

UPPER CHEY
10120104

Water Right No. 1714-2

1. Considered July 24 19 80
2. Name of Applicant MELVIN E. BRASSFIELD
3. Post Office Address CAPOTA, S.D.
4. Amount of Water Claimed 1.37
5. Source of Water Supply RAPID CREEK
6. Water to be used for IRR
7. Acres to be irrigated 96.4 maximum acre feet
8. Water to be diverted and used in PENNINGTON County about 25, 3 miles EAST of CAPOTA
9. PROOF OF PUBLICATION Received (initials) 8-4-80

Not Received _____

Approved 7-24-80

Subject to Rapid Creek R.

Not Approved _____

Action deferred _____

Priority Date
Received 4-21-80 Application Complete (yes) no EE 225⁰⁰
4-21-80

Remarks _____

Date information and/or
fee or corrected Application received _____
Period of Annual use _____

WATER
QUALITY

Received (yes) 6/17/80 no _____ APPROVED (CONDITIONAL) (Circle one)

WI-1 Description same as application (yes) no _____ Remarks _____

Disapproved _____

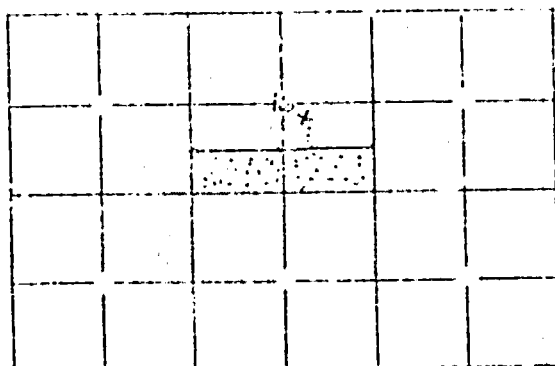
Returned _____

Diversion Point _____

NW⁴ SE⁴-16-1S-10E

Lands to be irrigated _____

S¹/₂ S¹/₂, SEC. 16-1S-10E



WELL
LOC

Remarks _____

N/A

Driller _____ Licensed yes _____ no _____

Depth _____

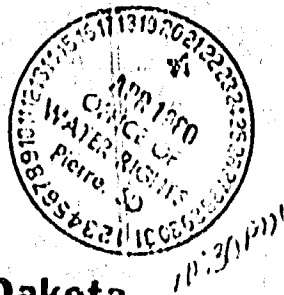
Water Right No. _____

MAP Map No. 1473-2 Map located in Water Right X Map file _____
Type of Map Drawn Prepared by Joseph Hill, PE

+++++
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 7-24-80.
[Signature]
(Signed)

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

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

No. 1714-2Map No. 1473-2 Water Division No. 2 UPPER CHEYENNE District
Above for Office Use 10120109

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

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Melvin E. BrassfieldPhone No. 343-5420Post Office Address Box 57

(Street, RR, or Box)

Capota

(Town)

State South Dakota 57725

(Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Self3. Name of diversion work BRASSFIELD IRRIGATION PROJECT4. Amount of water claimed (cubic feet per second) 2-24 (1.37 MAX. ALLOWABLE)5. Source of water supply Rapid Creek6. Location of point of diversion Southeast Quarter (SE1), Section 16, Township 1 South,
Range 10 East of the Black Hills Meridian,Pennington County7. Annual period or periods during which water is to be used May to October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation

9. For irrigation use,

Total number of acres to be irrigated 96.4

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.
<u>S1SW1 16-15-10E</u>	<u>49.4</u>

Land Description	No. Acres Irr.
<u>S1SE1 16-15-10E</u>	<u>47</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 2 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Wall Courant
12. Principal Features of the Proposed Water Supply System. Wall, South Dakota

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

From Rapid Creek

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

Pump - pipe system

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 5,000.00

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 Pennington) ss.I, Melvin E. Brassfield

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 Melvin E. BrassfieldSubscribed and sworn to before me this 11th day of April, 1980John C. Mobbell
Notary Public for other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1714-2

MELVIN E. BRASSFIELD (Applicant)

Box 57, CAPOTA (Post Office Address)

SOUTH DAKOTA 57725 (State)

With the following qualifications.

low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. Unappropriated water is available in Rapid Creek to reasonably satisfy this application only through contract between the Rapid Valley Conservancy District and Bureau of Reclamation covering releases from Deerfield and Pactola Reservoirs.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application April 21, 19 80
 Date of return to applicant for correction, amendments or changes required April 21, 19 80
 Date of receipt of corrected application June 17, 19 80
 Approved July 24, 19 80, Recorded in Book 21 Page 225

WATER RIGHT PERMIT NO. 1714-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1714-2 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 21, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 24, 19 81
3. The whole of said work is to be completed on or before July 24, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 24, 19 83.
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 1.37 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 July 24, 19 83; said water to be used during the following described annual period: May to October

Witness my hand this 4th day of August, 19 80

THE WATER MANAGEMENT BOARD

By:

John Hatch
 Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

CONSERVATION COMMISSION
V171 FORM
2/79

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



OWNERS NAME: Melvin Bousfield OWNERS ADDRESS: Coppell, TX
COUNTY LAND LOCATED IN: Pennington PHONE: 503-5125
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

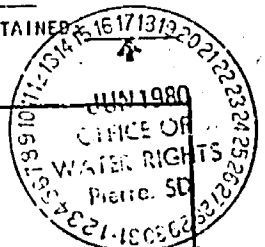
In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such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

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

1. WELL LOCATION OR DIVERSION POINT: Q1/4 NW 1/4 SE 1/4 Sec 16 T. 1 S. R. 10 E. P. 100 S.
2. SURFACE WATER SOURCE: Rapid Creek
3. LOCATION OF AREA TO BE IRRIGATED: Q1/4 SE 1/4 Sec 16 T. 1 S. R. 10 E. 97 ac.
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY ☒ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: ALFALFA, CORN, etc.
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____
LAND: _____
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: 100
9. SALINITY (EC X 10³): 2.00 1000 micro/m/cm
10. SODIUM (SAR): 7.5 1.4 ADJUSTED (SAR): 3.28



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 _____ A.M./P.M., on N/A, 19____, at the following location: _____

by _____ (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.

