

1. Considered: 2-15, 1984 Water Right No. 1859-2
2. Name of Applicant Harold Robertson
3. Post Office Address 1110 Logan, Gregory, S.D. 57533
4. Amount of Water Claimed no add'l 0.25 maximum acre feet
5. Source of Water Supply Bull Creek & Tributaries and Robertson Dam #1
6. Water to be used for IRR acres to be irrigated 13.80
7. County Gregory about 1W, 8 miles north of Gregory
8. PROOF OF PUBLICATION: Received 1-13-84 Not Received
- APPLICATION: Approved Subject to
- Not Approved Action Deferred

PRIORITY Dated Received 9/26/83 Application complete-yes no FEE 50.00

12-8-75 Remarks Additional acreage on Permit 1338-2, \$50.00 was excepted

9-26-83 before the rules were finalized

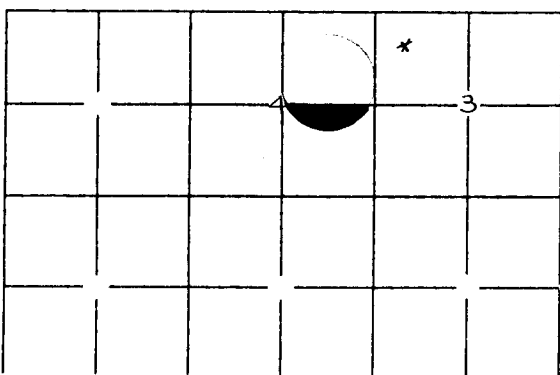
Corrected Application received Period of Annual Use 4/1 to 10/31

WATER
QUALITY

Received (yes) 11/14/83 no APPROVED CONDITIONAL (Circle one)

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

Disapproved Returned



Diversion Point

SE 1/4 NW 1/4, Section 3-98-73

Land to be irrigated

N 1/2 SE 1/4, Section 4-98-73

WELL LOG Driller Licensed - yes no

Depth

Remarks

MAP Map No. 1859-2 ^{§ 1130-2} Map located in Water Right X Map file _____
 Type of Map Aerial Prepared by Kevin Larson WREngr

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

11/14/83

Betty Westlund
 (Signed)

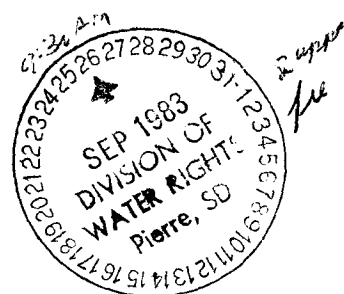
+++++

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 was
 DECISIONS adopted _____
 ETC.

Remarks _____

No. 1859-2Map No. 1859-2 Water Division No. 2 MISSOURI RIVER District
1130-2 Above for Office Use 10140101

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 X Additional Acreage X ON 1338-2

1. Name of Applicant Harold Robertson Phone No. _____
 Post Office Address 1110 Logan Gregory State SD 57533
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

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

3. Name of diversion work Robertson #14. Amount of water claimed (cubic feet per second) 0.20 (No ADD) 0.2 cf5. Source of water supply Bull Creek & tributaries & Robertson Dam #16. Location of point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 3, T98N, R73WCounty Gregory7. Annual period or periods during which water is to be used April thru October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 13.8

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.
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 48-98-73	6.5
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 48-98-73	7.3

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water GREGORY TIMES ADVOCATE

12. Principal Features of the Proposed Water Supply System.

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

storage dam
pumps & motors

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

mainline

C. Works proposed to apply water to beneficial use.

center pivot

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(see instructions concerning preparation.)STATE OF SOUTH DAKOTA)
County of Gregory) ss.

I, _____ 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 Harold RobertsonSubscribed and sworn to before me this 22 day of September, 1983

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1859-2

Harold Robertson 1110 Logan Gregory
(Applicant) (Post Office Address)
South Dakota With the following qualifications.
(State)

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

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

Date of first receipt of application September 26, 1983
Date of return to applicant for correction, amendments or changes required —, 19—
Date of receipt of corrected application —, 19—
Approved February 15, 1984, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 1859-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1859-2 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 September 26, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before —, 19—
3. The whole of said work is ~~to be completed on or before~~ —, 19—
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is —, 19—
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 0.2 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 February 15, 1984; said water to be used during the following described annual period: April 1st thru October 31

Witness my hand this 15th day of March, 1984

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued March 16, 19—

Water License Issued March 16, 1984

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4059

WR#

1338-2

OWNERS NAME: Harold Robertson OWNERS ADDRESS: 1110 Loran

Gregory, SD 57523

COUNTY LAND LOCATED IN: Gregory PHONE: 735-8846

TENANT'S NAME AND ADDRESS: _____

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

1. WELL LOCATION _____

Depth _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location Dam - NW 3-98-73

Legal Description	Acres	Legal Description	Acres
<u>SE 4-98-73</u>	<u>13.8</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: SE 4-73 Part Unit 1975

IN WHAT NAME: Robertson

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: _____

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

7. WATER SAMPLE NUMBER: 83-0522 10. ADJUSTED (SAR): 1.02

8. SALINITY (EC X 10⁶): 530 11. PERCENT SODIUM 14.12

9. SODIUM (SAR): 0.53

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 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.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

DAY OF Sept, 1983

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

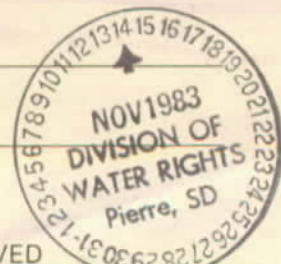
Director, Division of Conservation

Date

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED



Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

CONDITIONAL APPROVAL

44050

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT: Harold Robertson

LEGAL DESCRIPTION: SEC 4-98-73 = 13.8 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

RECOMMENDED MANAGEMENT:

It is recommended that a form of conservation tillage be used to control erosion. Also that a water management plan be developed to coincide with the slow intake of the soils and achieve the leaching of salts in the soil.

