

Considered:

4-25-84

WATER PERMIT NO.

1867-2

MAP No.

1867-2 & 1462-2Name of Applicant J. Tipps HamiltonPost Office Address St. Rt. 69, Box 619, Midland, S.D. 57552Amount of Water Claimed no additional Total Acres 160Source of Water Supply six dams, one well, one springWater to be used for IRR County HaakonAbout 15W 20 miles north of HayesPROOF OF PUBLICATION: Received 1st 3-29-84 Not Received _____APPLICATION: Approved 4-25-84 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY 2/27/74 Date Received 2/17/84 Fee 50.00 Remarks Transfer 120 acres to SW $\frac{1}{4}$ Section 25-8N-23E (1703-2)

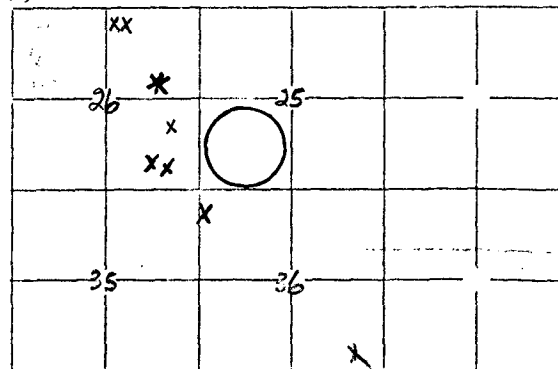
Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point 6 dams located in NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$;SE $\frac{1}{4}$ SE $\frac{1}{4}$ (west) SE $\frac{1}{4}$ SE $\frac{1}{4}$ (east), Section 26;
NW $\frac{1}{4}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 36 and a well and spring
located in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26-all in T8N-R23E

Land to be Irrigated _____

SW $\frac{1}{4}$, Section 25-T8N-R23EWell Log: Driller C Licensed YES ☒ NO _____Depth of Well 2042 REMARKS _____Type of Map aerial PREPARED BY Carolyn Heltzel, ASGS Reviewed and the Numberassigned on _____ By Betty Westlund

No. <u>1867-2</u>	Hydrologic Unit <u>10120112</u>
Map No. <u>1867-2</u>	Basin <u>Lower Cheyenne</u>
Newspaper <u>Pioneer Review</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

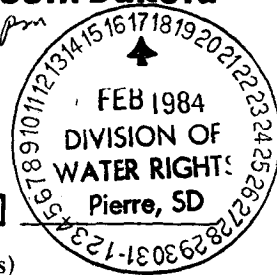
New ☐ Vested Right ☐ Future Use ☐☒ Application to amend Permit No. 1703-2 with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant J. Tipps Hamilton Phone No. 567-3666Post Office Address SR 69, Box 619 State SD Zip Code 57552
Box 69, Midland
(Street, RR or Box)2. Amount of water claimed (c.f.s) no additional Total acres irrigated 1603. Source of Water supply six dams, one well, one spring4. Location of point of diversion Dam: N53°0' W, 3200'; Spring N54°0' W, 2200'; Well N85°0' W, 1450';
Dam, S15°0' W, 500' all from E $\frac{1}{4}$ Corner, Section 26-T8N-R23E, Dam N41°0' W, 1000' from SECorner, Section 36-T8N-R23E County Haakon5. Counties where water will be used Haakon6. Annual period during which water is to be used March 1 through November 30th

7. 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.
SW $\frac{1}{4}$, Section 25-T8N-R23E	<u>120.00</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Center PivotAttachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map
(see instruction)STATE OF SOUTH DAKOTA)
County of Hughes ssI, J. Tipps Hamilton the applicant, certify that I have read
the foregoing application, 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 J. Tipps HamiltonSubscribed and sworn to before me this 15th day of February 1984Betty Karstun
Notary Public for the State of South Dakota

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1867-2
J. Tipps Hamilton RT. 69, Box 619 Midland
(Applicant) (Post Office Address)
South Dakota 57552 With the following qualifications.
(State) (Zip Code)

1. Low flows as needed for downstream domestic use, including livestock watering must be by-passed.
2. The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used for irrigation or for storage purposes. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
3. Priority established by Permit No. 1172-2

4. This Permit is approved subject to the irrigation water use questionnaire being submitted
 Date of first receipt of application February 17, 1984 each year.