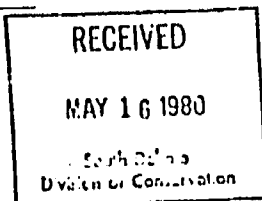
I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from _____ Conservation District, County Extension Office or Soil Conservation Service; and further, 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
2nd DAY OF May, 1980.

Dwight H. Hines
(NOTARY PUBLIC)

NOTARY PUBLIC
My Comm. Expires January 22, 1981



IMPORTANT

Melvin Bousfield
APPLICANT'S SIGNATURE
Kath L. Harner
Director, Division of Conservation

APPROVED _____
DISAPPROVED _____
☒ CONDITIONALLY APPROVED

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.

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Malvin Brassfield, Caputa, South Dakota

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

40 D - Nihill gravelly loam 9 - 25%

50 D - Zlgweld - Nihill Complex - 6 - 15%

Small areas that are too steep and/or too gravelly.

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 -----.
 4. () Yes () No Subsurface drainage suggested on -----.
 5. (X) Deep tillage (for the purpose of aiding movement of water through dense subsoils).
- COMMENTS: As you find necessary.
6. () Heavy fall application of irrigation water.
 7. Type of irrigation system recommended for use on this application -----.

GENERAL COMMENTS:

Most of the S1S1 Section 16 is Nunn clay loam with a slope of 1.5% to 2.5% in the south easterly direction. Such slopes on slowly permeable soils call for special management decisions. Contact your local Soil Conservation Office for a desirable layout plan.

No. 1714-2

Publish first publication, on or before June 26, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 18, 1980

Notice is hereby given Malvin E. Brassfield whose post office address is Caputa, 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 1.37 cubic feet of water per second of time from ~~X002~~ Rapid Creek through the Brassfield Irrigation Project, the point(s) of diversion of which is ~~(xxx)~~ XXXXX to be located in the 104th SEA;

of Section 16, Twp. 18, Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S $\frac{1}{2}$ S $\frac{1}{2}$, Section 16, T18, R10E

This Application No. 1714-2 will be considered by the Water Management Board at Hearing Room #1, Kneip Building Church & Illinois, Pierre SD upon the 24th day of July, 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, DWMR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc Malvin E. Brassfield
Box 57

Caputa SD 57725

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/73 Notice of Intent to Appropriate Water
SURFACE WATER

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

No. 1714-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Pennington) ss.

I, Lea Ravellette hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Pennington County Courant

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 Wall

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

June 26, 1980

July 3, 1980

[Signature]
(Signature)

[Title]
(Title)

7-31-80
(Date Signed)

No. 1714-2
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

June 18, 1980
Notice is hereby given Melvin E. Brassfield whose post office address is Capula, South Dakota, has made an application in accordance with the provision of SDCL 46-1-1 thru 46-1-7, 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 1.37 cubic feet of water per second of time from Rapid Creek through the Brassfield Irrigation Project, the point of diversion of which is to be located in the NW 1/4 SE 1/4 of Section 16, Twp. 15, Range 10E. Said water to be used for the purpose of providing irrigation on portions of the following described land: S 1/4 S 1/4 Section 16, T15, R10E.

This Application No. 1714-2 will be considered by the Water Management Board at Meeting Room #1, Knapp Building, Church & Illinois, Pierre, SD upon the 24th day of July, 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, DYNR, 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
Pub.: June 26 and July 3



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7466

April 21 1930

PIERRE, S.D.

RECEIVED OF Malvin E. Brassfield (John C. Norrell, 2525 W Main St., Rapid City SD)
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to appropriate Water No. <u>1734-2</u> (examination, processing, recording and filing)	225	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	225	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer.
JOHN HATCH



Department of Water & Natural Resources

Joe Foss Building
823 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1714-2

September 26, 1983

Melvin E Brassfield
Box 57
Caputa SD 57725

Dear Mr. Brassfield:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1714-2, has been completed. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

KAREN SCHLAAR
Administrative Aide

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

DWNR-814 8/83



Department of Water & Natural Resources

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

SECOND NOTICE

March 16, 1984

Permit No. 1714-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Meivln E. Brassfield
Box 57
Caputa, South Dakota 57725

Dear Mr. Brassfield:

September 26, 1983 you were notified the final inspection fee of \$50.00 is due before Water License No. 1714-2 can be issued. As of this date, the fee has not been received.

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

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

S508.WR

Equal Opportunity Employer

Dear John,

Sorry about this
inspection fee of \$50.00
we never did ever
receive this notice
to be paid. Hope this
wasn't confusion for
you. We did change boy
(no. to 24) Caputa, S. Dak.
Thank you
Sincerely yours

Melvin Thorsfield

1714-2

LICENSE FOR PERMIT NUMBER 1714-2

1. Legal location of wells: _____

dams & structures: Rapid Creek NW 1/4 SE 1/4 16-15-10E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make Berkeley Motor a) make Gould Elec
b) model B6JPBL b) model no. 6-323058-01
c) size 12 7/8" c) horsepower rating 40
d) capacity 1200 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8"
b) type Buried PVC
c) length 1000'

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

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

b) towline:

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

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

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

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

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

REMARKS:

Permit No. 1714-2Water Division 2 Upper Cheyenne Water District
10120110REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / DOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Melvin E. Brassfield of Box 24 Caputa SD holder of Permit No. 1714-2, bearing date of priority of April 21, 1980 authorizing the diversion of 1.37 cu. ft. per second of the waters of Rapid Creek for Irrigation purposes, in Pennington County.