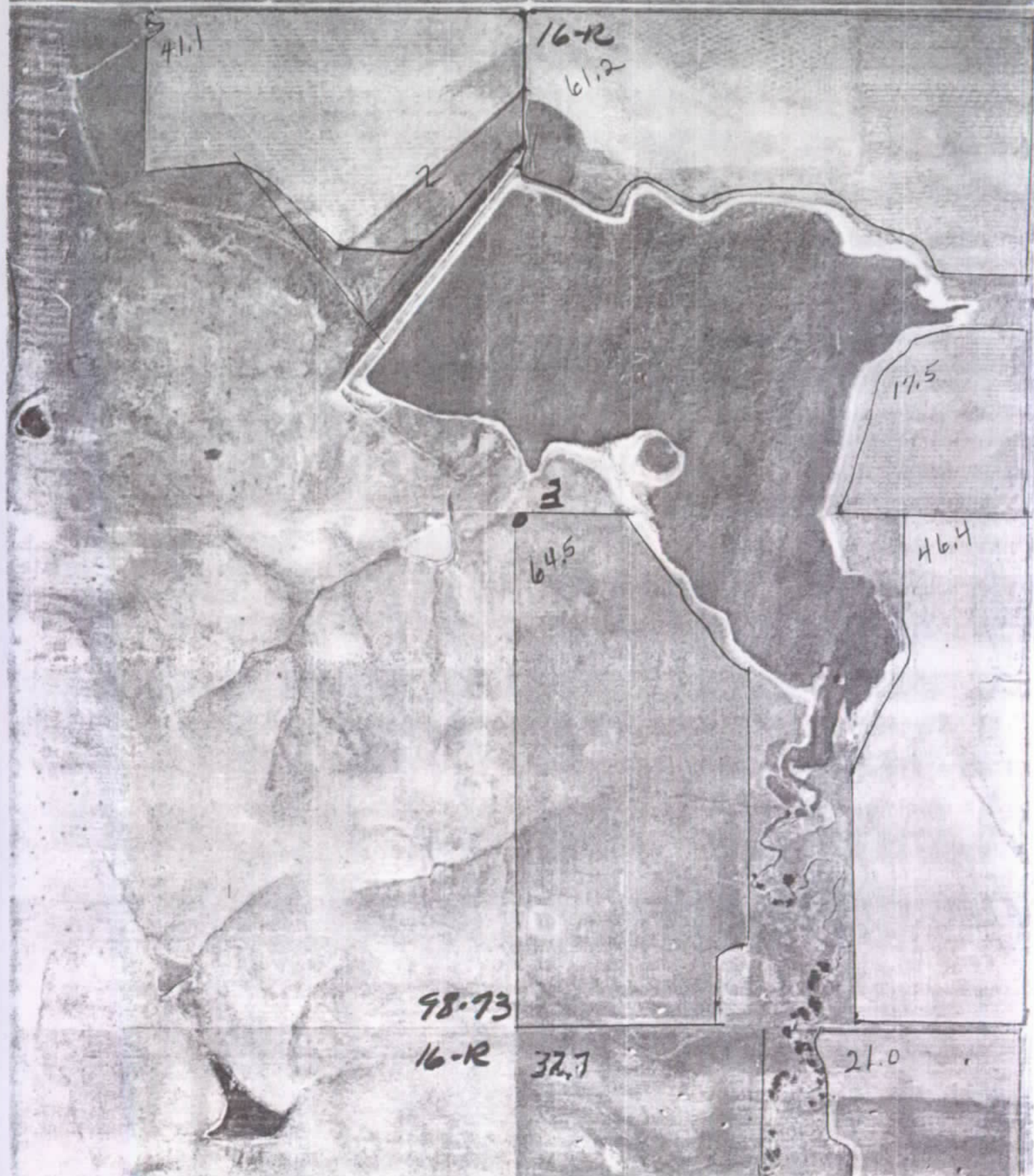
Jack H. Fyall
SIGNATURE

11-10-83
DATE

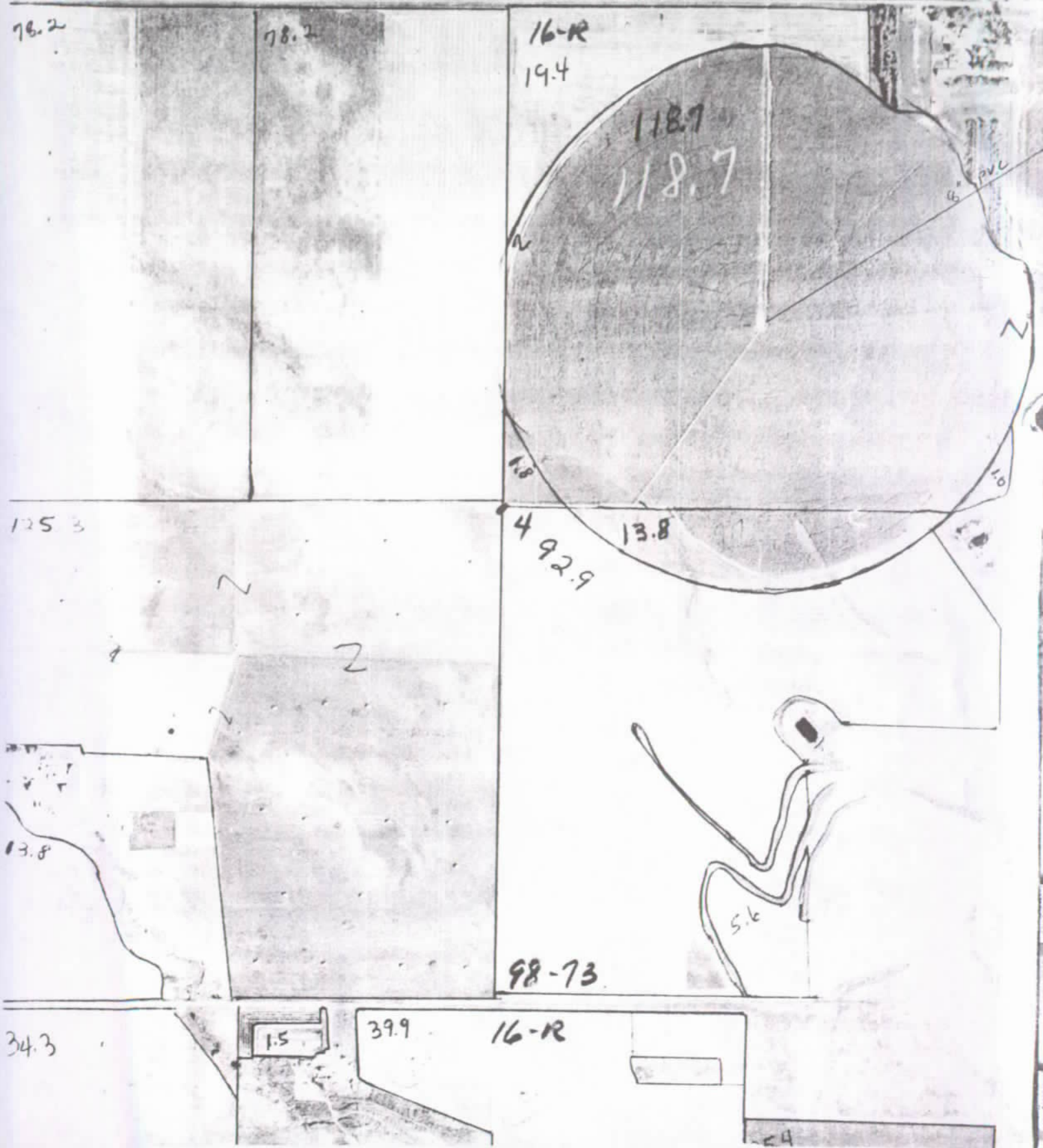
NOT TO SCALE

Map # 1130-2

Licensed - Nov 1859



NOT TO SCALE



NOT TO SCALE

99-73

15-R

135.9

396

252

33

30.6

384

125

130.1

135.8

7.4

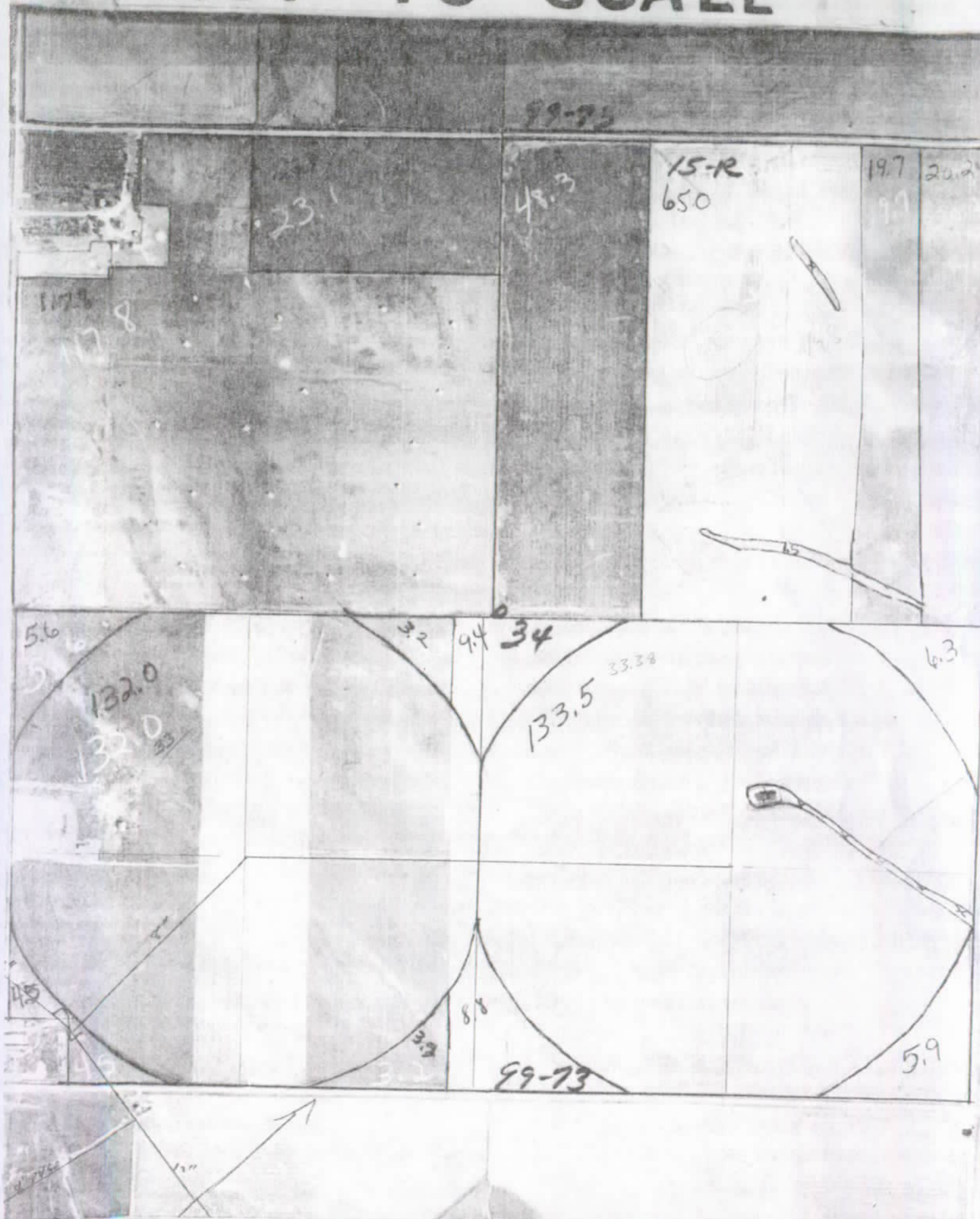
135

601

99-73

58

NOT TO SCALE

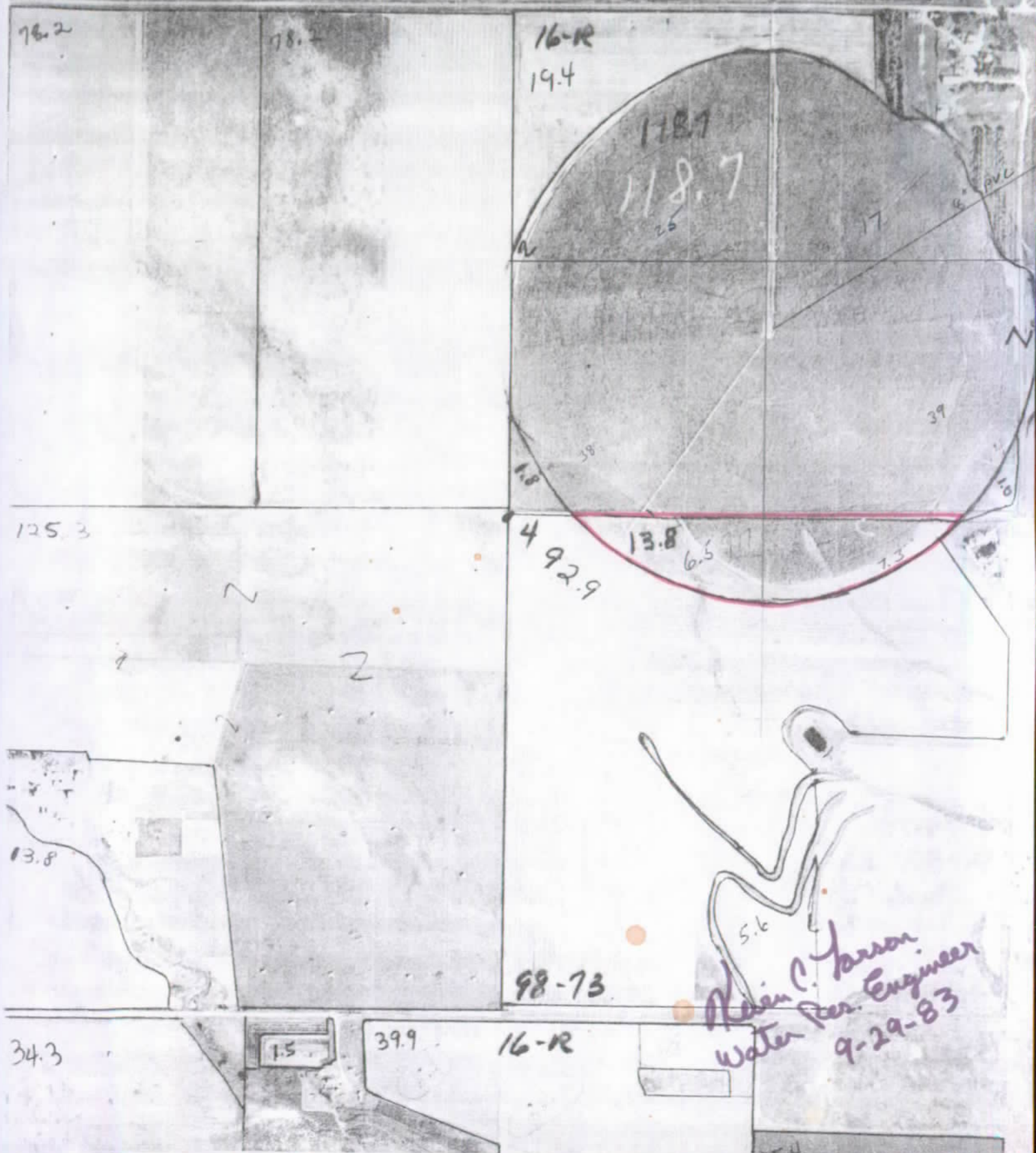


NOT TO SCALE



NOT TO SCALE

map 2 App'l
1859-2





Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501

Phone 605/773-3258

October 28, 1983

Harold Robertson
1110 Logan
Gregory, SD 57523

Dear Mr. Robertson:

In reviewing your soil and water compatibility application for 13.8 acres in the SE $\frac{1}{4}$ 4-98-73, the irrigation staff is recommending a Conditional Approval of your application to the State Conservation Commission at their November 10, 1983 meeting. The Conditional recommendation is based on the soil which has a high clay content and will make the leaching of salts difficult. The Management Recommendations are as follows:

MANAGEMENT RECOMMENDATIONS:

It is recommended that a form of conservation tillage be used to control erosion. Also that a water management plan be developed to coincide with the slow intake of the soils and achieve the leaching of salts in the soil.

If you have any questions regarding your application please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Stukel".

Jim Stukel
Program Administrator

cf

cc: Division of Water Rights



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol

Water Rights Division
605 773-3352

Pierre, South Dakota 57501

August 22, 1983

Harold Robertson
1110 Logan
Gregory SD 57533

Mr. Robertson:

On June 15, 1983, I made the final inspection on your Water Permit that was issued on March 17, 1976 for irrigation of 880 acres located in Sections 33 & 34, T99N, R73W and Sections 3 & 4, T98N, R73W. The inspection revealed that only 534 acres have been developed for irrigation. The Permit only allows irrigation in the NE $\frac{1}{4}$ of Section 4, T98N, R73W, however, the center pivot covers 13.8 acres in the SE $\frac{1}{4}$ of the section. These acres will need to be covered under an amendment to the original water permit and a soil/water compatibility permit from the State Conservation Commission will also be needed.

