullett Co.
Map corrected to put well on

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on May 30, 1980 Read petition
for September 25, 1980 meeting Deft. petition
amended to include well. (Signed)

+++++

PROTESTS Letters/Petitions in File - yes - no - Remarks _____
BIA -

REMARKS Date _____
 F.F. & C Final Decision, including F.F. & C of Law were adopted 11-19-80
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted 11-19-80
 ETC.

Remarks Initial prima facie date - hold on record 1
on F.F. & C. date was received which was
15 day after receipt of application

Mr. Tipton appeared before Board May meeting it was agreed by Board to amend his app. to include well upon receipt of WA approval from S.C.C. which was received 8-18-80 - Priority for well

No. 41707-2Map No. 1466-2 Water Division No. 3 WHITE RIVER District
Above for Office Use 10140202

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant: Kenneth Taft

Phone No. _____

Post Office Address: NorrisState South Dakota 57560

(Street, RR, or Box) (Town)

(Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Taft #14. Amount of water claimed (cubic feet per second) 3.45. Source of water supply Black Pipe Creek, Dugout & draw and well6. Location of point of diversion Black Pipe Creek - Between points in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ & in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Dugout in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ & from a draw in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 1, T4CN, R33W Well located 356' east and 152.3' south of Center Well #1 of Section 1-T4CN-R33W7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 240

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.
<u>S$\frac{1}{2}$ S$\frac{1}{2}$ NW$\frac{1}{4}$</u>	<u>24.0</u>	<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>8.0</u>
<u>S$\frac{1}{2}$ S$\frac{1}{2}$ NE$\frac{1}{4}$</u>	<u>12.0</u>	<u>NW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>20.0</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>40.0</u>	<u>NE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>22.0</u>
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>38.0</u>	<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>16.0</u>
		<u>SW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>38.0</u>
		<u>NW$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>22.0</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Mellette Co. News Mission SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pumps & Motors

B. Works proposed to transport water to place of use.

Mainline

C. Works proposed to apply water to beneficial use.

Big Gun or Side Roll

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)
County of Hughes) ss.I, Kenneth Taft, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Kenneth TaftSubscribed and sworn to before me this 1st day of February, 1980Karen Wernsmann
Notary Public (or other qualified officer)

KAREN WERNSMANN

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 1707-2

KENNETH TAFT RR. #2 Box 1 NORRIS, S.D.
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57560 With the following qualifications.
 (State)

This Permit No. 1707-2 is hereby approved subject to the qualification that the irrigation well approved under this permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells. The approval is further qualified by the requirement that adequate low flows be maintained for downstream domestic use including livestock watering and that prior water rights must be by-passed. The application is further subject to the qualification that the irrigation use questionnaire be submitted each year.

Date of first receipt of application February 1, 19 80
 Date of return to applicant for correction, amendments or changes required , 19
 Date of receipt of corrected application WQ April 16, 19 80
 Approved November 19, 19 80, Recorded in Book 21 Page 293

WATER RIGHT PERMIT NO. 1707-2

The Board of Water Management hereby grants and issues this Water Right Permit No. 1707-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 16, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 19, 19 83
3. The whole of said work is to be completed on or before November 19, 19 85
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is November 19, 19 89
5. The water appropriated shall be used for the purpose of Irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.4 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before November 19, 19 89, said water to be used during the following described annual period: April thru October

Witness my hand this 1st day of December, 19 80

THE BOARD OF WATER MANAGEMENT

By John Hatch
 Chief Engineer, Water Rights JOHN HATCH

Certificate of Construction Issued , 19

Water License Issue , 19

Page 1

Robbins Brothers Drilling

Field Log or Irrigation Well Test Holes

CUSTOMER Wm. T. T. T. Date June 29, 80

ADDRESS Marion S. Dole COUNTY Missouri

LOCATION _____

LEGAL DESCRIPTION

SE 1/4 of Sec 1 TWS 110 Range 33 west of 6th Prime Meridian

Test Hole # _____ & Location _____

ELECTRIC
LOG

DEPTH

GEOLOGICAL FORMATION

DRILLING NOTES

0-3	Top Soil	easy
3-10	Fine med sand	easy
10-12	Fine med sand Fine	
	coarse gravel	med T.C.
12-15	Butte rock gravel	med hard
15-20	Butte rock	hard
20-30	Butte rock	hard T.C.
30-40	Butte rock sandstone	med
40-50	Trace Fine sand Clay Sand Stone	med hard
50-55	Trace Fine sand Clay Sand Stone	med wash down
55-63	Fine med sand	easy
63-75	Fine med sand hard	
	soft sand stone	easy med hard drilling T.C.
75-85	soft hard sandstone Trace clay Fine sand	med
85-90	soft hard sand stone Trace clay Fine sand	med
90-95	soft hard sand stone	med

S.W.L. 8'

Charge 150 ft. @ \$2.00 per foot

Logged by Allen R. Sullivan

Drilled by Robbins Drilling



Field Log or Irrigation Well Test Holes

ADDRESS Manes, So. Dak. COUNTY Minnekahta

LEGAL DESCRIPTION

Test Hole # _____ & Location _____

DEPTH

GEOLOGICAL FORMATION

DRILLING NOTES

S.W.L. 8'

Charge 120 ft. @ \$ 2.00 per foot

Logged by Allen R. Robb

Drilled by Robert Dilling



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Kenneth Tost OWNERS ADDRESS: NORRIS, S.D.
57560