Date of return to applicant for correction, amendments or changes required —, 19—.

Date of receipt of corrected application —, 19—. Approved April 25, 1984.

The Water Management Board hereby approves this Water Permit No. 1867-2 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 27, 1974.
2. One-fifth of the work is to be completed on or before September 25, 1986.
3. The whole of said work is to be completed on or before April 25, 1989.
4. The time limit for proof of beneficial use of water is April 25, 1993.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed No add'l 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. 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 April 25 1993; said water to be used during the following described annual period: March 1st to November 30

WATER MANAGEMENT BOARD

By: John H. Hattis
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources

May 7, 1984

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

D. Well Information *Livestock well overflows into main dam.*

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

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for: Either a Well or a Dugout.

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

Depth to top of water bearing material: _____

Depth to bottom of water bearing material: _____

Depth to water (ground surface to water level) _____

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

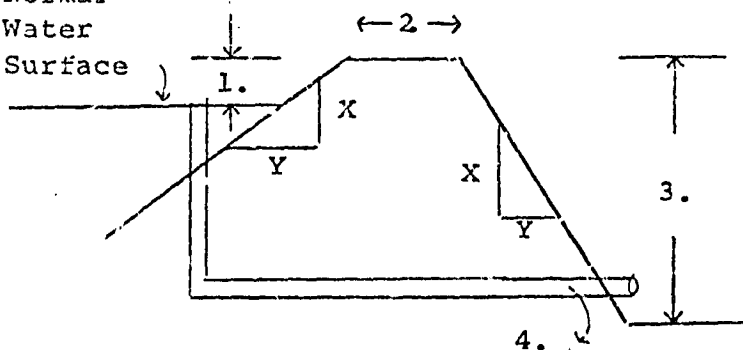
On same owner's property _____ rds.

On property owned by others _____ rds.

G. Water Storage Dams *All dams are existing dams. All have low flow by-passes.*

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

Normal
Water
Surface



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

Dam Location	Sec.	Height	Water Depth	Surface ac.	Storage (ac.ft.)
NW $\frac{1}{4}$ NE $\frac{1}{4}$	26	15	11	3	17
NE $\frac{1}{4}$ SE $\frac{1}{4}$	26	20	16	15	125
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - west	26	15	12	6	36
SE $\frac{1}{4}$ SE $\frac{1}{4}$ - east	26	14	10	4	20
NW $\frac{1}{4}$ NW $\frac{1}{4}$	36	15	12	7	42
SE $\frac{1}{4}$ SE $\frac{1}{4}$	36	30	25	20	300
					<u>TOTAL 540 ac. ft.</u>

Signature _____ Applicant _____

J. Tipps Hamilton:

From Six dams located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$: NE $\frac{1}{4}$ SE $\frac{1}{4}$: SE $\frac{1}{4}$ SE $\frac{1}{4}$ (west) and SE $\frac{1}{4}$ SE $\frac{1}{4}$ (east) all in Section 26; NW $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36; From a well and spring located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 26; all in T8N, R23E.

On Water Right No. 1703-2 Mr. Hamilton will be selling property in W $\frac{1}{2}$ Section 26; and NW $\frac{1}{4}$ Section 35. all in T8N, R23E.

He will retain the property in the NE $\frac{1}{4}$, Section 35, E $\frac{1}{2}$ Section 26 and wants to add now the SW $\frac{1}{4}$, Section 25, all in T8N, R23E.



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 304 • Pierre, South Dakota 57501
Phone 605/773-3258



March 5, 1984

Mr. Tipp Hamilton
Rural Route
Midland, South Dakota 57552

Dear Tipp:

In reviewing your soil and water compatibility application for the SW $\frac{1}{4}$ of Section 25-T23N-R23E, the Irrigation Program is recommending a Conditional Approval of your application to the State Conservation Commission. The conditional recommendation is based on the salt content of the well in Section 26-8-23.