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

The Water Use System consists of,

A. Works used to divert the water:

2 Kerley Centrifugal Pump, Model B6 IPBL
Gould Elec. Motor 40HP, Model no. 6-323058-01

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

1000' of Buried PVC pipe &
ditches - approx. 3100'

C. Works used to apply water to beneficial use.

-Watersprayer system
Flood

The system is in the following condition.

Good

The point of diversion is located

NW 1/4 SE 1/4 Section 16-T15-R10E
525' E and 186' S of the center of Sec 16

The works are capable of diverting and conveying to the place of use

1.37

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:

SW 1/4 SW 1/4 - 22.4 Ac.
SE 1/4 SW 1/4 - 27 Ac.
SW 1/4 SE 1/4 - 32.7 Ac.
SE 1/4 SE 1/4 - 14.3 Ac. all in Section 16-T15-R10E.

comprising a total of 96.4 acres of land.

Date

September 15, 1983

Timothy L. Schaal
Signature

State of South Dakota
Water License No. 1714-2

(1) Malvin E. Brassfield
of Box 24, Caputa, South Dakota 57725
made Application No. 1714-2, April 21, 1980 for a water permit to appropriate
1.37 cubic feet per second of water from Rapid Creek,
Pennington County, South Dakota for Irrigation purposes.
Permit No. 1714-2, with a priority date of April 21, 1980
was approved July 24, 1980 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before July 24, 1981 and for the application to beneficial use of said
water on or before July 24, 1983.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.37 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 525'E and 186'S of the Center of
Section 16, T1S, R10E (DB)

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in Section 16, T1S, R10E

SW $\frac{1}{4}$ SW $\frac{1}{4}$	22.4 Acres	(CC)
SE $\frac{1}{4}$ SW $\frac{1}{4}$	27.0 Acres	(CD)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.7 Acres	(DC)
SE $\frac{1}{4}$ SE $\frac{1}{4}$	14.3 Acres	(DD)
TOTAL	96.4 ACRES	

(4) Pursuant to §46-5-30.1 Melvin E. Brassfield
of Box 24, Caputa, SD 57725
the holder(s) and/or owner(s) of Water Permit No. 1714-2 is issued a license to appropriate water, the right to use
1.37 cubic feet per second of water from Rapid Creek with a priority date
of April 21, 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 Permit No. 1714-2 and subject to South Dakota State Law.

John Hatch
 Chief Engineer, Water Rights Division
 Department of Water and Natural Resources **JOHN HATCH**
 March 29, 1984

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

No 4 9610

Pierre, March 28, 1984

RECEIVED OF Melvin Brassfield, Box 24, Caputa, SD 57725

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1714-2	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer JOHN HATCH



No. 1714-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

March 30, 1984

Malvin Brassfield
Box 24
Caputa, South Dakota 57725

Dear Mr. Brassfield:

Enclosed herewith is, Water License No. 1714-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License



February 16, 1994

MELVIN E BRASSFIELD
BOX 24
CAPOTA SD 57725

1714-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 400-2 & 401-2, 1714-2 & 2063-2 and 1993 Irrigation Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 400-2 & 401-2, 1714-2 & 2063-2. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1714-2 & 2063-2 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, 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(s) 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 400-2 & 401-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 April 1, 1994, 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



1714-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: MELVIN E BRASSFIELD
BOX 24
CAPUTA, SD 57725

FROM: Ron Duvall, Natural Resources Engineer IV
For John Hatch, Chief Engineer,
Water Rights Division
(605) 773-3352

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: 1714-2 & 2063-2, 400-2 & 401-2

On February 16, 1994, a notice was sent to you concerning submission of the 1993 irrigation questionnaire(s). The time and location of the April 6th hearing have been changed.

The hearing is now scheduled as follows:

9:30 a.m., April 6, 1994, in the Conference Room of
the Floyd Matthew Training Center, Joe Foss Building,
523 E Capitol, Pierre, SD.

All other provisions of the February 16th notice still apply. If the questionnaire(s) are received in this office prior to April 1, 1994, your name will be deleted from the agenda.

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

1714-2

CERTIFICATION

I hereby certify that on March 9, 1994, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 1994, regarding April 6, 1994, Water Management Board Meeting -- Irrigation Questionnaire Violation(s) on the following Water Rights/Permits and addresses as stated below:

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
- 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
- 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
- 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
- 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
- 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
- 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
- 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
- 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
- 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
- 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
- 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
- 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
- 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
- 4093-3: Dell Rapids Golf & Rec. Assoc, Mike Solem, Box 165, Dell Rapids, SD 57021.
- 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
- 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
- 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
- 1555-2: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
- 2612-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
- 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
- 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
- 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
- 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
- 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
- 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
- 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
- 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
- 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
- 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
- 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 57219.
- 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

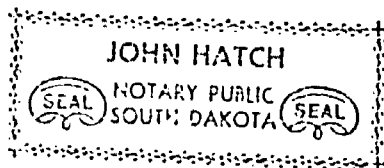
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1678-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caprua, SD 57725.
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.
 4910A-3: Michael L. Kreber, RR 1, Box 29, Tabor, SD 57063.
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.
 5205-3: Gahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.
 925-1: Warren N. Gollither, RR 1, Box 237D, Spearfish, SD 57783.
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 68221.
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

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

1714-2



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

April 1, 1994

400-2
401-2
1714-2
2063-2

Melvin E Brassfield
Box 24
Caputa, SD 57725

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 1993 Irrigation questionnaires. You may disregard the February 16, 1994, Notice of Violation of Water Permit Nos. 400-2, 401-2, 1714-2 and 2063-2 and the 1993 Irrigation Questionnaire Requirements.