COUNTY LAND LOCATED IN: Mc Hott PHONE: 605-447-6434

TEHANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

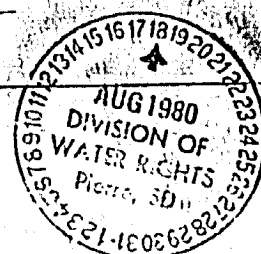
1. WELL LOCATION OR DIVERSION POINT: NW 1/4 of NW 1/4 of SE 1/4 of Sec 1, T40 R33
2. SURFACE WATER SOURCE: ///
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>SE 1/4 Sec 1 T40 R33</u>	<u>106</u>		
<u>S 1/2 of S 1/2 of NE 1/4 S. 1. T40 R33</u>	<u>42</u>		
<u>S 1/2 of S 1/2 of NW 1/4 Sec 1</u>	<u>24</u>		
<u>SW 1/4 of Sec 1 T40 R33</u>	<u>42</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOW LINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: Alfalfa pasture mix grasses
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: NONE
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 80-450
8. SALINITY ($\text{EC} \times 10^6$): 304
9. SODIUM (SAR): 2.21
10. ADJUSTED (SAR): 4.40 .7 = 3.08



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 6 a.m./p.m., on June 23, 1980, at the following location: Well NW 1/4 of NW 1/4 of SE 1/4 of S. 1. T40 R33 by Kenneth Tost (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRUE REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

18 DAY OF July, 1980.

Mary Jones Huber
(NOTARY PUBLIC)

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Dept. of Water Management.

Kenneth Tost
APPLICANT'S SIGNATURE

Keith L. Harner
Director, Division of Conservation

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

Approved

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Kenneth Taft, Morris

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

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 any area that tends to pond water
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: On sandy clay loam claypan at 14 inches to 19 inches on soils TuB may be beneficial if done occasionally.
6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application center pivot.

GENERAL COMMENTS:

Copy to applicant
Copy to Water Rights
Copy on File



REPORT OF ANALYSIS
Water Quality Laboratory



Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57007

Submitted by: Kenneth Taft
Address: Morris, SD 57560

Date Rec'd June 26, 1980

Sample No. 80-450

Identification Well-150'

SE $\frac{1}{4}$, Sec. 1, T. 40N, R. 33W

WATER ANALYSIS

Calcium (Ca)	37	ppm*	1.85	me/l**
Magnesium (Mg)	8	ppm	0.66	me/l
Sodium (Na)	57	ppm	2.48	me/l
Potassium (K)	16	ppm	0.42	me/l
Sulfate (SO $_4$)	33	ppm	1.44	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.15	me/l
Bicarbonate (HCO $_3$)	317	ppm	5.20	me/l
Carbonate (CO $_3$)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO $_3$)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	260	ppm (as CaCO $_3$)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO $_3$)		
Electrical Conductivity	504	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	2.21	Adjusted SAR	4.40	
Sodium	45.85	% of cations		
Residual sodium carbonate	2.69	me/l		
pH	7.80			
Others:				

*ppm=parts per million

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

COMMENTS: Total cations 5.41 me/l
Total anions 6.78 me/l

RECEIVED

JUL 10 1980

South Dakota
Division of Conservation

By: Shirley Mittan

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

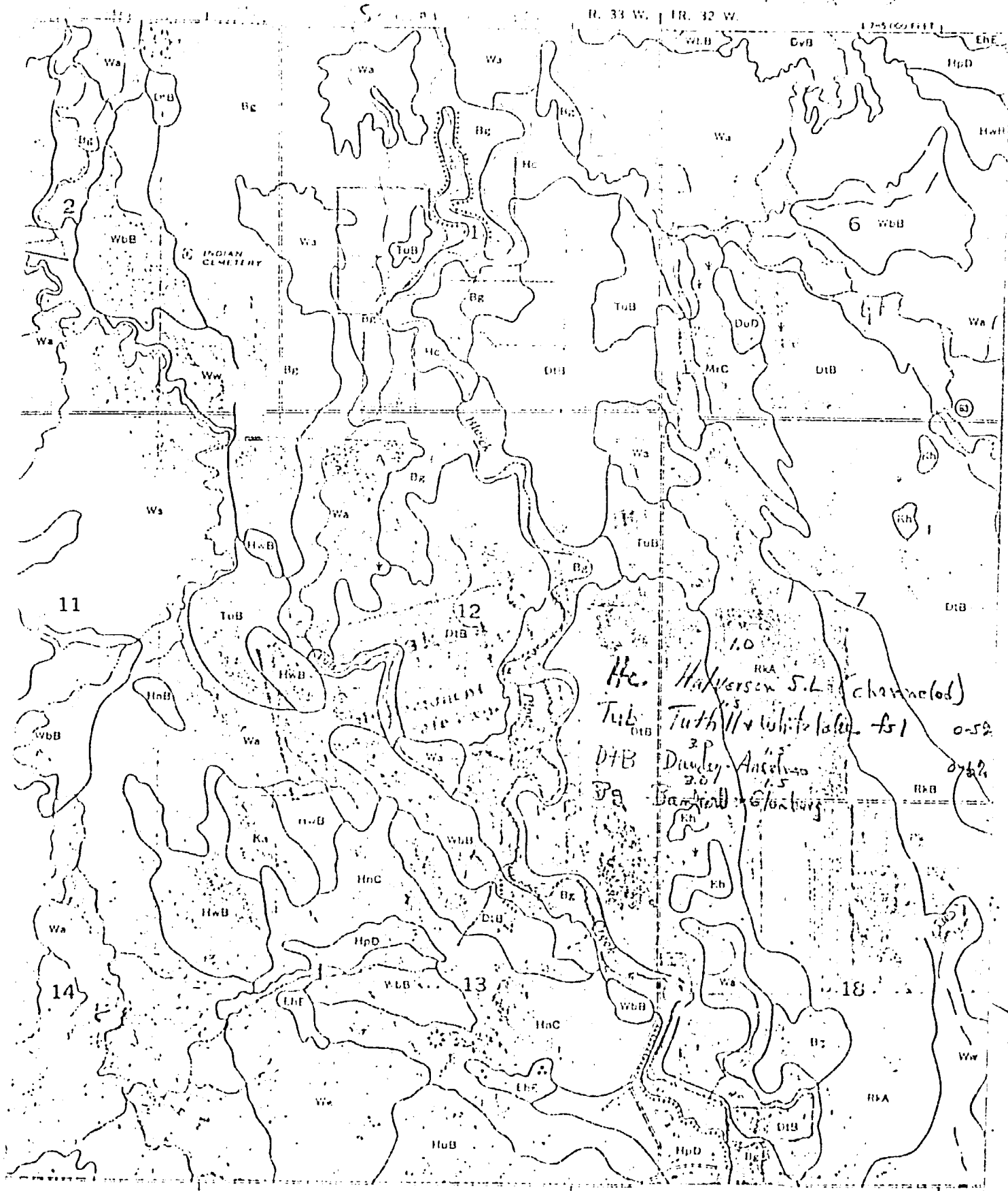
Cut along dotted line and return the lower portion with payment