Enclosed are the necessary forms for the amendment to the Water Permit. Please sign, have notarized and return them to our office along with the filing fee of \$50. You will need to contact the State Conservation Comm., Department of Agriculture, Anderson Building, Pierre SD 57501 (773-3259) about the necessary forms for the soil/water compatibility permit.

If you have any questions, please contact this office.

Sincerely,

TIMOTHY G SCHAAL
Water Resources Engineer

TGS:ks

enclosures

cc: State Conservation Commission

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1859-2, Harold Robertson

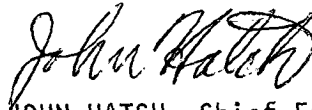
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of water and Natural Resources concerning Water Permit Application No. 1859-2, Harold Robertson 1110 Logan, Gregory SD.

The Chief Engineer is recommending APPROVAL of Application No. 1859-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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

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

The attached report is a part of this recommendation.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
December 27, 1983

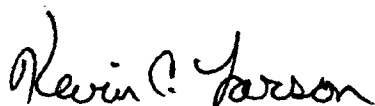
REPORT ON PERMIT APPLICATION NO. 1859-2

HAROLD ROBERTSON

December 27, 1983

Water Permit Application No. 1859-2 proposed to irrigate 13.8 acres not covered under Permit No. 1338-2. When Permit No. 1338-2 was inspected, it was found that of the original 880 acres authorized only 534 were developed. The pivot that was constructed in the NE $\frac{1}{4}$ of Section 4, T98N, R73W extends into SE $\frac{1}{4}$ of that Section. This is the 13.8 acres that was not covered under Permit Application 1338-2. Soil/water compatibility approval has been obtained from the Dept. of Agriculture. There is water available and it will not impair any existing rights.

Staff recommends approval of Permit Application No. 1859-2 with the low flow bypass.

A handwritten signature in black ink, reading "Kevin C. Larson". The signature is written in a cursive, flowing style.

KEVIN C LARSON
Water Resources Engineer

Instruction to Newspaper - Publish first publication of the following Notice on or before January 4, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1859-2 to Appropriate Water