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

1714-2



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57735
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 1714-2 & 2063-2, 400-2 & 401-2. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1714-2 & 2063-2 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 400-2 & 401-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



17142

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1998

400-2
401-2
1714-2
2063-2

Melvin E Brassfield
Box 24
Caputa, SD 57735

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 400-2, 401-2, 1714-2 and 2063-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



January 22, 1999

1714-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57735

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 1714-2 & 2063-2, 400-2 & 401-2. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1714-2 & 2063-2 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 400-2 & 401-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1714-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 1999

400-2

401-2

1714-2

2063-2

Melvin E Brassfield
Box 24
Caputa, SD 57725

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



January 16, 2002

NOTICE

1714-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 1714-2 & 2063-2, 400-2 & 401-2. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1714-2 & 2063-2 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 400-2 & 401-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1714-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2002

400-2
401-2
1714-2
2063-2

Melvin E Brassfield
Box 24
Caputa, SD 57725

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2.

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



1714-2

**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 14, 2004

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

Our records indicate that the 2003 Irrigation Questionnaires have not been submitted for Permit Nos. 1714-2 & 2063-2, 400-2 & 401-2. The request for the Questionnaires was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1714-2 & 2063-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 400-2 & 401-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1714-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 2004

400-2
401-2
1714-2
2063-2

Melvin E Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



1714-2
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: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725
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 Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1714-2 & 2063-2 qualification:

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

The hearing will be held at 8:30 am, March 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 400-2 & 401-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1714-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2005

400-2
401-2
1714-2
2063-2

Melvin Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2.

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
Environmental Scientist
Water Rights Program
(605) 773-3352

I, Joseph H. Hilt, Registered Professional Engineer & Land Surveyor do hereby certify that this map was made from notes taken during an actual survey made under my direction & that it correctly represents the location of Rapid Creek, total length of permanent ditches, location of diversion point, and the acreages to be irrigated as requested by the land owners Arthur Brassfield and Melvin Brassfield.
 IN WITNESS WHEREOF I have hereunto set my hand & seal this 2nd day of May 1972.

Joseph H. Hilt
 Registered Professional Engineer &
 Land Surveyor

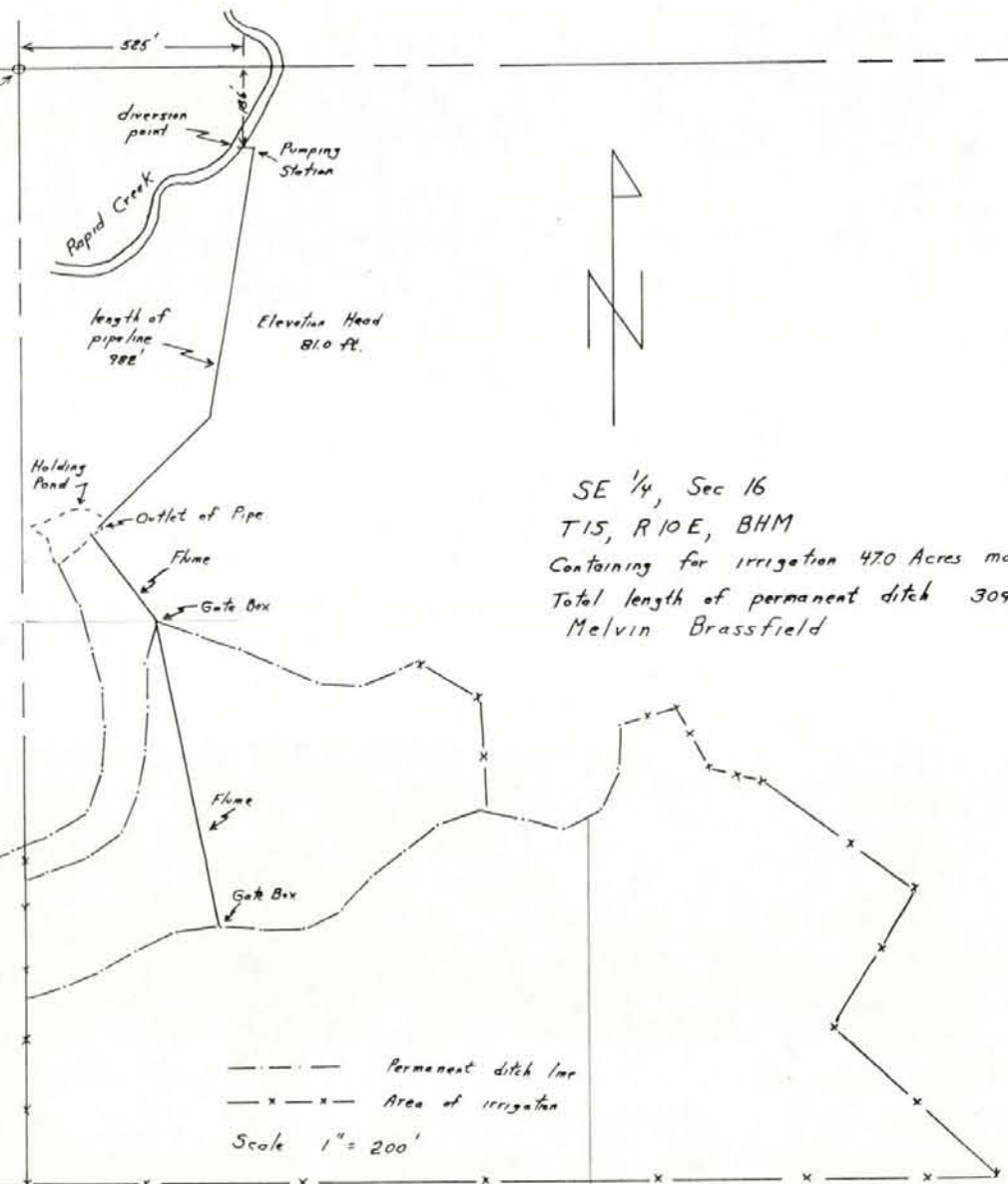
STATE OF SOUTH DAKOTA
 COUNTY OF PENNINGTON