Sample No. 80-450

Amount Enc. \$5

Signed

Y. SOUTH DAKOTA — SHEET NUMBER 80



Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to Form 2)

12. Principal Features of the Proposed Water Supply System (continued)

D. Well Information

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, 50' x 100', Depth 15'

F. Fill cut for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 4'

Depth to bottom of water bearing material not known

Depth to water (ground surface to water level) 4'

- (2) Distance to nearest existing household or livestock watering well.

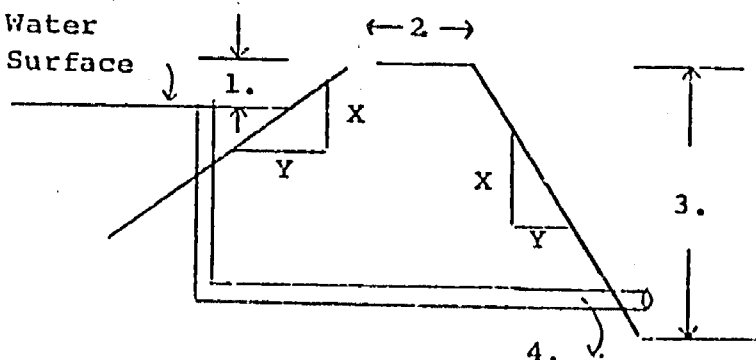
On same owner's property _____ rds.

On property owned by others _____ rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

Kenneth Jaff
Signature Applicant

CONSERVATION COMMISSION
WATER FORM
2/79



OIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Kenneth W. Tarr OWNERS ADDRESS: North
COUNTY LAND LOCATED IN: Black Pine Creek PHONE: 442-4444
TENANT'S NAME AND ADDRESS (If Other Than Owner): _____

In accordance with State Law SDCL 46-5-6.5, 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 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)
1. WELL LOCATION OR DIVERSION POINT: Black Pine Creek & Dugout & Dry Draw
2. SURFACE WATER SOURCE: Black Pine Creek
3. LOCATION OF AREA TO BE IRRIGATED: SE 1/4 (10600) SW 1/4 (9800) S 1/2 NW 1/4 (2440) S 1/2 NE 1/4 (1200) all in Sec 1, T40N, R33E
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES OF: MAP: (Farmstead, shelterbelts, wetlands, etc)
TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER (Specify) SE 1/4
6. CROPS TO BE IRRIGATED: alfalfa hay and pasture
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
AND: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 80-091
9. SALINITY (EC X 10⁶) 490
10. SODIUM (SAR) 0.85 ADJUSTED (SAR) 1.85 (-7) 1.3

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 12 P.M. / P.M. on March 3, 1980, at the following location: Black Pine Creek by Kenneth W. Tarr (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also 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 soil's information has been acquired from 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.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
3 DAY OF March, 1980

Myra J. Hinder
(NOTARY PUBLIC)

Kenneth W. Tarr
APPLICANT'S SIGNATURE

Director, Division of Conservation
☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

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

Submitted by: _____ Date Rec'd _____
 Address _____ Sample No. _____
 Identification _____

WATER ANALYSIS

Calcium (Ca)		ppm*		me/l**
Magnesium (Mg)	10	ppm	0.4	me/l
Sodium (Na)	7	ppm	1.2	me/l
Potassium (K)	7	ppm	0.1	me/l
Sulfate (SO ₄)		ppm	0.1	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm		me/l
Bicarbonate (HCO ₃)	3	ppm	0.1	me/l
Carbonate (CO ₃)		ppm	1.2	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	240	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	470	micromhos/cm at 25° C.		
Sodium Adsorption Ratio		Adjusted SAR		
Sodium		% of cations		
Residual sodium carbonate				
pH	7.10	me/l		
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS:

By: _____

Service Performed _____

Amount Due _____

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. _____

Amount Enclosed _____

Signed _____

REC-1000/1001
12/78

Approved

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION

NAME OF APPLICANT Kenneth Taft, Norris, South Dakota

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 1A times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least 1A inches of water.
3. ☒ Yes ☐ No Surface drainage suggested on any area that tends to pond
4. ☐ Yes ☐ No Subsurface drainage suggested on water.
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense sub-
COMMENTS: Possible use on soils (Tub), where areas have a sandy clay loam claypan
at the 14 inch to 19 inch depth.
6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application side roll

GENERAL COMMENTS:

A side roll system gives you the opportunity to withhold water from those areas along the creek that tend to overflow in years of excess moisture.