and/or to Amend Water Permit ~~or Water Rights~~ No. 1338-2

Notice is hereby given that Harold Robertson whose mailing address is
1110 Logan, Gregory, South Dakota has made an application for a permit

to appropriate 0.2 cubic feet per second of water from Bull Creek and tributaries and Robertson Dam #1. The point of diversion is located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3-Twp 98N-Range 73W. Said water to be used for the purpose of irrigating an additional 13.80 acres in addition to those irrigated under water permit No. 1338-2 located in N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4-Twp 98N-Range 73W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1859-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense Room, basement, Capitol Building, Pierre, South Dakota, February 15¹⁹84 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by February 3, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 3, 1984.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, Nelson L. Miller hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Gregory Times-Advocate

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 Gregory

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

January 4, 1984

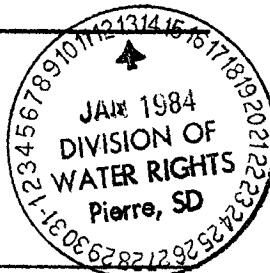
January 11, 1984

Nelson L. Miller
(Signature)

Assistant to Publisher
(Title)

1/11/84
(Date Signed)

Cost of Printing: 36.32



NOTICE OF HEARING

on Application No. 1859-2 to
Appropriate Water and/or to
Amend Water Permit No.
1338-2

Notice is hereby given that
Harold Robertson whose mail-
ing address is 1110 Logan,
Gregory, South Dakota has
made an application for a
permit to appropriate 0.2
cubic feet per second of water
from Bull Creek and tribu-
taries and Robertson Dam #1.
The point of diversion is lo-
cated in the SE 1/4 NW 1/4, Sec-
tion 8, Twp 98N-Range 73W.
Said water to be used for the
purpose of irrigating and ad-
ditional 13.80 acres in addition
to those irrigated under water
permit No. 1338-2 located in
N 1/2 SE 1/4 Section 4-Twp 98N-
range 73W.

Pursuant to SDCL 46-2A-2
the Chief Engineer of the
Water Rights Division re-
commends Approval of Appli-
cation No. 1859-2 because 1)
unappropriated water is avail-
able, 2) will be no unlawful
impairment of existing rights,
3) is beneficial use of water
and 4) is in the public interest.