The Management Recommendations are as follows:

The area mapped as Dix-Altvan Association may be a problem due to the complex slope. You may find it advantageous to place this area in grass and/or alfalfa.

We also recommend that a form of conservation tillage be used to conserve moisture and control wind erosion.

If you have any questions concerning your application or require assistance, please feel free to contact this office.

Sincerely yours,

James Stukel, Program Administrator
IRRIGATION PROGRAM

JS:a

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

WR#

OWNERS NAME: Kipp Hamilton

OWNERS ADDRESS: Midland

S.D.

57552

COUNTY LAND LOCATED IN: Haakon

PHONE: 567-3666

TENANT'S NAME AND ADDRESS: _____

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

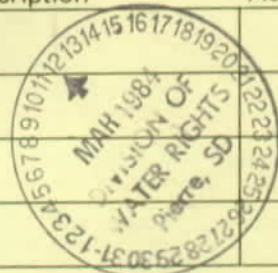
1. WELL LOCATION SW⁴ NE⁴ 26-8-23

Depth 3650'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: dam NE⁴ SE⁴ 26-8-23

Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
<u>SW⁴ 25-8-23</u>	<u>120</u>		



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

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

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: X GUN: _____

OTHER: _____

(Specify) _____

6. CROPS TO BE IRRIGATED: _____

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

7. WATER SAMPLE NUMBER: _____

10. ADJUSTED (SAR): _____

8. SALINITY (EC X 10⁶): _____

11. PERCENT SODIUM _____

9. SODIUM (SAR): _____

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 10 a.m./p.m., on 2/17, 1984, at the following location: NE⁴ SE⁴ 26-8-23 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: Kipp Hamilton

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

17 DAY OF Feb, 1984.

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE: Kipp Hamilton

Director, Division of Conservation

Date: 3-9-84

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

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

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

Conditional Approval

#4102

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT: Tipp Hamilton

LEGAL DESCRIPTION: Sec. 25 & 23 - 120 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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



RECOMMENDED MANAGEMENT:

The areas mapped as Dix-Altvan Association may be a problem due to the complex slope. You may find it advantageous to place this area in grass and/or alfalfa.

We also recommend the use of a form of conservation tillage to conserve moisture and control wind erosion.

Tipp M. Hamilton
SIGNATURE

3-9-84
DATE

February 21, 1984

J. Tipps Hamilton
Star Route Box 69
Midland, S.D. 57552

Dear Mipp:

For your information the filing fee for your application to amend Permit No. 1703-2 will be \$50.00. Also we will need a map showing the land to be irrigated. You can obtain an aerial photo from the ASC Office. The actual area to be irrigated must be shown and the agent can sign the map. We have the location of the dams and well on file.

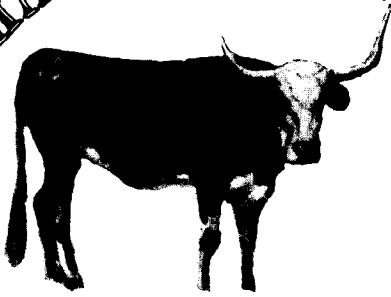
Upon receipt of the soil/water approval from the State Conservation Commission, fee and map further processing of your application will proceed.

Sincerely,

BETTY WESTLUND
Natural Resource Analyst III

bw

HAMILTON RANCH



Tip & Ruby Hamilton
S.R. 69 Box 619
Midland, S.D. 57552

Feb 24, 1984

Betty Westlund
Water & Natural Resources
Pierre, S.D.

Dear Betty,

Enclosed is an aerial photo showing the
new pivot position and a check for the filing
fee. Thanks for your help.

Respectfully

Tip Hamilton

*ms which
enclosed
ms*

2/28/84
Called - talked to his son
told him there was not a check
enclosed & would be sending
map back to be signed by Co. Agent.
BJW.



February 28, 1984

J. Tipps Hamilton
Star Route 69, Box 619
Midland, S.D. 57552

Dear Mr. Hamilton:

Enclosed is your aerial photo for the application to amend Permit No. 1703-2. The County Agent must sign the map.

Also you stated a check for the filing fee was enclosed. Your letter did not contain a check.