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7290

PIERRE, February 1, 19 80

RECEIVED OF Kenneth Taft, Norris SD

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

Fee for Application for Permit to Appropriate Water No. <u>1707-2</u> (examination, processing, recording and filing)	275	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 filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	275	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

No. 1707-2

Publish first publication, on or before May 1, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 18, 1980

Notice is hereby given that Kenneth Taft whose post office

address is Norris, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.4 cubic feet of water per second of time from Black Pipe Creek,

~~dugout and a draw~~ through the Taft #1, the point(s) of diversion of

which ~~is~~ (are) to be located in the ~~XXXX~~ on Black Pipe Creek between points in the

SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, a dugout in the NW SE $\frac{1}{4}$ and a draw in SE $\frac{1}{4}$ NE $\frac{1}{4}$ all in

~~XX~~ of Section 1, Twp. 40 N., Range 33 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 1 - T40N - R33W

This Application No. 1707-2 will be considered by the Water Management Board at Civil Defense Meeting Room, State Capitol Bldg., Pierre, SD upon the 22nd day of May 1980

at 10 AM. 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.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Kenneth Taft
Norris, SD 57660

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Mellette } ss.
Mellette being first
duly sworn, on oath says that The Mellette County News
(name of newspaper)
is a weekly newspaper printed and published
(daily or weekly)
in White River said county of Mellette
(city)
by Figert Printing, Inc.
(name of publisher)

a corporation, and that affiant is an
employee of said corporation
(employee, or owner, member, or officer) (newspaper, co-partnership, or corporation)
and is authorized to and does make this affidavit on behalf of said
corporation; that affiant has personal
knowledge of all the facts stated in this affidavit; that said newspaper
is a legal newspaper as defined by SDCL 17-2-2 as amended, has a
bona fide paid circulation of at least two hundred copies weekly
(daily or weekly)
has been published in the English language within said county and
has been admitted to the United States mail under the second class
mailing privilege, for at least one year continuously next prior to
the publication of the notice herein mentioned and was and is printed
wholly or in part in an office maintained at said place of publication;
that said notice, a printed copy of which taken from the paper in
which the same was published is hereto attached and is made a part
of this affidavit, was published in said newspaper 2 times
as follows: that the first publication of said notice in said newspaper
aforesaid was on Thursday, the 1 day
of May, 1980, and that the succeeding
publications were severally
on Thursday, the 8 day of May, 1980;
on Thursday, the _____ day of _____, 19____;
on Thursday, the _____ day of _____, 19____;
on Thursday, the _____ day of _____, 19____;
on Thursday, the _____ day of _____, 19____;
on Thursday, the _____ day of _____, 19____;

Affiant further says that the full amount of the fees charged for t
inures to the benefit of the publisher of said newspaper; that no agree
division thereof has been made with any other person; that no part thereof has been agreed to be paid
to any person whomsoever; and that the fees charged for the publication thereof are

Twenty + \$6/100 dollars (\$ 20.60).

Subscribed and sworn to before me this

8 day of May, 1980

Margaret Figert
Notary Public.

Mellette County, South Dakota.

Notice of Intent to
Appropriate Water

NOTICE OF HEARING ON
APPLICATION TO APPROPRI-
ATE WATER

Notice is hereby given that
Kenneth Taft, whose post office
address is Norris, 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, 46-3-
13, 46-5-1 thru 46-5-8, 46-5-10 thru
46-5-22, 46-5-41, 46-6-3, 46-6-3.1,
46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and
Board Rules ARSD 52:01:01:01
thru 52:01:01:13, for a permit to
appropriate for beneficial use 3.4
cubic feet of water per second of
time from Black Pipe Creek,
dugout and a draw through the
Taft #1, the point(s) of diversion
of which are to be located on
Black Pipe Creek between points
in the SE 1/4 NW 1/4 and SE 1/4 SW 1/4,
a dugout in the NW 1/4 SE 1/4 and a
draw in SE 1/4 NE 1/4 all in Section
1, Twp. 40 N, Range 33 W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: SW 1/4 SW 1/4 NW 1/4 and SW 1/4
Section 1, T40N, R33W, 8E.
This application No. 1707-2 will
be considered by the Water
Management Board at Civil
Defense Meeting Room, State
Capitol Bldg., Pierre, SD upon
the 22nd day of May 1980 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 wit-
nesses 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. Deci-
sions of the Board may be
appealed to the Courts as provid-
ed by law.
Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Divi-
sion, DWNRI, Joe Foss Building,
Pierre, SD, prior to the hearing
date for assistance to assure
access to the hearing.

Water Management
Board
Betty Westlund

Water Rights Specialist
Publ.: May 1 and 8, 1980.