on this 2nd day of May 1972, before me William Beranek, the undersigned officer, personally appeared Joseph H. Hilt, known to me to be the person whose name is subscribed to the above written instrument & acknowledge that he executed the same for the purpose therein contained.
 IN WITNESS WHEREOF I have hereunto set my hand & official seal.

William S. Beranek
 NOTARY PUBLIC

SE 1/4, Sec 16
 T1S, R10E, BHM
 Containing for irrigation 470 Acres more or less
 Total length of permanent ditch 3092'
 Melvin Brassfield

SW 1/4 Sec 16
 T1S, R10E, BHM
 Containing for Irrigation 49.4 Acres more or less
 Total length of permanent ditch 3664'
 Arthur Brassfield



Approved
 Appl 1714-2



January 26, 2007

NOTICE

1714-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

Our records indicate that the 2006 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1714-2 & 2063-2 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 400-2 & 401-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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

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

March 9, 2007

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 1714-2 and Vested Water Right No. 2063-2
and Amendment of Water Right Nos. 400-2 and 401-2

On March 7, 2007, the Water Management Board ordered:

That effective April 6, 2007, Water Right No. 1714-2 and Vested Water Right No. 2063-2 be suspended for the 2007 irrigation season for failure to submit the 2006 irrigation questionnaires.

If the 2006 irrigation questionnaires are received prior to April 6, 2007 the suspensions will not take effect.

Suspension of the water right and vested water right means water may not be pumped during the 2007 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2007 unless the irrigation questionnaires are submitted by April 6th. After April 6th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2006 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 9, 2007 in Pierre, SD. The letter should include your reasons for not completing the 2006 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The Board also amended Water Right Nos. 400-2 and 401-2 to add the following qualification:

Water Right Nos. 400-2 and 401-2 are subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water rights means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

I am very sorry about
return this questionnaire
my mother is dying
of cancer had to make
several trip for there to
be with her and I
had it ready and forget
to mail it out.

RECEIVED

MAR 13 2007

WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 2007

1714-2
2063-2

Melvin Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

On March 7th, the Water Management Board ordered Water Right No. 1714-2 and Vested Water Right No. 2063-2 be suspended for one year if the 2006 irrigation questionnaires were not received prior to April 6, 2007.

Your irrigation questionnaires were received in our office on March 13th. Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You are hereby authorized to irrigate during the 2007 irrigation season.

Thank you for your note explaining the delay in sending in the forms. If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



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 18, 2008

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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**

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

February 27, 2008

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

SUBJECT: Unclaimed "Signature Confirmation" Mail concerning Water Right Nos. 400-2,
401-2, 1714-2 and 2063-2

The attached notice was sent "Signature Confirmation". The post office has returned the Signature Confirmation Mail to our office marked "unclaimed". The envelope indicated the post office notified you January 19 and February 25, 2008 to pick up and sign for the mail.

The notice is being returned to you by regular mail to keep you informed of pending Board action concerning your water rights.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 2008

NOTICE OF ONE YEAR SUSPENSION

TO: Melvin Brassfield, PO Box 24, Caputa SD 57725

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right Nos. 400-2, 401-2, & 1714-2 and Vested Water Right No. 2063-2

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Right Nos. 400-2, 401-2, & 1714-2 and Vested Water Right No. 2063-2 be suspended for the 2008 irrigation season for failure to submit the 2007 irrigation questionnaires.

If the 2007 irrigation questionnaires are received prior to April 11, 2008 the suspensions will not take effect.

Suspension of the water rights and vested water right means water may not be pumped during the 2008 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2008 unless the irrigation questionnaires are submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2007 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008 in Pierre, SD. The letter should include your reasons for not completing the 2007 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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



1714-2
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 22, 2010

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, the Water Rights Program will recommend to the Board that your water rights be suspended for three years.**
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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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://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.state.sd.us/denr

March 8, 2010

Melvin Brassfield
Box 24
Caputa SD 57725

RE: 2009 Irrigation Questionnaires for Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 2009 irrigation questionnaires. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2.

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



1714-2
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: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Program will recommend to the Board that these water rights be suspended for three years.**
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.

1714-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2014

Melvin Brassfield
Box 24
Caputa SD 57725

RE: Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2. 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



1714-2
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: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Program will recommend to the Board that these water rights be suspended for a period of up to three years.**
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

February 13, 2015

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right Nos. 400-2,
401-2, 1714-2 & 2063-2

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you twice to pick up and sign for the certified mail.

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



17142

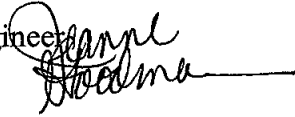
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**NOTICE OF ORDER OF ENTRY OF
THREE YEAR SUSPENSION OF WATER RIGHTS**

TO: Melvin Brassfield, PO Box 24, Caputa SD 57725-0024

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Three Year Suspension of Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2

On March 4, 2015, the Water Management Board ordered:

That effective April 4, 2015, Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2 be suspended for the 2015, 2016 and 2017 irrigation seasons for failure to submit your 2014 irrigation questionnaires.