This application will be con-
sidered by the Water Man-
agement Board at the Civil
Defense Room, basement,
Capitol Building, Pierre,
South Dakota, February 15,
1984 at 10:00 a.m. The re-
commendation of the Chief
Engineer is not final or bind-
ing upon the Board and the
Board is authorized to make a
determination on this applica-
tion after it reaches a conclu-
sion based upon facts pre-
sented at the public hearing.
Any interested person who
may be affected by a Board
decision and who intends to
participate in the hearing be-
fore the Board and present
evidence or cross-examine
witnesses according to SDCL
1-26, must file a written peti-
tion with BOTH the Applicant
and the Chief Engineer by
February 3, 1984. The peti-
tion may be informal, but it
must include a statement de-
scribing the petitioners in-
terest in the application, the
reason for the petitioner's
opposition to or support of the

application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 56-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15;

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

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605) 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 3, 1984.

RECEIPT

Division of Water Rights

No 4 9514

South Dakota Department of Water and Natural Resources

Pierre, January 27, 1984, 19

RECEIVED OF 1110 Logan
Harold Robertson, ~~XXXXXX~~ Gregory, SD 57533

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. <u>1338-2-1859-2</u>	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 (ms)

Missouri River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Harold Robertson
 _____ of 1110 Logan, Gregory, SD holder of
 Permit No. 1338-2, bearing the priority of December 8 19 75 authorizing
 the diversion of 8.0 cu. ft. per second of the waters of Bull Creek & Tributaries
 for Irrigation purposes, in Gregory County.

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

A. Works used to divert the water:

1 Case & 2 Deutz motors &
3 Berkeley pumps

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

4400' - 8" Buried PVC
4200' - 12" " "

C. Works used to apply water to beneficial use:

2 - 10 tower Gifford Hill center pivots

The system is in the following condition Good

The point of diversion is located 2000' East 2000' South of NW Corner Section 3-T98-
R-73W (SE 1/4 NW 1/4) & 460' West 660' North of SE Corner Section 28-T99-R73W.

The works are capable of diverting and conveying to the place of use 7.63cu. 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: 33Ac. NW SW, 33Ac. NE SW
33Ac. SW SW, 33Ac. SE SW & 33.4Ac. NW SE, 33.4Ac. NE SE, 33.4Ac. SW SE,
33.4Ac. SE SE Section 34-T99N-R73W, & 34Ac. NW SE, 34Ac. NE SE,
34Ac. SW SE, 34Ac. SE SE Section 33-T99N-R73W, & 2.5Ac. NW NE,
17Ac. NE NE, 38Ac. SW NE, 39Ac. SE NE 1/4, & 6.5Ac. NW SE, 7.3Ac. NE SE
Section 4-T98-R73W.
 comprising a total of 534.4 acres of land and the license should be issued for 7.63 cfs

Applicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date June 15, 1983

Timothy L. Schaal
 (signature)

LICENSE FOR PERMIT NUMBER 1859-2
1338-2

1. Legal location of wells: _____

dams & structures: SE 1/4 NW 1/4 Section 3-T98N-R73W

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 Case

b) model B6EXRBL b) model no. 63246813

c) size 15 1/2" c) horsepower rating 150

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump _____

no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest 30'

b) height to spillway 24'

c) crest width 18'

d) crest length 1500'

e) spillway length 225'

f) spillway width 48" CMP

g) approx. storage 1200 Ac-Ft

h) Distribution lines or canals:

1) size 8" & 12"

2) type Buried PVC

3) length 4400'-8"
4200'-12"

i) Outlet tubes:

1) diameter 24"

2) type CMP

3) valved (Y/N) yes

4) valve type slide gate

5) location on structure

near center

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-Gifford Hill
- 2) number of towers 10
- 3) distance between towers
128
- 4) overall length 1320
- 5) End gun (Y/N) yes Apollo
- 6) high or low pressure high
- 7) make & size of nozzles _____
- 8) PSI reading while system is
running 70
- 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:

They use 2 Deutz motors with Berkeley pumps at the pivots, 1 motor & pump was in the shop for repairs at the time of inspection. The other one is a 4 cyl, 73 HP, Serial # 5731962 with a Berkeley pump Model B3IRMBMCW, Serial # 7684155

RECEIPT

Division of Water Rights

No 4 9361

South Dakota Department of Water and Natural Resources

Pierre, September 26, 1983

RECEIVED OF Harold Robertson, 1110 Logan, Gregory, SD 57533

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

Fee for Application for Permit No. 1859-3 to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. to Appropriate Water for Future Use	0.2	00
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for (Any Other Work Provided by Law)		
Total	50	00

By

Chief Engineer

JOHN HATCH/ms

State of South Dakota
Water License No. 1859-2

(1) Harold Robertson
of 1110 Logan, Gregory, South Dakota 57533
made Application No. 1859-2, September 26, 1983 for a water permit to appropriate
0.2 cubic feet per second of water from Bull Creek & Tributaries,
Gregory County, South Dakota for Irrigation purposes.
Permit No. 1859-2, with a priority date of September 26, 1983
was approved February 15, 1984 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before _____ and for the application to beneficial use of said
water on or before _____.

A 1983 inspection of the water use system authorized by Water Permit No. 1338-2
found an additional 13.8 acres were being irrigated. Permit No. 1859-2 was
obtained to cover the additional 13.8 acres.

The applicable portions of Water Permit No. 1338-2 have been incorporated into
this Water License. A December 8, 1975 priority date will be retained for 7.43
cubic feet per second (cfs) of water and a September 26, 1983 priority date for
the .20 cfs and 13.8 acres in the N½SE¼ of Section 4, T98N, R73W.

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 7.63 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 2000'E and 2000'S of NW Corner Section 3,
T98N, R73W (BD) and 460'W and 660'N of SE Corner Section 28, T99N, R73W.

and

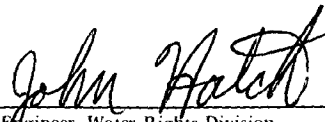
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land,

Section 34, T99N, R73W			Section 33, T99N, R73W continued		
NW $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres	(CB)	SW $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres	(DC)
NE $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres	(CA)	SE $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres	(DD)
SW $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres	(CC)	Section 4, T98N, R73W		
SE $\frac{1}{4}$ SW $\frac{1}{4}$	33 Acres	(CD)	NW $\frac{1}{4}$ NE $\frac{1}{4}$	25 Acres	(AB)
NW $\frac{1}{4}$ SE $\frac{1}{4}$	33.4 Acres	(DB)	NE $\frac{1}{4}$ NE $\frac{1}{4}$	17 Acres	(AA)
NE $\frac{1}{4}$ SE $\frac{1}{4}$	33.4 Acres	(DA)	SW $\frac{1}{4}$ NE $\frac{1}{4}$	38 Acres	(AC)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	33.4 Acres	(DC)	SE $\frac{1}{4}$ NE $\frac{1}{4}$	39 Acres	(AD)
SE $\frac{1}{4}$ SE $\frac{1}{4}$	33.4 Acres	(DD)	NW $\frac{1}{4}$ SE $\frac{1}{4}$	6.5 Acres	(DB)
Section 33, T99N, R73W			NE $\frac{1}{4}$ SE $\frac{1}{4}$	7.3 Acres	(DA)
NW $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres	(DB)	TOTAL	534.4 ACRES	
NE $\frac{1}{4}$ SE $\frac{1}{4}$	34 Acres	(DA)			