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
ABERDEEN, SOUTH DAKOTA 57401

May 19, 1980



Miss Betty Westlund
Water Rights Specialist
Water Management Board
State Capitol Bldg.
Pierre, SD 57501

Dear Ms. Westlund:

The Area Director, Bureau of Indian Affairs, has advised that on the 22nd day of May, 1980, at 10 a.m., a Hearing will be held by the Water Management Board at the State Capitol Building in Pierre, South Dakota, on the application of Mr. Kenneth Taft, Norris, South Dakota, for a permit to appropriate for beneficial use 3.4 cubic feet of water per second of time from Black Pipe Creek dugout and a draw through the Taft #1, the point(s) of diversion of which are to be located on Black Pipe Creek between points in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ a dugout in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Sec. 1, T. 40 N., R. 33 W., for the purpose of providing irrigation.

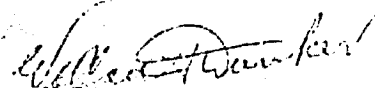
This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Rosebud Indian Reservation. Regardless of the decision in Colorado River Water Conservation District v. United States, 96 S. Ct. 1236, the issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec. 381, Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers 94 F. 2d 783; United States v. McIntire, 101 F.2d 650; and United States v. Alexander, 137 F. 2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise and merely intend to call the State's attention to the absence of State jurisdiction in this matter and to the Winter's Doctrine.

In the event your decision is to grant such application, we request that the following paragraph be inserted in such permit:

Notice is hereby given that all rights to the use of water granted by this permit are subject and subordinate to the reserved water rights of the Rosebud Sioux Tribe of the Rosebud Indian Reservation and that the use of water granted by this permit must be curtailed, if necessary, to allow utilization of the Indian reserved water rights.

Very truly yours,


Wallace G. Dunker
Field Solicitor

cc: Area Director
Superintendent, Rosebud Agency
Mr. Kenneth Taft
Norris, SD



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

ROSEBUD AGENCY

ROSEBUD, SOUTH DAKOTA 57570

IN REPLY REFER TO:
Administration

May 20, 1960

Water Management Board
Civil Defense Meeting Room
State Capital Building
Pierre, South Dakota 57501

Dear Sir:

The Rosebud Sioux Tribe has been in the process of conducting and completing Phase III of Water Resource Inventory studies to determine present and future water uses on the reservation for both surface and ground water. There has been over 65 permits issued to non-Indians for water withdrawals for center pivot irrigation systems in the area of the Ogallala Aquifer. This aquifer underlies the southwest portion of the state and more specifically the southern edge of the Rosebud and Pine Ridge Reservations. The most abundant water as well as the best quality of water is located where the major portion of the permits have been issued.

Blackpipe Creek flows northerly through the northwestern portion of the Pine Ridge Reservation and the northwestern portion of the Rosebud Reservation. The drainage area is equally divided between the two reservations. A major portion of the land touching upon the creek is predominately trust lands held in trust by the Federal Government for the Rosebud Sioux Tribe.

The average annual precipitation, for the Rosebud Reservation, falls critically short for the entire state. With this condition there will be greater competition for the available water supply and more particularly, for water in Blackpipe Creek and groundwater supplies underlying the reservation. The flow of Blackpipe Creek, at this time, is very little and with withdrawal of 3 cubic feet per second will endanger other users downstream.

The continual granting of water permits to non-Indian users within the boundaries of the reservation not only infringes upon the Tribe's right to self-government but also endangers the level of groundwater for use by the Tribe and its members. The Office of the Solicitor has consistently opposed the issuance of permits to non-Indians within the boundaries of the reservation. With the filing of the general stream adjudication on the Missouri River by the South Dakota Attorney General's Office against Indian tribes in Western South Dakota, the Rosebud Agency of the Bureau of Indian Affairs, in keeping with its trust responsibility for Indian Tribes is strongly opposed to

to the granting of further withdrawals from surface and ground waters underlying the reservation until such time that the lawsuit has been decided, and more specifically the granting of Application #1707-2 and Application #1708-2.

Nelle LaCue
Acty Superintendent



No. 1707-2

Publish first publication, on or before September 5, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 21, 1980

Notice is hereby given that Kenneth Taft whose post office

address is Norris, 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; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater

(one well) through the Taft #1, the point xxx of diversion of which is xxx to be located in the NW 1/4 SD 4

of Section 1, Twp. 40N, Range 33W. Said water to be used for the xxxxxxxxxxxx
xx

irrigation purposes, no add'l lands to be irrigated. This is to amend Application No.
1707-2 to include the well.

This Application No. 1707-2 will be considered by the Water Management Board at Meeting Room #1, Kneip Building
Church & Illinois, Pierre South Dakota upon the 25th day of September, 1980 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.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Kenneth Taft
Norris SD 57560

BETTY WESTLUND
Water Rights Specialist

VNR-806A-7/79
GROUNDWATER

No. 1707-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Mellette) ss.

I, Jane Jansen hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Mellette P.O. News

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

August 28, 1980
Sept. 4, 1980

Jane Jansen
(Signature)
Bookkeeper
(Title)
8/28/80
(Date Signed)

Notice of Intent to Appropriate Water

Notice is hereby given that Kenneth Taft whose post office address is Norris, 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, 46-2-14; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater (one well) through the Taft # 1, the point of diversion of which is to be located in the NW 1/4 SE 1/4 of Section 4, Twp. 40N, Range 33W. Said water to be used for irrigation purposes, no add'l lands to be irrigated. This is to amend Application No. 1707-2 to include the well.