If the 2014 irrigation questionnaires are received prior to April 4, 2015, the suspension will not take effect.

Suspension means water may not be pumped during the 2015, 2016 and 2017 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaires are submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2014 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 6-7, 2015, in Pierre, SD. The letter should include your reasons for not completing the 2014 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

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

1714-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2015

Melvin Brassfield
Box 24
Caputa SD 57725

RE: Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2

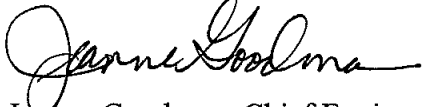
Dear Mr. Brassfield:

On March 4th, the Water Management Board ordered Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2 be suspended if the 2014 irrigation questionnaires were not received prior to April 4, 2015. The questionnaire information for your water rights was received March 25, 2015.

Since the irrigation questionnaires are now on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2015 irrigation season.

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



1714-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, the Water Rights Program will recommend to the Board that these water rights be suspended for a period of up to three years;**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 9, 2016

400-2
401-2
1714-2
2063-2

Melvin E Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2. 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



1714-2
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 20, 2017

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12; **(Based on a past violation, the Water Rights Program will recommend a three year suspension of Nos. 400-2, 401-2, 1714-2 & 2063-2);**
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 1, 2017** 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.



1714-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

Melvin Brassfield
PO Box 24
Caputa SD 57725

RE: Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2. 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



1714-2
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 26, 2018

NOTICE

TO: MELVIN E BRASSFIELD, BOX 24, CAPUTA, SD 57725
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12; **Based on a past violation, the Water Rights Program will recommend a three year suspension of Nos. 400-2, 401-2, 1714-2 and 2063-2.**
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 7, 2018** 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.



1714-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 14, 2018

Melvin Brassfield
PO Box 24
Caputa SD 57725

RE: Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2

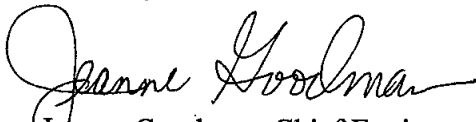
Dear Mr. Brassfield:

On March 7th the Water Management Board ordered Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2 suspended for three years if the 2017 irrigation questionnaires were not received prior to April 7, 2018. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2018 irrigation season.

If you have an operator that takes care of the irrigation systems for you, we could send the annual questionnaires to their attention rather than to you if that is something you would want us to do. If you have any questions or if you would like the forms directed to an operator, please contact Genny McMath at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



Touchstone Energy® Cooperatives
The power of human connections®

We need to put these
irrigation papers in
Brassfield Ranch LLC

Box 24

Caputa, So. Dak
57725

Melvin has passed
away in Dec
Thank you

if need question ^{Susan} call me
— 605-381-4448

TOUCHSTONEENERGY.COM

(sorry this late) Melvin really
sick



1714-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 10, 2019

400-2
401-2
1714-2
2063-2

Brassfield Ranch LLC
Box 24
Caputa SD 57725

Dear Sirs:

Thank you for sending in the 2018 irrigation questionnaires. It is my understanding from your letter that ownership needs to be changed for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2. The water rights are currently listed under Melvin Brassfield.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign and return the forms to our office with a required filing fee of \$50.00 each (total of \$200.00). The check or money order for the fee can be made payable to the Water Rights Program.

Thank you in advance for following up on the ownership changes. If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

MAY 10 2019

Ck# 21061

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

RECEIVED

MAY 10 2019

WATER RIGHTS
PROGRAM

No. 1714-2

Date: 4-10-19

I/We request that Water Right No. 1714-2

formerly owned by: Melvin Brassfield

be transferred to: (name & address) Steven Brassfield - Brassfield Ranch LLC
Box 43
Caputa SD 57725 Telephone No. 605-391-1331

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

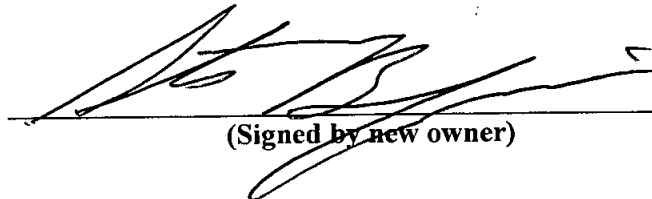
96.4 acres - S 1/2 SW 1/4 and S 1/2 SE 1/4 Section 16, T1S, R10E

I/We understand that the validity of Water Right No. 1714-2 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 Steven Brassfield, 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 May 10

2019

RECEIVED OF Steven Brassfield-Brassfield Ranch LLC Box 43 Caputa SD 57725

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>1714-2</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. **09137**

By

Jeanne Goodman
Chief Engineer
vm

1714-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 13, 2019

400-2
401-2
1714-2
2063-2

Steven Brassfield
Brassfield Ranch LLC
Box 43
Caputa SD 57725

Dear Mr. Brassfield:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2.

The ownership changes have been completed. The above listed water rights formerly held by Melvin Brassfield are now listed under Brassfield Ranch LLC % Steven Brassfield.

Enclosed for your records are Receipt Nos. 09136, 09137, 09138 and 09139 in the amount of \$50 each. If I can answer any questions for you, please let me know.

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

enclosures



1714-2

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: BRASSFIELD RANCH LLC, STEVEN BRASSFIELD, PO BOX 43, CAPUTA, SD 57725

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(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 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: SQAKAW**

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.

1714-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 1, 2022

400-2
401-2
1714-2
2063-2

Steven Brassfield
Brassfield Ranch LLC
PO Box 43
Caputa SD 57725- 0043

Dear Mr. Brassfield:

I am writing to acknowledge receipt of the information for your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2. 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



1714-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 22, 2023

Trueit and Steven Brassfield
Brassfield Ranch LLC
PO Box 43
Caputa SD 57725

Gentlemen,

Water Right No. 1714-2 authorizes a maximum instantaneous diversion rate of 1.37 cubic feet of water per second (cfs) from one diversion point located on Rapid Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 for the irrigation of 96.4 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; all in T1S-R10E.

Brassfield Ranch LLC filed a request for an additional diversion point to what is currently authorized by Water Right No. 1714-2.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional diversion point to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16-T1S-R10E is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 1.37 cfs from the two diversion points is authorized.

On June 16, 2023, Trueit Brassfield confirmed the original diversion point and additional diversion point will not be operated at the same time to ensure there will not be an exceedance in the authorized diversion rate and that no additional acres will be irrigated.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

Approval of Additional Diversion Point

NAME: Trueit and Steven Brassfield – Brassfield Ranch LLC

ADDRESS: PO Box 43 Caputa, SD 57725-0043

DATE: June 20, 2023

COUNTY: Pennington

TELEPHONE: 605-391-3130

BACKGROUND:

Water Right No. 1714-2 authorizes a maximum instantaneous diversion rate of 1.37 cubic feet of water per second (cfs) from one diversion point located on Rapid Creek in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 for the irrigation of 96.4 acres located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16; all in T1S-R10E.

Steven Brassfield, representing Brassfield Ranch LLC, submitted a letter on June 15, 2023, requesting one additional diversion point to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16-T1S-R10E as to what is currently authorized by Water Right No. 1714-2. It was noted during a site visit in May to water rights staff that the original diversion point location is experiencing bank erosion as water levels in the system have fluctuated over the years, and the original diversion point location is next to another diversion point authorized by neighboring permit holder.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Water Right No. 1714-2 authorizes a maximum instantaneous diversion rate of 1.37 cfs from one diversion point located on Rapid Creek. The water source for the proposed additional diversion point remains Rapid Creek. Trueit Brassfield indicated in a phone conversation on June 16, 2023, that the original diversion point and proposed additional diversion point will not be operated simultaneously to ensure there will be no exceedance in authorized diversion rate. Therefore, no additional water is appropriated.

- **If irrigation, no new land is irrigated**

Water Right No. 1714-2 authorizes the irrigation of 96.4 acres. Trueit Brassfield indicated in a phone conversation on June 16, 2023, that no new land will be irrigated using the proposed additional diversion point as to what is authorized by Water Right No. 1714-2.

- **Review of Existing Diversions**

The original diversion point is located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16 and the proposed additional diversion point is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16; all in T1S-R10E. Water Right No. 937-2B, held by Ham Ranch Inc, is the closest water right/permit to the original diversion point and the proposed additional diversion point. The diversion point for Water Right No. 937-2B is located within approximately 10 feet from the original diversion point. The proposed additional diversion point will be located approximately 450 feet northwest of the original diversion point authorized by Water Right No. 1714-2, which is further away from

the diversion point authorized by Water Right No. 937-2B. Given the increased distance between the nearest diversion point (authorized by a water right/permit not held by the applicant) and the proposed additional diversion point, and no additional water is to be appropriated, there is a reasonable probability that the additional diversion point will not unlawfully impair existing downstream water rights/permits.

RECOMENNDED ACTION:

Based on the above criteria, it is recommended that the additional diversion point be added to Water Right No. 1714-2. The maximum instantaneous diversion rate from each diversion point authorized by Water Right No. 1714-2 may collectively not exceed 1.37 cfs.

Nakaila Steen

Nakaila Steen, Natural Resources Engineer II
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program

Brassfield Ranch LLC

15685 Hammerquist Rd.

Caputa, SD 57725

Department of Natural Resources

Additional Diversion Point Request

To Whom it May Concern:

The additional Diversion Point I am requesting on Rapid Creek is to irrigate acres authorized by water right number 1714-2 will be located approximately 400 feet NW of the original diversion point located in the SW $\frac{1}{4}$ Northeast $\frac{1}{4}$ Section 16 T1s-R10E.

The original diversion point authorized under water right 1714-2 is located on the Northwest $\frac{1}{4}$ Southeast $\frac{1}{4}$ of Section 16 T1S-R10E.

Thank you,

A handwritten signature in black ink, appearing to read 'S. Brassfield', written over a horizontal line.