(4) Pursuant to §46-5-30.1 Harold Robertson
of 1110 Logan, Gregory, South Dakota 56533

the holder(s) and/or owner(s) of Water Permit No. 1859-2 is issued a license to appropriate water, the right to use 7.63 cubic feet per second of water from Bull Creek & Tributaries with a priority date December 8, 1975 for 7.43 cfs and of September 26, 1983 for .20 cfs 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. 1859-2 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

March 16, 1984

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

March 16, 1984

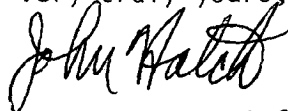
Harold Robertson
1110 Logan
Gregory, South Dakota 57533

Dear Mr. Robertson:

Enclosed herewith is, Water License No. 1859-2. 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

Water Permit No. 1859-2 is also enclosed.

Applicable portions of Water Permit No. 1338-2 have been incorporated into this Water License. December 8, 1975 priority date retained for 7.43 cfs September 26, 1983 priority date for .20 cfs and 13.8 acres in N½SE¼ of Section 4-98-73.



Department of Water & Natural Resources

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

April 16, 1990

1859-2

J Douglas Robertson
RR #5 Box 111
Dallas, SD 57529

Dear Mr. Robertson:

The "Notice of Transfer of Ownership" you submitted for filing an ownership change on Water Right No. 1859-2 has been received. The form was completed properly, however, can not be processed without a \$2.50 filing fee as required by SDCL 46-2-13.

Please remit the \$2.50 filing fee as soon as possible. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath". The signature is written in dark ink and is positioned below the word "Sincerely,".

Genny McMath
Natural Resources Analyst
(605) 773-3352



Department of Water & Natural Resources

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

April 25, 1990

No. 1859-2

J. Douglas Robertson
RR 5, Box 111
Dallas SD 57529

Dear Mr. Robertson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1859-2.

Our records now show you as the owner of this Water Right.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

KAREN SCHLAACK
Senior Secretary
Water Rights Division
605 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412211

Pierre, April 29, 1990

RECEIVED OF Robertson Douglas Peterson, RR #5 Box 111, Dallas, 57529

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. _____		
Fee for Filing Transfer Form <u>Water Right No. 1859-2</u>	2	50
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	2 50

By John Hobel Rura
Chief Engineer



RITE-WAY GRAIN FUMIGATION

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Free Grain Inspection

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Kearney Office (308) 237-5672

Jerry Evert (402) 371-2421 1705 N. 13th Norfolk, NE 68701
Owner

Dear: Department of Water & Natural Resources

J. J. Douglas Robertson have
submitted a ownership change on
water right no. 1859-2 but I forget
to send the money 2.50 filing fee

Here is my check to complete the
change

Sincerely J. Douglas Robertson

phone
835-9958

RR 5 Box 111

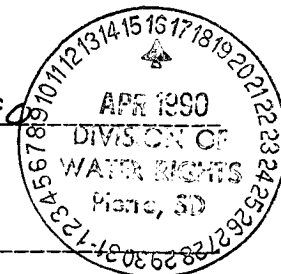
Dallas, S.D 57529

NOTICE OF TRANSFER OF OWNERSHIP

No. 1859-2

TO: Chief Engineer
Water Rights Division, DWNR
523 East Capitol
Pierre, SD 57501-3181

Date: 4-12-90

I/We request that Water ~~Permit~~/Right No. 1859-2

formerly owned by: Harold Robertson

be transferred to: (name & address) J. Douglas ROBERTSON

RR5 Box 111 Dallas SD 57529 (telephone No.) 605-835-9958

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

S 1/2 Section 34, SE 1/4 Section 33, T99N, R73W and NE 1/4, N 1/2 SE 1/4 Section 4,

T98N, R73W

I/We understand that the validity of Water ~~Permit~~/Right No. 1859-2 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 at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Gregory)

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

J. Douglas Robertson
(Signed)

Subscribed and sworn to before me this 12th day of April, 1990.

Bernie Johnson
(Notary Public)

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

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



Department of Water & Natural Resources

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

April 11, 1990

1859-2

J Douglas Robertson
RR #5 Box 111
Dallas, SD 57529

Dear Mr. Robertson:

The 1989 irrigation questionnaire you submitted indicated an ownership change was needed for Water Right No. 1859-2. Enclosed is a partially completed "Notice of Transfer" form for use in filing the ownership change. The water right is currently listed in the name of Harold Robertson.

Please check over the form and sign in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

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

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure



1859-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 11, 2003

1859-2

J Douglas Robertson
RR 5 Box 111
Dallas SD 57529

Dear Mr. Robertson:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire for Water Right No. 1859-2. You indicated 260 acres were irrigated this year. In order for the questionnaire to be considered complete, we need to have you fill out the back of the form too.

Please write in the acres, pump rate, days per month and average hours per day in the months that water was applied. We use the information to calculate how much water was used from a specific source.

If you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(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

December 29, 2003

1859-2

J Douglas Robertson
RR 5 Box 111
Dallas SD 57529

Dear Mr. Robertson:

Enclosed is your 2003 irrigation questionnaire for Water Right No. 1859-2. As I indicated to you in our November 11th letter, in order for the questionnaire to be considered complete, we need to have you fill out the back of the form too.

Please write in the acres, pump rate, days per month and average hours per day in the months that water was applied. We use the information to calculate how much water was used from a specific source.

Notices will be mailed out about the second week in January scheduling permit holders with delinquent questionnaires for hearing before the Water Management Board. Please complete and return the questionnaire as soon as possible to avoid having the matter brought before the Board. If you have any questions, please get in touch with me.

Sincerely,

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

enclosure



1859-2

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: J DOUGLAS ROBERTSON, RR 5 BOX 111, DALLAS, SD 57529

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1859-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(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) 1859-2 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) 1859-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 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 at (605) 773-3352.

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



1859-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0766

Your item was delivered at 11:10 am on January 31, 2005 in GREGORY, SD 57533. The item was signed for by K ROBERTSON.

[Shipment Details >](#)

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Enter label number:

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0766

J DOUGLAS ROBERTSON
RR 5 BOX 111
DALLAS SD 57529

ing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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PS Form 150, July 2001



**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 24, 2005

1859-2

J Douglas Robertson
RR 5 Box 111
Dallas SD 57529

Dear Mr. Robertson:

I am writing to acknowledge receipt of the information for your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 1859-2.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2008

1859-2

Bruce Shaffer
911 E Hwy 18
Gregory SD 57533

Dear Mr. Shaffer:

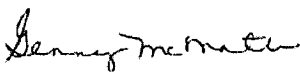
I am contacting you in regard to ownership of land described in Water Right No. 1859-2 listed in the name of J. Douglas Robertson. Enclosed is a copy of the water right for your review. We were notified today by Joe Duling from Gregory that you purchased the property from Mr. Robertson last year.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

Each year an irrigation questionnaire is sent out to irrigators to gather information on how much water was pumped during that specific crop year. The former owner of the property dropped the 2007 irrigation questionnaire off at Mr. Duling's office. He indicated he would be getting the form to you for completion.