Sincerely,

Betty Westlund
Natural Resource Analyst III

bw

Encl: As stated

Conversation or File Documentation

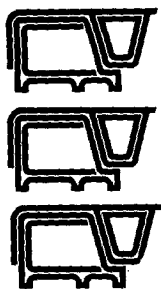
NAME OF PERSON OR FILE: Jays HamiltonADDRESS: Midland COUNTY LaakonDATE: 2-28-84 TELEPHONE 567-3666RE: Fee & Map

COMMENTS:

Called, talked to his son told him a fee was not
enclosed in his letter as stated and would be
sending his map back for signature. Returned
this date

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Bette Westlund



Betty:

Haakon Co ASCS is
Sending you a signed copy
of the aerial photo of SW $\frac{1}{4}$
Sec 25, 8 N 25 E.

Thanks

J. Tipps Hamilton



From the Desk of
J. Tipps Hamilton

Haakon Co. ASCS Office
Box 339
Philip, SD 57567

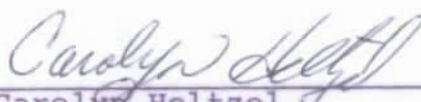


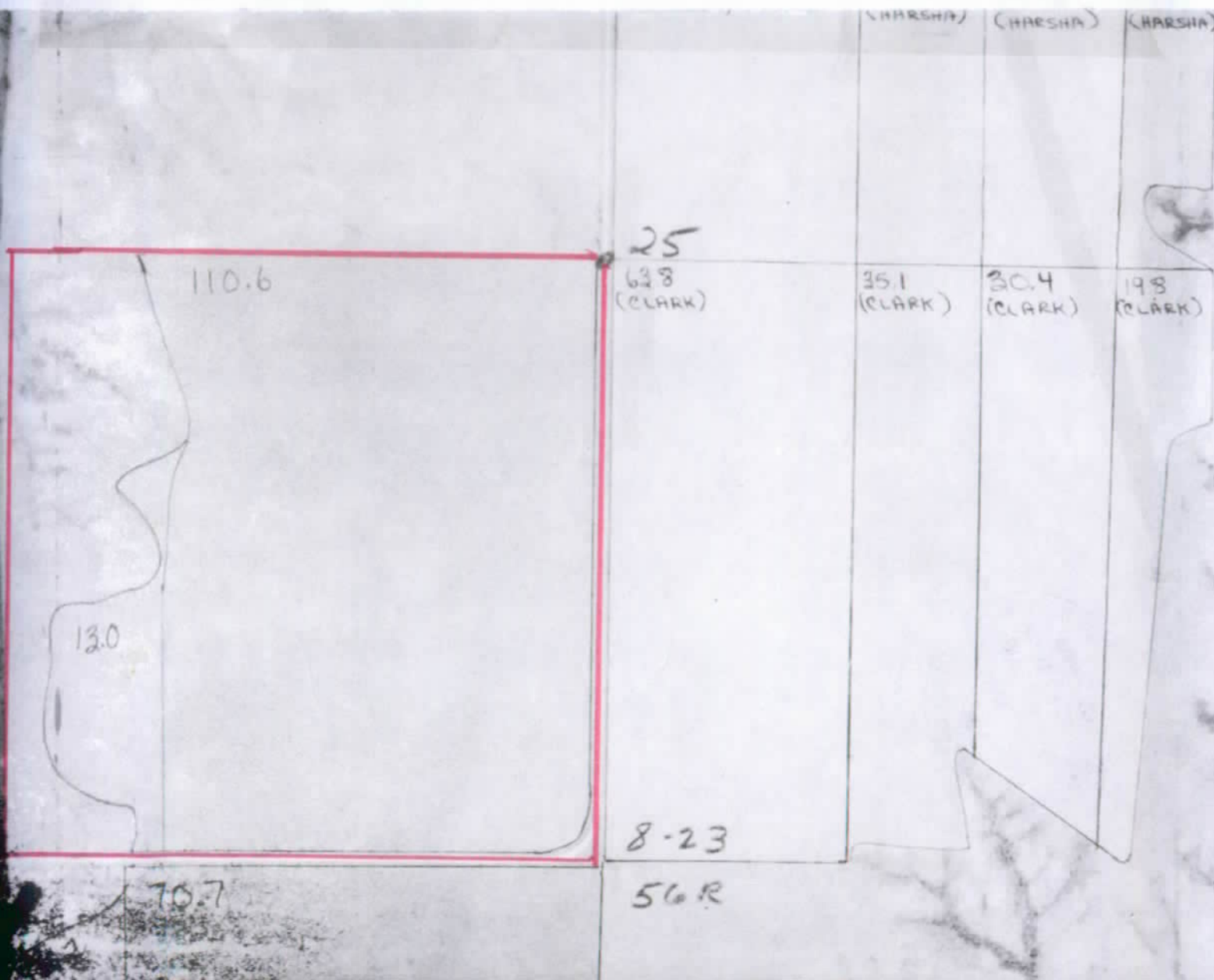
March 1, 1984

Water & Natural Resources

The SW $\frac{1}{4}$ of section 25, 8-23 is the quarter J. Tipps Hamilton wants to irrigate.

A map of this quarter is enclosed.


Carolyn Heltzel
Program Assistant



RECEIPT

Division of Water Rights

No 4 9573

South Dakota Department of Water and Natural Resources

Pierre, March 5, 1984

RECEIVED OF J. Tipps Hamilton, SR 69, Box 619, Midland, SD 57552

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

Fee for Application for Permit No. 1867-2 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		
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 John Hatch
Chief Engineer JOHN HATCH ms

REPORT ON PERMIT APPLICATION NO. 1867-2

J. TIPPS HAMILTON

March 7, 1984

Permit Application No. 1867-2 proposes to abandon irrigation of 336 acres in W 1/2 Section 26 and NW 1/4 Section 35, T8N, R23E authorized under Water Right No. 1703-2 and transfer those rights to 120 acres in SW 1/4 Section 25, T8N, R23E. This will result in a reduction in the diversion rate authorized under these two permits to 4.37 cubic feet per second. A new license will have to be issued incorporating water right No. 1703-2 and water permit No. 1867-2.

Conclusions:

1. Water is available as this is a transfer of lands only.
2. Soil/Water Compatibility has been approved.
3. Existing rights will not be affected.

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Water Resources Engineer

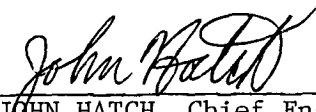
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1867-2, J. Tipps Hamilton

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. 1867-2, J. Tipps Hamilton, St Rt 69, Box 619, Midland SD.

The Chief Engineer is recommending APPROVAL of Application No. 1867-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock watering must be by-passed.
2. The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used for irrigation or for storage purposes. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with specifications of the Water Management Board.
3. Priority established by Permit No. 1172-2.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
March 8, 1984

Instruction to Newspaper - Publish first publication of the following Notice on or before March 13, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1867-2 ~~to Appropriate Water~~
~~and/or to Amend Water Permit or Water Rights~~ No. 1703-2

Notice is hereby given that J. Tipps Hamilton whose mailing address is St Rt 69, Box 619, Midland, South Dakota has made an application for a permit to transfer irrigation rights from the W 1/2 Section 26 and NW 1/4 Section 35 all in T8N, R23E (authorized under Water Right No. 1703-2) to the SW 1/4 of Section 25, T8N, R23E. Approval of this application will abandon irrigation of the W 1/2 Section 26 and NW 1/4 Section 35 all in T8N, R23E. The new land will be irrigated from the diversion points authorized under Water Right No. 1703-2. Approval of this application will not appropriate additional cubic feet of water per second.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1867-2 because ~~1) unappropriated water is available.~~
 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota on April 25 19 84 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 April 13, 1984. The petition may be informal, but it must include a statement describing the petitioner's 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 April 13, 1984.

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office MidlandDate June 12, 1984TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. _____.

Water Right Permit No. _____ states that the diversion system is to be constructed by _____, and that the water is put to beneficial use by _____.

The diversion system was completed on _____. Applying the water to beneficial use was completed on _____.

You may schedule an inspection so that ~~the Certificate of Construction and/or~~ the Water License may be issued, thus completing my acquisition of a water right.

J. Lynn Hamilton
(Signature)

SR 69 Box 619
Midland 57552



(1867-2)
1703-2

Conversation or File Documentation

NAME OF PERSON OR FILE:

J Tipps Hamilton

ADDRESS:

Box 465, St. Pierre

COUNTY

Haakon

DATE:

March 6, 1986

TELEPHONE

RE:

Status of Permits

COMMENTS:

called and talked to Mr. Hamilton about ownership and status of above permits - land has been sold to his brother Tim Hamilton. He did not know if Tim intended to irrigate or not. Send transfer form and inquire if he is going to be irrigating.

Tim's address: SR 69 Box 619

Midland SD 57552

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Lenny McDonald

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: MAR 25, 1986

This is to notify you that the title to the lands described as follows:

SW $\frac{1}{4}$ Section 25 T8N, R23E

formerly owned by J. Tipps Hamilton

has been transferred to TIM HAMILTON
Box 619 Route 69 MIDLAND So DAK 57552
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1867-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

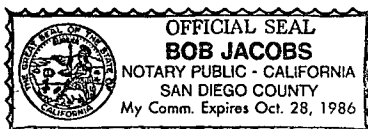
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of _____) ss.

I, TIM HAMILTON 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 I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 25th Day of MARCH, 1986



[Signature]
(Notary Public)

No. _____



Department of Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

1703-2
1867-2

April 7, 1986

Tim Hamilton
Route 69, Box 619
Midland, South Dakota 57552

Dear Mr. Hamilton:

Enclosed is receipt No.s. 410388 & 410389 in the amount of \$ 2.50 each which you paid for transfer of Water Right No.s. 1703-2 and 1867-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
ENC.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410389

Pierre, March 28, 19 86

RECEIVED OF Tim Hamilton, Box 619, Route 69, Midland, SD 57552

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>1867-2</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 Hatch
Chief Engineer

JOHN HATCH/ms



Department of Water & Natural Resources

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

March 23, 1987

TIM HAMILTON
SR 69 BOX 619
MIDLAND, SD 57552

NOTICE

Re: Violation of Water Permit(s). 1867-2 and 1986 Irrigation
Questionnaire Requirements.

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1867-2. The request for the questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1867-2 qualification:

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

The hearing will also be to determine if Permit No(s). 1703-2 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 2:00 pm, May 6, 1987, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearings(s), the Water Management Board can:

1. Suspend Permit No(s). 1867-2 until either the 1986 Questionnaire is submitted or for the period of up to one year;
2. Amend Permit No(s). 1703-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action;
4. Take no action.

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

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

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

NOTE: If the questionnaire(s) are received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

April 13, 1987

1703-2

1867-2

Tim Hamilton
PO Box 42
Pierre, SD 57501

Dear Hamilton:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1703-2 and 1867-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

647-2
1703-2
1867-2 ✓

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Tim Hamilton

ADDRESS: PO Box 42, Pierre, SD 57501-0042

COUNTY:

DATE: November 9, 1994

RE: Status of Water Right/Permit Nos. 647-2, 1703-2 and 1867-2

COMMENTS:

Mr. Hamilton called in response to his 1994 irrigation questionnaires and the "fee proposal" sent to him. He stated he purchased the land in 1985. The equipment did not go along with the purchase of the land. He stated he has not irrigated, has no equipment to do so, and does not intend to irrigate in the future. However, he did not want to lose his water rights.

I explained to him that after three years, and if legal excuse did not exist, he would have already lost the right to irrigate. He wanted to keep the water rights in case a future buyer may want to irrigate.

He was also very concerned with the Division's "fee proposal". He said he did not agree with it, would fight it with the Board and with the Legislature. He felt that if the budget was cut, then we should cut spending like everyone else has too.

I told him that we would be reviewing his water rights and most likely be scheduling them for cancellation consideration. I also told him that he would have the opportunity to come before the WMB and discuss cancellation proceedings with them.

NOTE: Nos. 1703-2 and 1867-2 both authorize storage dams. Only the irrigation portion can be cancelled for these two numbers. No. 647-2 authorizes use of water from the Cheyenne River - no storage dams involved.



Genny McMath
Environmental Scientist