Steven Brassfield

Date 6-15-2023

Water Rights Program - DANR
Conversation File Documentation

NAME OF PERSON OR FILE: Trueit and Steven Brassfield – Brassfield Ranch LLC

ADDRESS: PO Box 43 Caputa, SD 57725-0043 **COUNTY:** Pennington

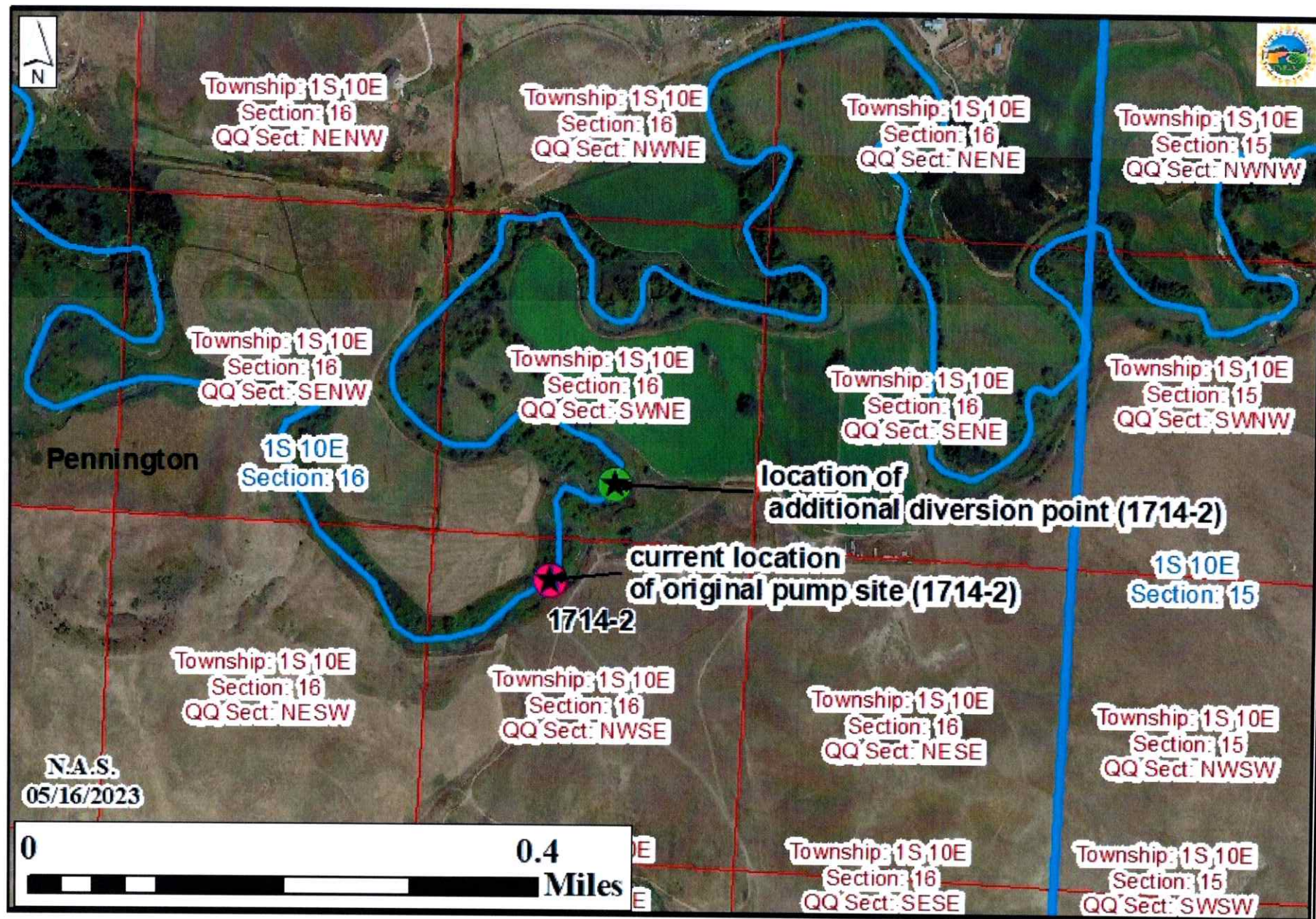
DATE: June 16, 2023 **TELEPHONE:** 605-391-3130

I called Trueit Brassfield with Brassfield Ranch LLC on June 16, 2023 to confirm with the submitted request for the additional diversion point as to what is authorized by Water Right No. 1714-2 that there will be no increase in the diversion rate or acres currently authorized by the water right.

Trueit Brassfield confirmed that the original diversion point and additional diversion point will not be operated simultaneously to ensure there will be no exceedance in authorized diversion rate, and no new acres will be irrigated, if approved for additional diversion point.

NAME:

Nakaila Steen



Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, April 2, 2026 2:42 PM
To: rancherlee123@outlook.com
Cc: Rodriguez, Rachel
Subject: Irrigation Applications_Amend
Attachments: Brassfield_Amendment Apps.pdf

Lee –

Please find attached applications to amend Brassfield Ranch LLC's Water Right Nos. 400-2, 401-2, 1714-2, and 2063-2, to expand the authorized period of use to March 1-November 31. As discussed, I have also sent these via standard mail. The fees for these applications would be \$100/amendment, \$400.00 total, which may be paid by either mailing a check (payable to SD Water Rights) to: DANR – Water Rights, 523 E Capitol Ave, Pierre SD 57501, or by calling our Fiscal Office and paying over the phone (605) 773-5559.

If you review the applications and have any questions, I welcome you to reach out via either email or telephone.

Thank you,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



File: Water Right No. 400-2, 401-2, 1714-2, & 2063-2
Water Rights Program
File Documentation

NAME: Brassfield Ranch LLC c/o Lee Brassfield

DATE: April 08, 2026

PHONE: 605-391-2091

RE: Pumping irrigation water prior to permitted start date.

COMMENTS:

Lee Brassfield in a phone call to Amanda Dewell on March 30 requested the ability to start pumping water on April 1 for water rights listed under Brassfield Ranch LLC (Water Right No. 400-2, 401-2, 1714-2, & 2063-2). Water Right Nos. 1714-2 authorizes an annual start date of May 1, and Water Right No. 2063-2 authorizes an annual start date of April 15. Water Right Nos. 400-2 and 401-2 both authorize an annual start date of April 1.

This request was approved on March 31 via phone call. Mr. Brassfield also applied to amend all the water rights to a new period of use of March 1 to November 30.

Rapid Creek Water Master Kevin Hamm requested that we send further requests for early start through him first since there may be concerns regarding purchased water vs. natural flows. Staff Engineer Nakaila Steen will be coordinating these requests going forward.



Adam Mathiowetz

Acting Chief Engineer

DANR-Water Rights Program