You may keep the copy of the water right for your records. If I can answer any questions for you, please contact me.

Sincerely,


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

enclosures



1859-2

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 18, 2008

NOTICE

TO: J DOUGLAS ROBERTSON, 33495 280th St, DALLAS, SD 57529 5035

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) 1859-2. 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) 1859-2 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) 1859-2 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.

1859-2

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3509

Status: **Delivered**

Your item was delivered at 8:22 AM on January 19, 2008 in GREGORY, SD 57533. The item was signed for by K ROBERTSON.

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Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

No Asst. Inspector
Forwards to: [redacted]No Asst. Inspector
Forwards to: [redacted]

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3509	
J DOUGLAS ROBERTSON 33495 280th St DALLAS SD 57529 5035	
Waiver of Signature ☐ YES ☐ NO	
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/31, 20 08

RECEIVED OF Bruce Shaffer 911 E HWY 18 Gregory SD 57533

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>1859-2</u>	2	50
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	2 50

No.

03443

By

Donald E. Eide
Chief Engineer

z

RECEIVED

JAN 31 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1859-2

Date: _____

I/We request that Water Right No. 1859-2

formerly owned by: J Douglas Robertson

be transferred to: (name & address) BRUCE OR ALICE SHAFER

911 EAST HWY 18

GREGORY S.D. 57533

Telephone No. 605-835-8479

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

534.4 acres – S ½ Section 34, SE ¼ Section 33 all in T99N, R73W and NE ¼ and N ½ SE ¼ Section 4

T98N, R73W

I/We understand that the validity of Water Right No. 1859-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We BRUCE OR ALICE SHAFER, 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.



**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 31, 2008

1859-2

Bruce or Alice Shaffer
911 E Hwy 18
Gregory SD 57533

Dear Mr. & Mrs. Shaffer;

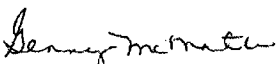
I am writing to acknowledge receipt of the "2007" irrigation questionnaire and the ownership change and filing fee for Water Right No. 1859-1.

The transfer has been completed. The water right, formerly held by J Douglas Robertson is now listed in your names.

Enclosed is your Receipt No. 03443 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,


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

enclosure

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Bruce Shaffer

ADDRESS: 911 E. Hwy 18

COUNTY: Gregory

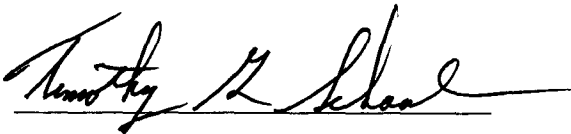
DATE: March 19, 2010

TELEPHONE: 830-1306

RE: breaching dam

On March 17, 2010, I met with Bruce Shaffer and Charlie Wolf, the Gregory County Sheriff & Gregory County Emergency Manager. Mr. Shaffer had called and said his irrigation dam was in the process of failing. Our investigation showed the dam was washing out along the rusted out CMP Primary spillway structure and Mr. Shaffer said it has been doing that for sometime. He had lowered/remover the riser portion of the structure and said he was trying to make the reservoir smaller. We all felt that there was really no danger or potential for downstream damages except of the loss of the dam itself. The failure along the spillway conduit was cut back to the embankment crest and total failure may take time and the process may need to be helped along with some excavation. (See photos)

The dam is authorized under Water Right No. 1338-2 and is located the N ½ of Sec. 3-T98N-R73W and stores about 1200 acre-feet of water. It is listed on the National Inventory of Dams as Robertson Dam (ID No. SD02190). Mr. Schaffer indicated that he no longer was interested in irrigation and wished to maintain a much smaller reservoir. We discussed Water Right Nos. 1338-2 & 1859-2 and I mentioned we could cancel out the irrigation portion of the permits and could keep the dam permitted; however, we would need to know the storage capacity of the smaller reservoir.



Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
Water Rights Program

Robertson Dam



Robertson Dam



Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Bruce Shaffer

ADDRESS: 911 E. Hwy 18, Gregory, SD 57533 COUNTY: Gregory

DATE: October 21, 2014 TELEPHONE: 830-1306

RE: Cancellation of irrigation portion of Water Right No. 1859-2

I talked to Mr. Shaffer today about his 2014 Irrigation Questionnaire he had recently submitted. On it, he had marked "use abandoned". He said they were no longer interested in irrigating from the dam (SD ID No. SD02190, Robertson Dam).

I explained to him that we could cancel the irrigation portion of Water Right No. 1859-2, but should keep the irrigation dam and storage capacity permitted. We discussed the fact that the dam was repaired several years ago, and it now has a new and much smaller storage capacity. The new capacity should be 120 acre-feet (15 ft. deep x 20 surface acres x 0.4 = 120 ac-ft.).

A handwritten signature in black ink, reading "Timothy G. Schaal", written over a horizontal line.

Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 20, 2015

NOTICE OF CANCELLATION

TO: Bruce or Alice Shaffer, 911 E Hwy 18, Gregory SD 57533

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

SUBJECT: Cancellation of Irrigation Component of Water Right No. 1859-2

Water Right No. 1859-2 authorizes storage of water from Bull Creek and Tributaries for irrigation purposes. The 2014 irrigation questionnaire included a notation that use had been abandoned. On October 21, 2014, Tim Schaal, a staff engineer with our program visited with you about the water right. You confirmed you were no longer interested in irrigating from the dam. The dam was repaired several years ago and now stores approximately 120 acre feet of water. Since impoundment of that amount of water still requires maintaining a water right, the Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation component of Water Right No. 1859-2 due to abandonment.

The Water Management Board will consider cancellation of the irrigation component of Water Right No. 1859-2 at 10:00 a.m., March 4, 2015 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by February 20, 2015. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by February 20, 2015.

Prior to February 20, 2015, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by January 30, 2015.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 1859-2, BRUCE OR ALICE SHAFFER

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 1859-2.

On October 21, 2014, Tim Schaal spoke with Bruce Shaffer about the water right. Mr. Shaffer confirmed he no longer had an interest in irrigating from the dam. The dam has a storage capacity of 120 acre feet and requires maintaining a water right for continued impoundment of water.

The Chief Engineer is recommending cancellation of the irrigation component only for Water Right No. 1859-2 due to abandonment.

RON DUVALL, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
January 20, 2015

Note:

Once the Water Management Board takes action to cancel the irrigation component of the water right, the water license will be reissued to allow for continued impoundment of water from Bull Creek and tributaries for domestic use.