This Application No. 1707-2 will be considered by the Water Management Board at Meeting Room # 1, Kneip Building, Church & Illinois, Pierre, South Dakota upon the 25th day of September, 1980 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.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

Betty Westlund

Water Rights Specialist

Public: Aug 28, Sept. 4.





United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57101



August 25, 1980

Ms. Betty Westlund
Water Rights Specialist
Water Rights Commission
Joe Foss Building
Pierre, SD 57501

Dear Ms. Westlund:

The Area Director, Bureau of Indian Affairs, has advised that on September 25, 1980, at 10 a.m., a hearing will be held by the Water Management Board at the Meeting Room #1, Kneip Building, at Pierre, South Dakota, on the application of Kenneth Taft, Norris, South Dakota, for a permit to appropriate for beneficial use ground water through the Taft #1, the point of diversion of which is to be located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 1, T. 40 N., R. 33 W., for the purpose of irrigation.

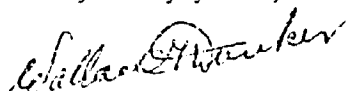
This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Pine Ridge Indian Reservation. Regardless of the decision in Colorado River Water Conservation District v. United States, 96 S. Ct., 1236, the issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within the exterior boundaries of an Indian Reservation. See 25 U.S.C.A. Sec. 381, Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers 94 F. 2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 131 F. 2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise and merely intend to call the State's attention to the absence of State jurisdiction in this matter and to the Winter's Doctrine.

In the event your decision is to grant such application, we request the following paragraph be inserted in such permit:

Notice is hereby given that all rights to the use of water granted by this permit are subject and subordinate to the reserved water rights of the Oglala Sioux Tribe of the Pine Ridge Indian Reservation and that the use of water granted by this permit must be curtailed, if necessary, to allow utilization of the Indian reserved water rights.

Very truly yours,



Wallace G. Dunker
Field Solicitor

cc: Area Director, B.I.A.
Superintendent, Pine Ridge Agency
Mr. Kenneth Taft

Water Rights Division

(605) 773-3352

1707-2

October 27, 1980

Kenneth Taft
Morris, SD 57560

Dear Mr. Taft:

The irrigation systems constructed by the Sioux Tribe were constructed under Indian Treaty rights, and no permits were obtained from the State. State policy is to recognize development under treaty rights.

If you have further questions, feel free to contact this office.

Sincerely,

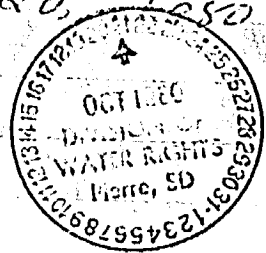
BURTON F JONES
Water Rights Specialist

BFJ/gy

Harris So Dak 57560

Oct. 20, 1880

John Hatch Chief Engineer
Water Rights Division
Revere So Dak.
Dear Sir,



In regards to 1707-2 Water
Rights permit Number, and application
I have really said and done about
all I can to get the Water Board to
approve this application.

About all I can say now is this -
The Sioux Tribe dug 30 some wells
in Todd County and erected Center Pivots
on the wells - I failed to see in the
Paper one notice for the intent to
appropriate water - Did the Tribe get
any permits from the State? I saw
about a 1/3 of these systems and not
one was planted or pumping water.

I have heard by word of mouth that
all are standing still all summer.

The Big Bang is this - a well dug
a Center Pivot erected 135 acres - and
not enough water to prime the system -

So not so far from better. I'll pay for
Money

1707-2

Thanks for all you have done
Respectfully J. H. Harris

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF KENNETH TAFT)
FOR PERMIT NO. 1707-2)
)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

having heard and considered all the evidence presented before the Board in the above-entitled matter on September 25, 1980 at the Richard B. Kneip Building, Pierre, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That on February 1, 1980 an application for Water Permit No. 1707-2 was submitted.
2. That the application was timely amended to add a well as a source of water supply.
3. That the application was duly advertised on August 28 and September 4, 1980 in the Mellette County News.
4. The description of the land to be irrigated included portions of S 1/2 S 1/2 N 1/2 and S 1/2, Sec. 1, T40N, R33W.
5. That a soil/water compatibility approval has been issued for this land.
6. That the land in question and the diversion points are within the boundaries of the Pine Ridge Indian Reservation, but that the land has been legally deeded to a non-tribal member.
7. That there is unappropriated water available.
8. That with proper qualifications, Application No. 1707-2 may be issued without harming senior water right holders and will provide for protection for downstream domestic users.
9. That approving the application is in the public interest and the plan of the project is feasible.

CONCLUSIONS OF LAW

1. That Board has jurisdiction to consider the granting or denying of water permits on deeded land within an Indian reservation.

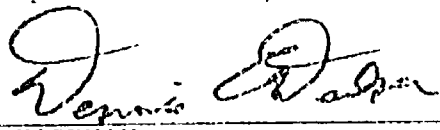
2. That it is in the best interest of the people of the State to maximize the fullest beneficial use of the waters of the State.

3. That all the legal requirements for a water permit have been met and Application No. 1707-2 should be approved.

FINAL DECISION

Water Permit Application No. 1707-2 is hereby approved subject to the qualification that the irrigation well approved under this permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells. The approval is further qualified by the requirement that adequate low flows are maintained for downstream domestic use including livestock watering and that prior water rights must be by-passed. The application is further subject to the qualification that the irrigation was use questionnaire be submitted each year.

Dated this 20th day of November, 1980.



CHAIRMAN



SECRETARY

1707-2

December 2, 1980

Kenneth Taft
Norris,
South Dakota 57560

Dear Mr. Taft:

This is to notify you that final Decisions including Findings of Fact and Conclusions of Law were adopted by the Water Management Board for Application No. 1707-2 which was considered at the September 25, 1980 meeting.

The Final Decision, Findings and Conclusions are on file in this office and signed copies will be furnished upon request. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

cc: Wallace G. Dunker, Field Solicitor
Room 211, Federal Bldg.
P.O. Box 549
Aberdeen SD 57401



1707-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 27, 1990

No. 1707-2

Daniel Taft
HC 75, Box 28
Norris, SD 57560

Dear Mr. Taft:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 1707-2. The water permit is currently listed in the name of Kenneth Taft.

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosure



Norris, Ark.
May 26, 1940.

Dear Water Board,
Your letter just came to the house. I was occupied and the guest read off the returns and said "That letter is important, put in the envelope." I will look for that letter a lot since then, I'll never see it or open it. I'll give you the dates we irrigated. All of the other information is the same as last year. The rains were different times a month later for good hay.

We pumped water May 2 1940 to May 30 covering the field once - 70 Acres. We started back across the field and June 3 the motor burned out. June 10 we got at pumping again till June 28. an average of 20 hrs a day. (Twice a day we rolled the system ahead to cover new area.)
100 GPM pumped from creek. No chemicals or fertilizers used.

If you need any
let me know

1707-2
KENNETH TAFT
SR 2 BOX 8
NORRIS
AR 57560

RT/WH

8

Kenneth Taft
Read of the under last years letter.



1707-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 11, 1994

SECOND NOTICE
Permit No. 1707-2

Daniel Taft
HC 75, Box 28
Norris, SD 57560

Dear Mr. Taft:

On October 27, 1993, notice was sent to you concerning the transfer of Water Permit No. 1707-2 in the name of Kenneth Taft. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

Daniel Taft
HC 75, Box 28
Norris SD 57560

5. Signature (Addressee)

6. Signature (Agent)

Susan Taft

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P-318 052644

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5-12-94

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

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

1707-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Susan Taft

ADDRESS: _____ COUNTY: Mellette

DATE: July 13, 1994

RE: Transfer & status of Water Permit No. 1707-2

COMMENTS:

Susan Taft contacted the office to inquire about the "Notice of Transfer of Ownership" form they received. She indicated they would still like to transfer the water permit from Kenneth Taft to Daniel Taft, but she wondered if the permit had lapsed.

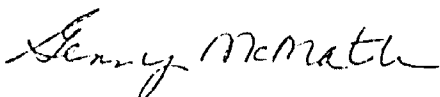
She indicated they have not irrigated for three years, but then they have had adequate moisture and have not needed to irrigate. She didn't think the well had ever been used because it did not produce enough water, however, they had irrigated from Black Pipe Creek.

I told her that irrigation needed to take place at least once every three years in order for the permit remain active. However, if legal excuse existed, such as too much water or not enough water, then the three years would not count.

She indicated the REA had unhooked the electricity and they would have to pay in order to be hooked up again for irrigation. She did not think they would be irrigating again, but at this point she was not positive either.

I told her to go ahead and file the "Notice of Transfer", however, prior to irrigating, they may want to check into the validity of the water permit. She thought they would know in the next year or so if they intended to irrigate or not.

She asked the cost to obtain a new permit and if a new one would be granted. I told her that based on the acreage, and our current fee structure, a fee of \$275.00 would be assessed. Obtaining a new permit from Black Pipe Creek may or may not be a problem. It depends on water utilized under existing permits, whether or not water is available, and local opposition.



Genny McMath
Environmental Scientist



1707-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

DANIEL TAFT
HC 75 BOX 28
NORRIS SD 57560 9405

NOTICE

RE: Violation of Water Permit No 1707-2.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 1707-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 1707-2 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 1707-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to: 17072

DANIEL TAFT
HC 75 BOX 28
NORRIS, SD 57560 9405

4a. Article Number
P757506419

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2/8/95

5. Signature (Addressee)
Susan Taft

6. Signature (Agent)
Brid Berry

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

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1707-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 1995

1707-2

Daniel Taft
HC 75 Box 28
Norris, SD 57560-9405

Dear Mr. Taft:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of Water Permit No. 1707-2.

The questionnaire 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
Environmental Scientist
Water Rights Division
(605) 773-3352

Permit No. 1707-2
White River - Water District

Contact Person & Address: **Dan Taft, HC 75 Box 28, Norris SD**

Report Of Examination Of Works

On, September 27, 2001, I made a thorough examination of the water use system constructed by **Dan Taft of HC 75 Box 28, Norris SD** holder of Permit No. 1707-2, bearing the priority of April 6, 1989 authorizing the diversion of 3.4 cu. ft. per second of the waters of ground water and surface water, combined for irrigation purposes, in Mellette County.

The system is in the following condition fair. The point of diversions are both located from the SE corner of Section 1 T40N-R33W; 2300 ft north and 2460 feet west with a longitude of —101.16718 and a latitude of 4346802. The works are capable of diverting and conveying to the place of use 1.00 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 1 T40N-R33W

SW1/4 NE1/4 - 15 ac SE1/4 NE1/4 - 2 ac NE1/4 SE1/4 - 3 ac NW1/4 SE1/4 - 35 ac

SW1/4 SE1/4 - 17 ac SE1/4 SE1/4 - 1 ac

comprising a total of 73 acres of land and the license should be issued for 1.00 cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes.
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- | | |
|---------------------------------------|-------------------------------------|
| 1) Well Drilling Firm: <u>Robbins</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>140</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|-------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>?</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|-------------------------------------|-------------------------|
| 1) Type <u>?</u> | 2) Length <u>?</u> feet |
| 3) Static water level <u>?</u> feet | |

Pump: Ground Water - in well

- | | |
|----------------------------|----------------------------|
| 1) Make <u>Submersible</u> | 2) Model <u>?</u> |
| 3) Size <u>?</u> | 4) Capacity <u>150</u> GPM |

Motor:

- | | |
|----------------------------------|-----------------------|
| 1) Make <u>submersible</u> | 2) Model No. <u>?</u> |
| 3) Horsepower rating <u>?</u> hp | |

Pump: Surface Water - Black Pipe Creek

- | | |
|------------------------|------------------------|
| 1) Make <u>Berkley</u> | 2) Model <u>B25ZP1</u> |
|------------------------|------------------------|

3) Size 3"

4) Capacity 300 GPM

Motor:

1) Make Balcon

2) Model No. electric

3) Horsepower rating ? hp

DISTRIBUTION LINES OR CANALS:

1) Type Aluminum 2) Size 6 inches 3) Length 2000 feet

SYSTEM TYPE:

Sidewalk:

1) Length 1320 feet

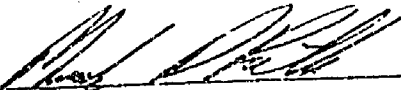
2) Diameter of pipe 8 inches

3) Sprinkler spacing 15 feet

CHEMIGATION EQUIPMENT:

1) Does chemigate no

Comments : Mr. Taft stated he did not irrigate in the last few years because it has been wet early and he has not needed to. Later in the season when he would need to irrigate the creek has dried up to a point he could not get water to his pump intake. I discussed with him possible ways to construct a low head dam and pump pit that would allow his surface intake to function more effectively. He would also pump water from the well into the pump pit to supplement the surface water source. The well does not have enough capacity to solely supply his irrigation system.



Mark D. Rath
Natural Resources Engineering Specialist
DENR, Water Rights Program

10-31-01

Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 1, 2001

1707-2

Daniel Taft
HC 75, Box 28
Norris SD 57560

Dear Mr. Taft:

On September 27, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1707-2, was completed by Mark D Rath, 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 Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416962

Pierre, November 6, 2001

RECEIVED OF Daniel Tsift, HC 75 Box 28, Norris, SD 57560

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

Licence No. 1707-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____

Darland. Erbele

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

1707-2

Daniel Taft
HC 75 Box 28
Norris SD 57560

Dear Mr. Taft:

Enclosed is Water License No. 1707-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416962 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1707-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1707-2

(1) Kenneth Taft, Norris SD made Application No. 1707-2, February 1, 1980 for a water permit to divert 3.4 cubic feet of water per second from groundwater (one well), Black Pipe Creek, a dugout and a draw, Mellette County, South Dakota for irrigation purposes. Permit No. 1707-2, with a priority date of April 16, 1980 was approved November 19, 1980 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 19, 1985 and for the application to beneficial use of said water on or before November 19, 1989.

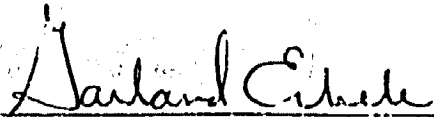
On July 20, 1994, Water Permit No. 1707-2 was transferred to Daniel Taft.

(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 1.0 cubic feet of water per second for beneficial use. The location of the diversion point is (both well & creek): 2,300 feet north and 2,460 feet west from the southeast corner of Section 1-T40N-R33W (NW ¼ SE ¼).

(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:

Section 1-T40N-R33W			
SW ¼ NE ¼	15 acres	SW ¼ SE ¼	17 acres
SE ¼ NE ¼	2 acres	SE ¼ SE ¼	1 acre
		NE ¼ SE ¼	3 acres
		NW ¼ SE ¼	35 acres
Total 73 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Daniel Taft, HC 75 Box 28, Norris SD 57560 the holder and/or owner of Water Right No. 1707-2 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from groundwater (one well) and Black Pipe Creek with a priority date of April 16, 1980 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1707-2 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 07 2001

date



1-31-80

Mike Richter
(Richard Patton)

(41-32)

H. B. deeded

Rs 1779¹/₂
Tofn

22

Bulk

12.0 Ac

15 AC

DUGOUT

K. Agr. decided

728 AC

(140-33)

Map No. 1466-2 Appl. 1407-2

No. 1707-2



South Dakota



S1 T40N-R33W

Diversion Point Surface
and Ground Water

2460 ft

2300 ft

Irrigated Acres
SW1/4 NE1/4 - 15 ac
SE1/4 NE1/4 - 2 ac
NE1/4 SE1/4 - 3 ac
NW1/4 SE1/4 - 35 ac
SW1/4 SE1/4 - 17 ac
SE1/4 SE1/4 - 1 ac

0.5

0

0.5 Miles

Mark D. Rath 10-30-04

Mark D. Rath
Natural Resources
Engineering Specialist
SD DENR