CERTIFICATION

I hereby certify that on January 20, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated January 20, 2015 regarding cancellations addressed as stated below:

Water Right No. 1859-2 – Bruce or Alice Schaffer, 911 E Hwy 18, Gregory SD 57533

Water Right No. 3288-3 – Bonnie Pies, Pies Revocable Trust, 45036 141st St, Waubay SD 57273

Water Right No. 5069-3 – Mark & Robin Siefkes, PO Box 393, DeSmet SD 57231



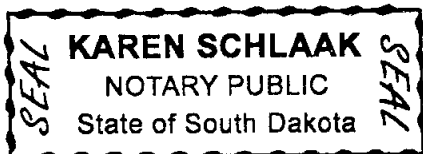
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of January, 2015.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 2015

1859-2

NOTICE OF ENTRY OF ORDER

Bruce or Alice Shaffer
911 E Hwy 18
Gregory SD 57533

Dear Mr. & Ms. Shaffer:

This will notify you that the Water Management Board cancelled the irrigation component of Water Right No. 1859-2 on March 4, 2015.

The water right had authorized storage of water from Bull Creek and Tributaries for irrigation purposes. The action to cancel the irrigation component of the water right was taken under the conditions outlined in our notice to you dated January 20, 2015.

With the irrigation portion of the water right cancelled, the water license will be reissued to allow continued impoundment of water in the storage dam for domestic purposes. This reissued license will be sent to you under separate cover within the next couple weeks.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on March 5, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 5, 2015 regarding cancellations addressed as stated below:

Future Use Permit No. 1508-2 Gary LaCompte, Chairperson, South Central Water Development District, PO Box 43, Armour SD 57313 ---Deb Benson, Manager, South Central Water Development District, PO Box 43, Armour SD 57313

Water Right No. 6710-3 - Ron Larsen, 44872 210th St, Lake Preston SD 57249

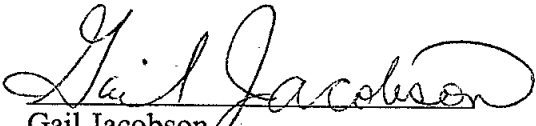
Water Right No. 1859-2 - Bruce or Alice Schaffer, 911 E Hwy 18, Gregory SD 57533

Water Right No. 3288-3 - Bonnie Pies, Pies Revocable Trust, 45036 141st St, Waubay SD 57273

Water Right No. 5069-3 - Mark & Robin Siefkes, PO Box 393, DeSmet SD 57231

Water Right No. 4081-3 Jim Kleinjan, Kleinjan Farms Inc., 20506 463rd Ave., Bruce SD 57220

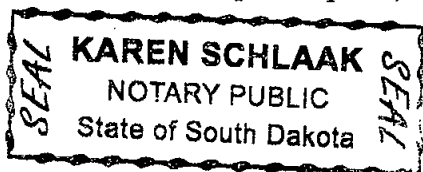
Water Right No. 5360-3 Fred Harner, 32661 147th St., Tolstoy SD 57475-7400


Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of March, 2015.


Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAR 19 2015

1859-2

Bruce or Alice Shaffer
911 E Hwy 18
Gregory SD 57533

Dear Mr. & Ms. Shaffer:

Enclosed is your Reissued Water License No. 1859-2. The water license was reissued to remove the irrigation component and allow continued impoundment of water for domestic livestock watering purposes.

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

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1859-2

(1) Harold Robertson was issued Water License No. 1859-2, March 16, 1984 for a water right to divert 7.63 cubic feet of water per second from Bull Creek and Tributaries for irrigation purposes in Gregory County, South Dakota. Water License No. 1859-2, with a priority dates of December 8, 1975 and September 26, 1983 (as established under Permit Nos. 1338-2 and 1859-2) was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On January 31, 2008, Water Right No. 1859-2 was transferred to Bruce or Alice Shaffer.

The original water license incorporated the applicable portions of Water Permit No. 1338-2 into No. 1859-2. The water license included authorization to impound water in a 1,200 acre feet storage dam. The dam had washed out and was repaired to a smaller size. The storage dam now impounds 120 acre feet of water and is used for livestock watering only.

On March 4, 2015, the Water Management Board cancelled the irrigation component of the water right.

Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights. Water License No. 1859-2 is being reissued to remove the irrigation component and allow for continued impoundment of water for domestic use.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Water Law 46-5-30.1 Bruce or Alice Shaffer, 911 E Hwy 18, Gregory SD 57533 the holders and/or owners of Water Right No. 1859-2 are issued a license bearing a priority date of December 8, 1975 to impound 120 acre feet of water in a storage dam from the waters of Bull Creek and tributaries for domestic livestock watering purposes.

The storage dam (middle of spillway) is located 1,350 feet south and 2,200 feet east of the NW corner of Section 3, T98N, R73W (SE ¼ NW ¼). Water is impounded in the E ½ NW ¼ and W ½ NE ¼ Section 3.

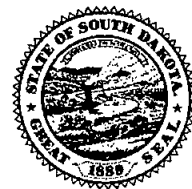
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1859-2.



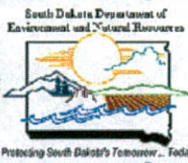
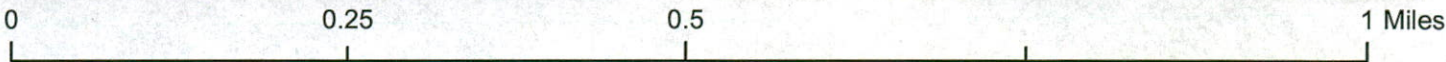
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 19 2015

date



Water Right Nos. 1338-2 & 1859-2



Timothy G. Schaal

Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

10/21/14

Section 3, T48N, R73W

1859-2

RECEIPT**WATER RIGHTS PROGRAM**
South Dakota Department of Agriculture and Natural ResourcesDate March 3, 2023RECEIVED OF Vance/Jana Thompson 3803 S Cliff Ave., Sioux Falls SD 57103

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>1859-2</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
Em

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1859-2

Date: February 28, 2023

I/We request that Water Right/Permit No. 1859-2 formerly owned by:
Bruce & Alice Shaffer be transferred to:

New Owner Name: Jana Thompson
Address: 3803 S Cliff Ave mobile: 605-496-5442
City, State, Zip Sioux Falls, SD 57103 email: janasuet@gmail.com

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

NW ¼ of Sec 3-T98N-R73.

☒ I understand that the validity of Water Right/Permit No. 1859-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Jana Thompson, the new owner, certify that the above information is true and correct.

Jana Thompson
Jana Thompson (Feb 28, 2023 09:10 CST)
(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIVED

MAR 03 2023

**OFFICE OF
WATER**



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 6, 2023

1859-2

Jana Thompson
3803 S Cliff Ave
Sioux Falls SD 57103

Dear Ms. Thompson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 1859-2.

The ownership change has been completed. Water Right No. 1859-2 formerly held by Bruce and Alice Shaffer is now listed under your name.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure