

Considered: \_\_\_\_\_

Vested Right Claim

~~WATER PERMIT NO.~~

2063-2

HAP No. same

Name of Applicant Melvin Brassfield

Post Office Address Box 24, Capota SD 57725

Amount of Water Claimed 1.2 cfs Total Acres 60

Source of Water Supply Rapid Creek

Water to be used for irrigation County Pennington

About 2 miles W of Farmingdale

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved 12/8/88 Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY \_\_\_\_\_ Date Received Aug 25, 1988 Fee \$15.00 Remarks \_\_\_\_\_

5/28/1890

Corrected Application Received \_\_\_\_\_ Period of Annual Use Apr 15 - Nov 1

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

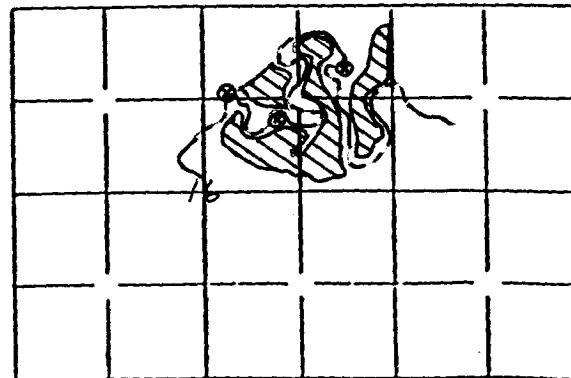
WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point Rapid Creek: NE 1/4 section 16-

T1S-R10E

Land to be Irrigated NE 1/4 section 16-T1S-

R10E



Well Log: Driller NA Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map aerial photo PREPARED BY Tim Tollefsrud Reviewed and the Number

assigned on Sept 14, 1988 By Ron D. Duvall

9:45 AM  
AUG 1988  
DIVISION OF  
WATER RIGHTS  
Pierre, SD

Application for irrigation (type or print)  
in South Dakota

No. 2063-2 Hydrologic Unit 10120110  
Basin Upper Cheyenne R.  
Newspaper Rapid City Journal, P.O. Box 450  
57701

Mail to: Water Rights Div.  
DWNR, Foss Bldg.  
Pierre, SD 57501  
(605) 773-3352

**Application For Soil/Water Compatibility Permit and Permit To Appropriate Water**

Type of Application: ☐ New ☒ Vested Right ☐ Amend Permit No. \_\_\_\_\_  
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)  
☐ Add Acreage ☐ Increase diversion rate ☐ Other \_\_\_\_\_

1. Name of Applicant Melvin Brassfield Phone No. \_\_\_\_\_  
Post Office Address Box 24 Caputa, South Dakota State 57725  
(Street, RR or Box) (City) Zip Code  
2. Amount of water claimed (c.f.s) 1.2 Total acres irrigated 60  
3. Source of Water supply Rapid Creek  
4. Location of point of diversion Between points 1430 feet South and 230 feet East of NW  
Corner of NE 1/4 of Section 16 and 600 feet West and 900 feet South of NE Corner of  
Section 16 all in T1S-R10E all in NE 1/4 County Pennington  
5. Counties where water will be used Pennington  
6. Annual period during which water is to be used April 15-November 1  
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. |
|------------------------------------------|----------------|
| <u>NE 1/4 NE 1/4 Section 16 T1S R10E</u> | <u>18</u>      |
| <u>SE 1/4 NE 1/4 Section 16 T1S R10E</u> | <u>20</u>      |
| <u>SW 1/4 NE 1/4 Section 16 T1S R10E</u> | <u>14</u>      |
| <u>NW 1/4 NE 1/4 Section 16 T1S R10E</u> | <u>8</u>       |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: \_\_\_\_\_ Center Pivot: \_\_\_\_\_ Gun: \_\_\_\_\_ Other: \_\_\_\_\_ (Specify) \_\_\_\_\_  
9. Crops to be Irrigated: Alfalfa, Grass  
10. Give a description of proposed project. (Attach sheet if more space is needed)  
Pump water from Rapid Creek into ditches and dikes to flood irrigate 60 acres  
in NE 1/4 of Section 16-T1S-R10E

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

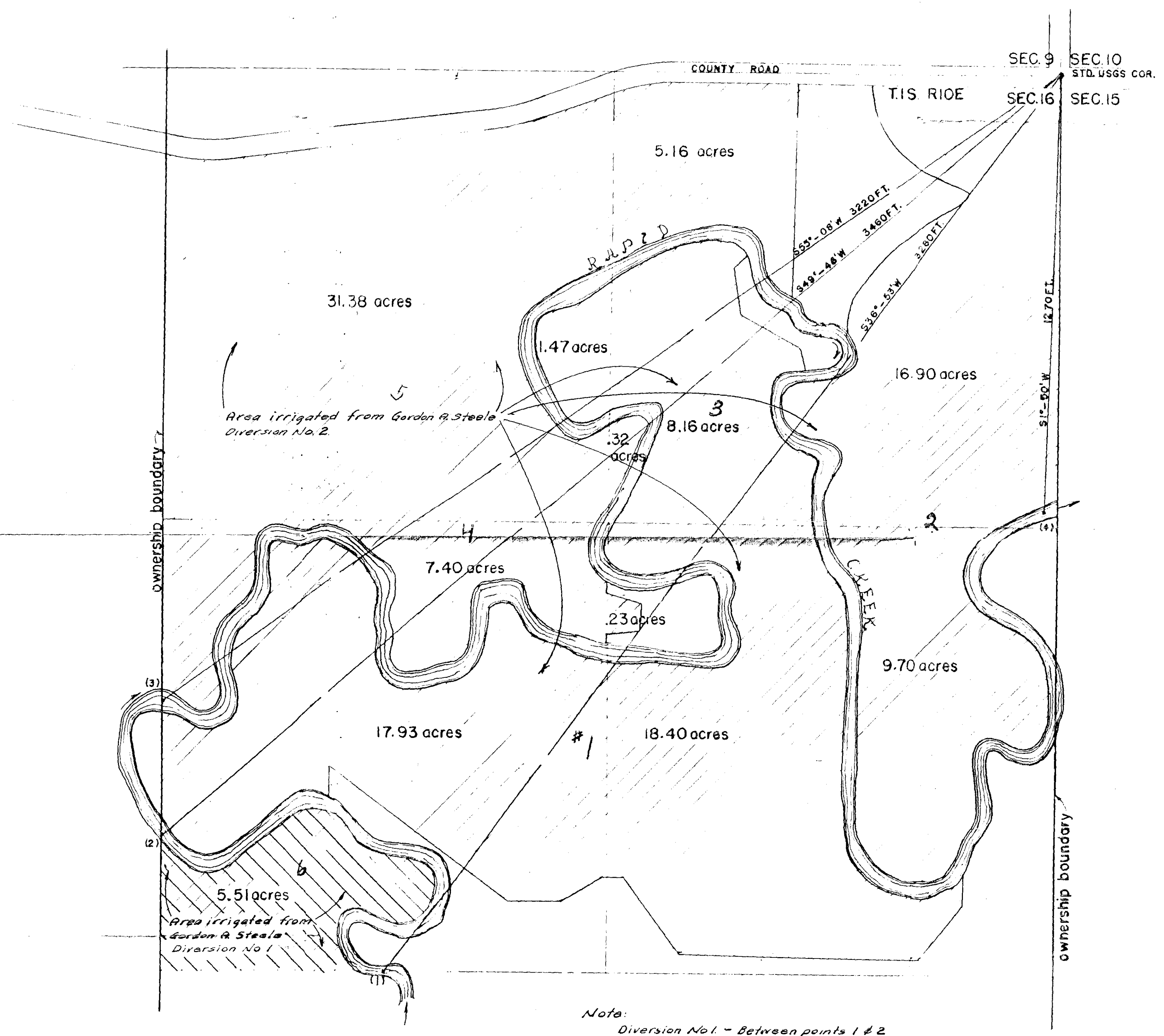
STATE OF SOUTH DAKOTA)  
County of Pennington)<sup>ss</sup>

I, Melvin Brassfield, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Melvin Brassfield \*

Subscribed and sworn to before me this 16<sup>th</sup> day of August 1988

Larry L. Graham  
Notary Public  
Commission Expires 4-22-93



Scale: 1 in. = 200 ft.

Areas By Legal Subdivision  
 NE/4, NE/4 -- 30.54 acres  
 NW/4, NE/4 -- 32.85 "  
 SW/4, NE/4 -- 30.84 "  
 SE/4, NE/4 -- 28.33 "  
 T.1S, R.10E, B.H.M.

SURVEYOR'S CERTIFICATE

State of South Dakota } ss  
 County of Brookings }  
 I, Calvin Vaudrey, a Registered Land Surveyor in the State of South Dakota, do hereby certify that, at the request of Gordon A. Steele, sole owner, I surveyed the tracts of irritable land within his ownership boundaries on August 25, 1953 for which application for appropriate water right is made and that this map is a true representation thereof.

In Witness Whereof, I have hereunto set my hand and seal this 9th day of March, A.D., 1954.  
 Calvin Vaudrey  
 Registered Land Surveyor

State of South Dakota } ss  
 County of Brookings }  
 On this day, before me, the undersigned, a Notary Public within and for the said State and County, personally appeared Calvin Vaudrey, known to me to be the person who executed the foregoing Surveyor's Certificate and acknowledged to me that he executed the same.

Witness My Hand, I have hereunto set my hand and seal this 9th day of March, A.D., 1954.  
 J. L. A. L. L. A. L. L.  
 Notary Public

My Commission Expires March 12, 1957

Note:  
 Diversion No. 1 - Between points 1 & 2  
 Diversion No. 2 - Between points 3 & 4

MAP  
 SHOWING AREA AND DIVERSION POINTS  
 FOR PERMIT TO APPROPRIATE WATER  
 GORDON A. STEELE, OWNER

Calvin Vaudrey - Surveyor March 8, 1954

App# 3063-2  
 1714-3  
 400-3  
 401-3

**SOUTH DAKOTA**

**VESTED WATER RIGHT NO. 2063-2 FOR IRRIGATION**

Date of Receipt of Claim August 25, 1988.

Date of Validation December 8, 1988.

The Water Management Board validated Vested Water Right Claim No. 2063-2 for irrigation purposes for Melvin Brassfield, P.O. Box 24, Caputa, SD 57725 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2063-2 appropriates 1.2 cubic feet of water per second from Rapid Creek to irrigate 60 acres. The Rapid Creek diversion points and the irrigated acres are located in the NE1/4, Section 16 T1S-R10E. The applicable portions of Water Right Filing No. 0512-2 and Water Right Nos. 400-2 and 401-2 were incorporated into Vested Water Right No. 2063-2 with the abandoned or forfeited portions of No. 0512-2 cancelled..

2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per acre per year and may not exceed one-seventieth (1/70) cubic feet of water per second for each acre of irrigated land. The water is to be used during the following annual period: April 1 - November 15.

3. The priority date of the Vested Water Right is May 28, 1890.

4. The water use system has been constructed and water has been applied to beneficial use.

5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. That Vested Water Right NO. 2063-2 is subject to domestic use rights. Diversion of natural flow water under Water Right No. 2063-2 is contingent upon supplies being available first to domestic users.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By: \_\_\_\_\_

  
Chief Engineer

**JUN 13 1989**

\_\_\_\_\_  
date

Division of Water Rights  
Dept. of Water and Natural Resources



STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2063-2 FOR IRRIGATION

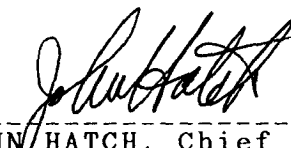
(1) Melvin Brassfield of Box 24, Caputa, South Dakota, 57725 made Application No. 2063-2, August 25, 1988 for validation of a vested right claim to appropriate 1.20 cubic feet of water per second from Rapid Creek, Pennington County, South Dakota for irrigation purposes. Vested Water Right No. 2063-2 was validated December 8, 1988 with a priority date of May 28, 1890. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 1.20 cubic feet of water per second for beneficial use. The location of the diversion points are: between points 1430 feet south and 230 feet east of the NW corner of the NE1/4 Section 16 and 600 feet west and 900 feet south of the NE corner of Section 16, T1S-R10E (NE1/4).

The location of the irrigated acreage is:

|                       |             |          |
|-----------------------|-------------|----------|
| T1S, R10E, Section 16 | NE1/4 NE1/4 | 18 acres |
|                       | SE1/4 NE1/4 | 20 acres |
|                       | SW1/4 NE1/4 | 14 acres |
|                       | NW1/4 NE1/4 | 8 acres  |
|                       | Total       | 60 acres |

(3) Pursuant to Section 46-5-30.1 Melvin Brassfield of Box 24, Caputa, South Dakota, 57725 the holder(s) and/or owner(s) of Vested Water Right No. 2063-2 is issued a license to appropriate 1.20 cubic feet of water per second from Rapid Creek with a priority date of May 28, 1890 from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2063-2 and subject to South Dakota State Law.

  
-----  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Water and Natural  
Resources  
JUN 13 1989  
-----

**Affidavit of Water Use**

No. \_\_\_\_\_

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System  
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Melvin Brassfield

Post Office Address Box 24 Caputa South Dakota 57725  
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation May 28, 1890 Date of Posting May 28, 1890  
Pennington County  
 Date of recording May 28, 1890 Recording date Register of Deeds G 537  
Where Book Page

B. Date of start of construction of water supply system May 28, 1890C. Date that water was first applied to beneficial use Charles Ham/John Peterson/Peter HammerquistD. Name of owner of original water supply system 50 cfsE. Amount of water originally applied to beneficial use irrigation 1.2 cfsF. Present Use of Water - Amount of water now being used May 28, 1890Date that this water was first used May 28, 1890

G. Chronological History of Water Use Hay + feed for Cattle

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota )

County of Pennington ) SS

I, Melvin Brassfield the applicant, certify that I have read the foregoing  
(print or type)  
 and that the matters therein stated are true.

Signed Melvin Brassfield \*Subscribed and sworn to before me August 16<sup>th</sup>, 1988

Larry L. Graham  
Notary Public or other qualified officer  
Commission Expires 4-22-93

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

\_\_\_\_\_  
(Print name) 19\_\_\_\_\_\_\_\_\_  
(Print name) 19\_\_\_\_



# Department of Water & Natural Resources

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

August 8, 1988

Melvin Brassfield  
Box 24  
Caputa, SD 57725

Dear Mr. Brassfield:

I am writing in regard to my conversation with Art Brassfield concerning your use of water for irrigation from Rapid Creek. Mr. Brassfield indicated portions of the land you irrigate were originally irrigated by the Farmingdale Ditch with a priority date of May 28, 1890. I told Mr. Brassfield a vested right application would be necessary to establish a May 28, 1890 priority date for the land originally irrigated by Farmingdale Ditch. I have enclosed the necessary forms for a vested right application.

In determining the amount of water claimed I allowed one miner's inch per acre. I reviewed Jerry Hammerquist's water right and they allowed one miner's inch per acre in determining the amount of water claimed. There are 60 acres irrigated so this would be 1.2 cfs or 60 miner's inches. This is your application so if you want to claim a higher amount you are welcome to change the amount. Although, the final decision on the amount of water you receive will be decided by the Water Management Board.

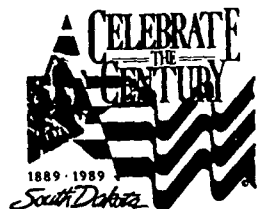
You will need to sign and notarize both application forms. Also, you will need to complete item G on Form 2B and sign and notarize this form. I have enclosed an instruction sheet for filing a Vested Right Application for your information. I have completed the map as described on item 2 on the instruction sheet. Return both application forms, Form 2B, and the required \$15.00 application fee to Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If I may answer any further questions please contact this office.

Sincerely,

Tim Tollefsrud  
Natural Resources Engineer  
(605)773-3352

enclosures



# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411870

Pierre, August 25, 1988

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

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

|                                                                                                                                    |       |    |    |
|------------------------------------------------------------------------------------------------------------------------------------|-------|----|----|
| Fee for Application for Permit No. <u>2063-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____ | 15    | 00 | VR |
| 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 | 15 | 00 |

By John Hatch  
Chief Engineer JOHN HATCH (MS)

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF  
VESTED WATER RIGHT APPLICATION NO. 2063-2, Melvin Brassfield

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 2063-2, Melvin Brassfield, Box 24, Caputa SD.

The Chief Engineer is recommending VALIDATION of Application No. 2063-2 for 1.2 cfs and that the applicable portions of Water Right Filing No. 0512-2 and Water Right Nos. 400-2 and 401-2 be incorporated into No. 2063-2 and the abandoned or forfeited portions of No. 0512-3 be cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of May 28, 1890, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualification.

1. That Vested Water Right No. 2063-2 is subject to domestic use rights. Diversion of natural flow water under Water Right No. 2063-2 is contingent upon supplies being available first to domestic users.
2. 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  
November 24, 1988



# Department of Water & Natural Resources

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

November 24, 1988

Melvin Brassfield  
Box 24  
Caputa SD 57725

Dear Mr. Brassfield:

Enclosed is a copy of the Revised Recommendation of the Chief Engineer for your Water Permit Application No. 2063-2.

Very truly yours,

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

enclosure



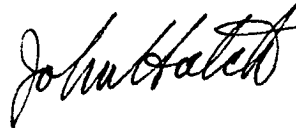
RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER  
RIGHT APPLICATION NO. 2063-2, Melvin Brassfield

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 Validation of Vested Water Right Application No. 2063-2, Melvin Brassfield, Box 24, Caputa SD.

The Chief Engineer is recommending VALIDATION of Application No. 2063-2 for 1.2 cfs and that the applicable portions of Water Right Filing No. 0512-2 and Water Right Nos. 400-2 and 401-2 be incorporated into No. 2063-2 and the abandoned or forfeited portions of No. 0512-3 be cancelled, because 1) water has been appropriated as described for irrigation use with a priority date of May 28, 1890, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualification.

That Vested Water Right No. 2063-2 is subject to domestic use rights. Diversion of natural flow water under Water Right No. 2063-2 is contingent upon supplies being available first to domestic users.

See the attached report for additional information.

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

JOHN HATCH, Chief Engineer  
October 21, 1988

REPORT ON VESTED RIGHT APPLICATION NO 2063-2  
Melvin Brassfield  
October 20, 1988

Vested Right Application No. 2063-2 requests validation of a vested right claim to appropriate 1.2 cubic feet of water per second (cfs) from Rapid Creek. There are three diversion points all located in the NE1/4 of Section 16 - T1S - R10E, Pennington County. The water is used to irrigate 60 acres all located in the NE1/4 of Section 16 - T1S - R10E. The claimed priority date of this application is May 28, 1890.

DISCUSSION

This claim is based on Water Right Filing No. 0512-2 which claimed 2500 miner's inches from Rapid Creek. The priority date of this filing is May 28, 1890 and was filed by Charles Hamm, John Peterson, and Peter Hammerquist. Water was diverted by means of a diversion dam located in the NW1/4 of Section 16 - T1S - R10E and carried by ditch, referred to as Hammerquist Ditch, and flume to irrigate portions of Sections 13, 14, 15, and 16 - T1S - R10E.

Three affidavits were submitted to the State Engineer in 1933. These stated that the ditch was still in operation. The affidavits were signed by Charles Hamm, August Bollman, and Earl Hammerquist.

According to Division of Water Right Files, the diversion dam for Hammerquist Ditch was destroyed during a flood in July, 1947. It also states in Surface Water Supply of the United States 1948, prepared by the U.S. Geological Survey, the diversion dam was destroyed in July 1947 and there was no flow in the ditch the remainder of that year. In Surface Water Supply of the United States for the years of 1951 and 1952, the records indicate there was no flow in the ditch since the diversion dam was destroyed in 1947 but there was pumping directly from Rapid Creek by irrigators which had once used the ditch.

In 1953 Gordon Steele acquired the NE1/4 of Section 16 - T1S - R10E and began to try and determine the validity of the water right filing. The State Engineer advised Mr. Steele to file a new permit application but include a statement to the effect that the new application will not in anyway void or detract any rights which may exist by virtue of Water Right Filing No. 0512-2. Mr. Steele applied for two permits and subsequently Water Right Nos. 400-2 and 401-2 were approved with a priority date of March 16, 1954 and March 17, 1954, respectively. The two water rights authorize the irrigation of 122.5 acres which includes the 60

acres listed in this application. This acreage has been irrigated continuously since 1954.

A "Notice of Transfer of Water Right" was received December 7, 1973 which transferred Water Right Nos. 400-2 and 401-2 to Art Brassfield. The water rights were then transferred to Melvin Brassfield in 1984.

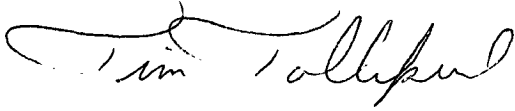
The amount of water claimed in this application is 1.2 cfs to irrigate 60 acres which is more than allowed by SDCL 46-5-6. In reviewing subsequent vested rights which were filed on portions of land originally under Hammerquist Ditch, one miner's inch was allowed for each acre irrigated. Using this standard the amount of water to irrigate 60 acres would be 60 miner's inches. South Dakota Statutes states that 1.0 cfs is equal to 50 miner's inches. According to this definition the total amount of water which could be claimed by this application would be 1.2 cfs.

There have been two other vested right claims on Water Right Filing No. 0512-2. Jerry Hammerquist has Vested Right Claim No. 1810-2 for the diversion of 1.28 cfs and Eddie Taylor has Vested Right Claim No. 529-2 for the diversion of 1.64 cfs. They both have a priority date of May 28, 1890.

#### CONCLUSIONS

1. Water Right Filing No. 0512-2 authorized the diversion of 2500 miner's inches to be diverted from Rapid Creek by means of a headgate and transported by ditch and flume. This system was in operation from 1898 until 1947 when the diversion dam was destroyed by a flood.
2. No water was diverted into the ditch after 1947, but water was pumped directly from Rapid Creek by irrigators downstream from the original diversion dam.
3. Water Right Nos. 400-2 and 401-2 authorize the irrigation of 122.5 acres with priority dates of March 16, 1954 and March 17, 1954, respectively. The 60 acres listed in this permit are included in these two water rights. These acres have been irrigated continuously since 1954.
3. There is no evidence which clearly states the 60 acres listed in this application was not irrigated during the period from 1947 through 1953.
4. It is recommended that Vested Right Application No. 2063-2 be validated for 1.2 cfs to irrigate 60 acres with a priority date of May 28, 1890.

5. It is recommended if Vested Right Application No. 2063-2 is validated that the applicable portions of Water Right Filing No. 0512-2 and Water Right Nos. 400-2 and 401-2 be incorporated into No. 2063-2 and the abandoned or forfeited portions of No. 0512-2 be cancelled.

A handwritten signature in cursive script, appearing to read "Tim Tollefsrud".

Tim Tollefsrud  
Natural Resources Engineer  
DWRN, Division of Water Rights



# Department of Water & Natural Resources

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

October 27, 1988

Rapid City Journal  
PO Box 450  
Rapid City SD 57701

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2063-2 to be published twice. Please publish the notice on or before November 3, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Melvin Brassfield, Box 24, Caputa SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO:       ATTN: Ron Duvall  
          Water Rights Division  
          Joe Foss Building  
          Pierre SD 57501-3181

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Paper





# Department of Water & Natural Resources

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

October 27, 1988

NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT THE  
NEWSPAPER RIGHT AWAY.

Melvin Brassfield  
Box 24  
Caputa SD 57725

Dear Mr. Brassfield:

Your Application No. 2063-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Rapid City Journal printed at Rapid City SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
605 773-3352

enclosures



Instruction to Newspaper - Publish first Notice on or before November 3, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

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NOTICE OF HEARING To Validate  
Vested Water Right Application No. 2063-2 to Appropriate Water

Notice is given that Melvin Brassfield, Box 24, Caputa SD 57725 has filed an application to validate a vested water right claim to appropriate 1.2 cubic feet of water per second (cfs) from Rapid Creek to irrigate 60 acres with a claimed priority date of May 28, 1890. The Rapid Creek diversion points and the irrigated acreage are located in the NE 1/4 Section 16, T1S, R10E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2063-2 for 1.2 cfs and that the applicable portions of Water Right Filing No. 0512-2 and Water Right Nos. 400-2 and 401-2 be incorporated into No. 2063-2 and the abandoned or forfeited portions of No. 0512-2 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of May 28, 1890, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls SD on December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

Nov. 2, 9

L059

**NOTICE OF HEARING**  
To Validate Vested Water  
Right Application No. 2063-2  
to Appropriate Water

Notice is given that Melvin Brassfield, Box 24, Caputa, SD 57725 has filed an application to validate a vested water right claim to appropriate 1.2 cubic feet of water per second (cfs) from Rapid Creek to irrigate 60 acres with a claimed priority date of May 28, 1890. The Rapid Creek diversion points and the irrigated acreage are located in the NE 1/4 Section 16, T15, R10E.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2063-2 for 1.2 cfs and that the applicable portions of Water Right Filing No. 0152-2 and Water Right Nos. 400-2 and 401-2 be incorporated into No. 2063-2 and the abandoned or forfeited portions of No. 0512-2 be cancelled because 1) water has been appropriated as described for irrigation with a priority date of May 28, 1890, 2) the use has been developed without the unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls, SD on December 7, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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, 46-3-13, 46-3-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74-02-01-01 thru 74-02-01-15 and 74-02-01-19 thru 74-02-01-22.

# Affidavit of Publication

STATE OF SOUTH DAKOTA

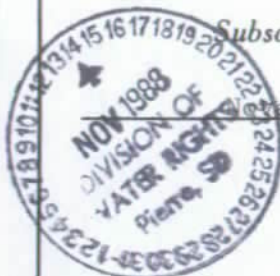
ss.

County of Pennington

I, Jerry J. Shoener, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, an employee of the RAPID CITY JOURNAL COMPANY, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for two successive weeks, the first publication thereof being on the second day of November, 1988, that the fees charged for the publication thereof are seventy-seven Dollars and eighteen cents.

Jerry J. Shoener

Subscribed and sworn to before me this 9th day of November, 1988.



Nevy Washburn  
Notary Public.



# Department of Water & Natural Resources

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

JUN 13 1989

Melvin Brassfield  
Box 24  
Caputa, SD 57725

Dear Mr. Brassfield:

Enclosed are your Validated Vested Water Right and Water License No. 2063-2. 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  
(605) 773-3352

JH:mra

enclosures



## Conversation or File Documentation

NAME OF PERSON OR FILE: MELVIN BRASSFIELDADDRESS: Box 24 Caputa, SD COUNTY PENNINGTONDATE: 6/16/92 TELEPHONE \_\_\_\_\_RE: IRRIGATION QUESTIONNAIRE PROBLEMS

## COMMENTS:

I MET WITH MR BRASSFIELD, I TOLD HIM THAT THE QUESTIONNAIRE FOR WATER PERMIT NO 2063-2 STATED "DON'T HAVE ANY MORE" I ASKED HIM IF HE STILL IRRIGATED UNDER THAT PERMIT. HE SAID HIS WIFE FILLED OUT THE QUESTIONNAIRE AND THAT SHE HAD MADE A MISTAKE. THIS PAST YEAR HE HAD ~~BE~~ SWITCHED FROM IRRIGATION WITH ELECTRICITY TO IRRIGATION USING DIESEL. HE THEN HAD THE SERVICE LINE REMOVED. HIS WIFE HAD MISTAKENLY REPORTED THE REMOVAL OF THE ELECTRIC MOTOR & SERVICE LINE NOT OF ALL IRRIGATION.

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: Paul D. Keith



2063-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 16, 1994

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57725

**NOTICE**

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

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

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaires are received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 9, 1994

**NOTICE**

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

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

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

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

The hearing is now scheduled as follows:

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

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

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

# CERTIFICATION

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

2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.  
2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.  
5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.  
2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.  
1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.  
1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.  
4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.  
180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.  
1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.  
1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.  
417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.  
540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.  
1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.  
792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.  
4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.  
2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.  
1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.  
1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.  
1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.  
2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.  
526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.  
1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.  
3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.  
1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.  
407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.  
4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.  
5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.  
2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.  
4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.  
5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.  
475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.  
961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

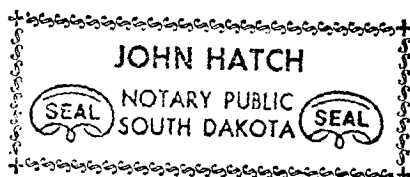
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.  
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.  
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.  
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.  
 2242-3: Mark Quam, RR 2, Box 456, Elk Point, SD 57025.  
 1523-2 & 1525-2: May & Sons, Inc., HC 53, Box 21, Interior, SD 57750.  
 3550-3: Melvin A. Schmidt, Rt 2, Box 127, Parker, SD 57053.  
 1714-2 & 2063-2, 400-2 & 401-2: Melvin E. Brassfield, Box 24, Caputa, SD 57725.  
 5353-3: Michael A. Koslowski, RR 1, Box 44, Waubay, SD 57273.  
 4910A-3: Michael L. Kreber, RR 1, Box 89, Tabor, SD 57063.  
 2120-2: Mick Zink, HC 88, Box 51, Wewela, SD 57578.  
 5205-3: Oahe Shores Golf Association, Dennis Moser, P.O. Box 174, Pollock, SD 57648.  
 1684-3 & 2742-3: Paul Daly, P.O. Box 379, Ft. Thompson, SD 57339-0379.  
 5736-3: Robert Streeter, 2645 Country VW, Monroe, WI 53566.  
 235-3: Russell Doolittle, RR 1, Box 53, Wolsey, SD 57384.  
 1264-3A: Steffen Brothers, Inc., HCR 37, Box 132, Pierre, SD 57501-9514.  
 424-1: Steve Smeenk, Rt 1, Box 134, Newell, SD 57760.  
 399-2: Thomas & Robin Jagow, HC 56, Box 39, Buffalo Gap, SD 57722.  
 5225-3: Town of Pollock, Lila Renner, F.O., P.O. Box 57, Pollock, SD 57648-0057.  
 925-1: Warren N. Golliher, RR 1, Box 237D, Spearfish, SD 57783.  
 897-2: Wilbert & Judith Ohlmann, HCR 69, Box 663, Midland, SD 57552.  
 1402A-2: William & James O'Kief, HC 68, Box 32, Wood Lake, NE 69221.  
 4646A-3: William A. Stoddard, 821 S. Walts Ave., Sioux Falls, SD 57104.

*Cheryl F. Frost*

Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA )  
 ) SS  
 COUNTY OF HUGHES )

Sworn to, before me, this 10<sup>th</sup> day of March, 1994.



*John Hatch*  
Notary Public

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

April 1, 1994

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

Melvin E Brassfield  
Box 24  
Caputa, SD 57725

Dear Mr. Brassfield:

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

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 7, 1995

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57725

**NOTICE**

RE: Violation of Water Permit No(s) 400-2 & 401-2, 2063-2 and 1994 Irrigation Questionnaire Requirements

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 400-2 & 401-2, 2063-2. The request for the Questionnaires was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 400-2 & 401-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2063-2 qualification:

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

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

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

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

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

Very truly yours,

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

ted on the reverse side?

**SENDER:**

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

3. Article Addressed to:

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA, SD 57725

4a. Article Number

P 757 566 282

4b. Service Type

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2/9/95

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

5. Signature (Addressee)

*Susan Brassfield*

6. Signature (Agent)

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

Thank you for using Return Receipt Service.

Is your RETURN

PS Form 3811, December 1991 ☆ U.S.G.P.O. : 1992-307-530

**DOMESTIC RETURN RECEIPT**



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 15, 1995

400-2

401-2

2063-2

Melvin Brassfield  
Box 24  
Caputa, SD 57725

Dear Mr. Brassfield:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of Water Permits and the Irrigation Questionnaire Requirements.**

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 9, 1998

**NOTICE**

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

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

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

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

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

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

If the questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57735

4a. Article Number

2179157132

4b. Service Type

- |                                                         |                                               |
|---------------------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> Registered                     | <input checked="" type="checkbox"/> Certified |
| <input type="checkbox"/> Express Mail                   | <input type="checkbox"/> Insured              |
| <input type="checkbox"/> Return Receipt for Merchandise | <input type="checkbox"/> COD                  |

7. Date of Delivery

1/16/98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Susan Brassfield

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 21, 1998

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

Melvin E Brassfield  
Box 24  
Caputa, SD 57735

Dear Mr. Brassfield:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 22, 1999

2063-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**NOTICE**

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

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

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

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

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

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

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

If the questionnaires are received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 12, 1999

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

Melvin E Brassfield  
Box 24  
Caputa, SD 57725

Dear Mr. Brassfield:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 16, 2002

**NOTICE**

2063-2  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

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

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

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

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

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

If the questionnaires are received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57725

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery  
SUSAN BRASSFIELD 1-25-02

C. Signature ☐ Agent  
X Susan Brassfield ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ Signature Required

4. Restricted Delivery? (Extra Fee) ☐ Yes



7001 2510 0004 4797 5859



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 14, 2002

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

Melvin E Brassfield  
Box 24  
Caputa, SD 57725

Dear Mr. Brassfield:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 14, 2004

2063-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**NOTICE**

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

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

**SUBJECT:** Reporting Requirement for 2003 Irrigation Questionnaires

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

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

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

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

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

If the questionnaires are received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



2063-2

## Track & Confirm

### Current Status

You entered 2301 3460 0000 8515 7742

Your item was delivered at 9:25 am on January 26, 2004 in CAPUTA, SD 57725. The item was signed for by S BRASSEDILD.

[Shipment Details >](#)

### Notification Options

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## U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8515 7742

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57725

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

iling.

### POSTAL CUSTOMER:

Keep this receipt. For Inquiries:  
Access internet web site at  
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PS Form 153, July 2001

(See Reverse)



2063-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 26, 2004

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

Melvin E Brassfield  
Box 24  
Caputa SD 57725

Dear Mr. Brassfield:

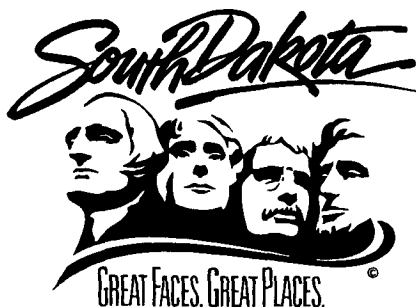
I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2063-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

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

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

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

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaires are received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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



2063-2  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 1, 2005

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

Melvin Brassfield  
Box 24  
Caputa SD 57725

Dear Mr. Brassfield:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



January 26, 2007

**NOTICE**

2063-2  
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

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

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

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

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

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 9, 2007

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

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

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

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

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

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

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

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

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

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

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

## CERTIFICATION

I hereby certify that on March 9, 2007, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 9, 2007 regarding Board action concerning irrigation questionnaire violations addressed as stated below:

|                                                                                     |                                                                                                                                                             |                                                                                                     |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Nos. 400-2, 401-2, 1714-2, 2063-2<br>Melvin Brassfield<br>Box 24<br>Caputa SD 57725 | No. 672-2<br>Edward Patrick Henry<br>PO Box 11<br>Whiteclay NE 69365-0011                                                                                   | Nos. 1766A-1, 1082-1<br>Charles F Pfeifer<br>180 E 79 <sup>th</sup> St Apt 18B<br>New York NY 10021 |
| No. 3937-3<br>Wendell Schubloom<br>20608 Hwy 25<br>DeSmet SD 57231                  | No. 1802-1<br>Lyle Sprague<br>18864 Stonelake Rd<br>Nisland SD 57762                                                                                        | No. 4226-3<br>Ferdy Tesch<br>45336 174 <sup>th</sup> St<br>Watertown SD 57201-7650                  |
| No. 2241-3<br>Jeffrey A Kreber<br>31015 421 <sup>st</sup> Ave<br>Tabor SD 57063     | No. 3646-3<br>Steven R Null<br>1510 12 <sup>th</sup> Ave S<br>St Cloud MN 56301<br><br>Steven R Null<br>29278 460 <sup>th</sup> Ave<br>Centerville SD 57014 | No. 431-1<br>Robert Parsons<br>1615 Cedar St<br>Sturgis SD 57785                                    |
| No. 1014-1<br>Ronald Steineke<br>25319 464 <sup>th</sup> Ave<br>Hartford SD 57033   | No. 1693A-3<br>Calvin Frank Anderson<br>25518 411 <sup>th</sup> Ave<br>Mitchell SD 57301                                                                    | Nos. 1473-2, 1502-2<br>Randy Bachelor<br>HC 78 Box 60A<br>White River SD 57579                      |
| No. 1632-2<br>Chris Horlock<br>5471 Hidden Valley Ln<br>Rapid City SD 57702         | No. 4648-3<br>Mark Rasmussen,<br>28639 458 <sup>th</sup> Ave<br>Hurley SD 57036                                                                             |                                                                                                     |

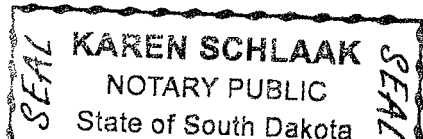
L. F. Jackson

Gail Jacobson  
Water Rights Program

[illegible]

Sworn to, before me, this 12<sup>th</sup> day of March, 2007.

*Karen Aeneak*  
Notary Public



**My Commission Expires**  
**April 1, 2007**

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

RECEIVED

MAR 13 2007

WATER RIGHTS  
PROGRAM



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 14, 2007

1714-2  
2063-2

Melvin Brassfield  
Box 24  
Caputa SD 57725

Dear Mr. Brassfield:

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

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

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

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 18, 2008

**NOTICE**

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

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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

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## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0802 2601

Detailed Results:

- Delivered, February 27, 2008, 6:32 am, PIERRE, SD 57501
- Unclaimed, February 25, 2008, 9:19 am, CAPUTA, SD
- Notice Left, January 19, 2008, 10:01 am, CAPUTA, SD 57725
- Acceptance, January 18, 2008, 9:31 am, PIERRE, SD 57501

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SIGNATURE CONFIRMATION NUMBER:  
1009 2090 0000 0912 E0E2

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57725

Waiver of Signature ☐ YES ☐ NO

Postmark  
Here

**POSTAL CUSTOMER:**  
Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](#)  
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**DEPARTMENT of ENVIRONMENT  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 27, 2008

**NOTICE**

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

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

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

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

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

enclosures

## CERTIFICATION

I hereby certify that on February 27, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2008 regarding irrigation questionnaires for 400-2, 401-2, 1714-2 & 2063-2 addressed as stated below:

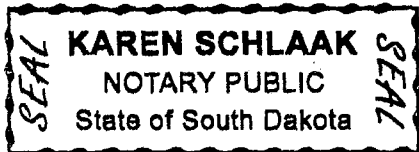
Melvin Brassfield, PO Box 24, Caputa SD 57725

  
Gail Jacobson  
Secretary  
Water Rights

[illegible]

Sworn to, before me, this 27<sup>th</sup> day of February, 2008.

Karen Schlaak  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 12, 2008

**NOTICE OF ONE YEAR SUSPENSION**

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

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

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

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

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

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

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

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

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

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

My commission expires 4/1/13



2063-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 22, 2010

NOTICE

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

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/asp>

**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.

[Track & Confirm](#)[FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 2303 2160 0000 0802 8528

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 7:28 AM on January 29, 2010 in CAPUTA, SD 57725. The item was signed for by S BRASSFIELD.

### Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

### Detailed Results:

- **Delivered, January 29, 2010, 7:28 am, CAPUTA, SD 57725**
- **Notice Left, January 23, 2010, 10:21 am, CAPUTA, SD 57725**
- **Arrival at Post Office, January 23, 2010, 9:18 am, CAPUTA, SD 57725**

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No FEAR Act EEO Data

FOIA

### U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0802 8528MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57725Waiver of Signature ☐ YES ☐ NOPostmark  
Here**POSTAL CUSTOMER:**Keep this receipt. For Inquiries:  
Access internet web site at  
[www.usps.com](http://www.usps.com)®  
or call 1-800-222-1811**CHECK ONE (POSTAL USE ONLY)**

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PS Form 153, May 2002

(See Reverse)



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[www.state.sd.us/denr](http://www.state.sd.us/denr)

March 8, 2010

Melvin Brassfield  
Box 24  
Caputa SD 57725

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

Dear Mr. Brassfield:

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

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



2063-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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523 EAST CAPITOL  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 24, 2014

NOTICE

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

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

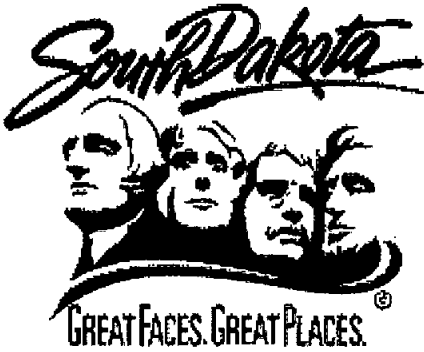
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT  
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[www.denr.sd.gov](http://www.denr.sd.gov)

February 24, 2014

Melvin Brassfield  
Box 24  
Caputa SD 57725

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

Dear Mr. Brassfield:

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

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



2063-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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January 16, 2015

NOTICE

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

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

2063-2



DEPARTMENT of ENVIRONMENT  
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denr.sd.gov

February 13, 2015

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

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

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

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



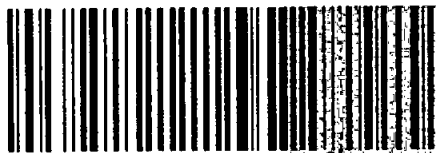
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RETURN SERVICE REQUESTED

UP THE RETURN ADDRESS, FOLD AT DOTTED LINE

**CERTIFIED MAIL™**



7013 0600 0001 9748 2174



02 1R

0002007087

**\$ 03.78<sup>0</sup>**

JAN 16 2015

MAILED FROM ZIP CODE 57501

AA 1-20

AT

1-31

2-2 Return

MELVIN E BRASSFIELD  
BOX 24  
CAPUTA SD 57725

NIXIE

571 DE 1009

0002/07/15

RETURN TO SENDER

UNCLAIMED

UNABLE TO FORWARD

BC: 57501318299

\*0935-06595-16-43



57501 03182

## CERTIFICATION

I hereby certify that on February 13, 2015, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 13, 2015 regarding irrigation questionnaires addressed as stated below:

**Water Right No's. 400-2, 401-2, 1714-2 & 2063-2**

Melvin Brassfield, Po Box 24, Caputa SD 57725



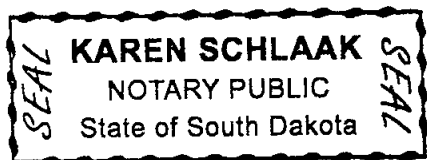
Gail Jacobson  
Secretary/Water Rights

STATE OF SOUTH DAKOTA     )  
                                                      ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 13<sup>th</sup> day of February, 2015.



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2019



English

Customer Service

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## USPS Tracking™



Customer Service >  
Have questions? We're here to help.

Tracking Number: 70130600000197483898

Updated Delivery Day: Tuesday, March 10, 2015

## Product &amp; Tracking Information

Postal Product:

Extra Svc:  
Certified Mail™

| DATE & TIME              | STATUS OF ITEM | LOCATION         |
|--------------------------|----------------|------------------|
| March 10, 2015 , 7:15 am | Delivered      | CAPUTA, SD 57725 |

Your item was delivered at 7:15 am on March 10, 2015 in CAPUTA, SD 57725.

|                          |                                 |                      |
|--------------------------|---------------------------------|----------------------|
| March 9, 2015 , 10:40 am | Arrived at Unit                 | LUSK, WY 82225       |
| March 9, 2015 , 7:38 am  | Departed USPS Facility          | RAPID CITY, SD 57701 |
| March 7, 2015 , 11:05 pm | Arrived at USPS Origin Facility | RAPID CITY, SD 57701 |
| March 6, 2015 , 4:32 am  | Departed USPS Facility          | HURON, SD 57399      |
| March 5, 2015 , 9:29 pm  | Arrived at USPS Origin Facility | HURON, SD 57399      |
| March 5, 2015 , 6:06 pm  | Departed Post Office            | PIERRE, SD 57501     |
| March 5, 2015 , 12:58 pm | Acceptance                      | PIERRE, SD 57501     |

## Available Actions

Text Updates

Email Updates

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| Return Receipt Fee<br>(Endorsement Required)      |    |
| Restricted Delivery Fee<br>(Endorsement Required) |    |
| Total Postage & Fees                              | \$ |

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Here

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

7013 0600 0001 9748 3898



DEPARTMENT of ENVIRONMENT  
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523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

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

FROM: Jeanne Goodman, Chief Engineer  
Water Rights Program

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

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.denr.sd.gov](http://www.denr.sd.gov)

March 26, 2015

Melvin Brassfield  
Box 24  
Caputa SD 57725

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

Dear Mr. Brassfield:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

Jeanne Goodman, Chief Engineer  
Water Rights Program



2063-2

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 15, 2016

**NOTICE**

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

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

English

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MELVIN E BRASSFIELD  
 BOX 24  
 CAPUTA SD 57725

PS Form 3800, August 2006™

See Reverse for Instructions

AVI

## Product &amp; Tracking Information

Postal Product:

Features:

Certified Mail™

Text I

## DATE &amp; TIME

## STATUS OF ITEM

## LOCATION

## Email

January 20, 2016 , 10:00  
amDelivered, Individual  
Picked Up at Post Office

CAPUTA, SD 57725

Your item was picked up at the post office at 10:00 am on January 20, 2016 in CAPUTA, SD 57725.

January 20, 2016 , 9:44 am

Available for Pickup

CAPUTA, SD 57725

January 19, 2016 , 9:20 pm

Departed USPS Origin  
Facility

RAPID CITY, SD 57701

January 19, 2016 , 6:19 pm

Arrived at USPS Origin  
Facility

RAPID CITY, SD 57701

January 17, 2016 , 11:20 pm

Arrived at USPS Origin  
Facility

SIOUX FALLS, SD 57104

January 16, 2016 , 11:30 pm

Departed USPS Facility

HURON, SD 57399

January 15, 2016 , 9:42 pm

Arrived at USPS Origin  
Facility

HURON, SD 57399

January 15, 2016 , 6:05 pm

Departed Post Office

PIERRE, SD 57501

## DATE &amp; TIME

January 15, 2016 , 1:06 pm

## STATUS OF ITEM

Acceptance

## LOCATION

PIERRE, SD 57501

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DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
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PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

February 9, 2016

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

Melvin E Brassfield  
Box 24  
Caputa SD 57725

Dear Mr. Brassfield:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2063-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 20, 2017

NOTICE

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

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



2063-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

Melvin Brassfield  
PO Box 24  
Caputa SD 57725

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

Dear Mr. Brassfield:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



2063-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 26, 2018

NOTICE

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



2063-2

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
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PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

March 14, 2018

Melvin Brassfield  
PO Box 24  
Caputa SD 57725

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

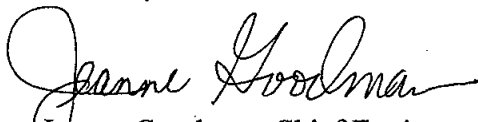
Dear Mr. Brassfield:

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

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

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

Sincerely,

  
Jeanne Goodman, Chief Engineer  
Water Rights Program



Touchstone Energy® Cooperatives  
The power of human connections®

We need to put these  
irrigation papers in  
Brassfield Ranch LLC

Box 24

Caputa, So. Dak  
57725

Melvin has passed  
away in Dec  
Thank you

Susan, call me  
if need question — 605-381-4448

**TOUCHSTONEENERGY.COM**

(sorry this late) Melvin really  
sick

2063-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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[www.denr.sd.gov](http://www.denr.sd.gov)

January 10, 2019

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

Brassfield Ranch LLC  
Box 24  
Caputa SD 57725

Dear Sirs:

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

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

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

Sincerely,

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

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

enclosures

PAID

MAY 10 2019

Ck# 21001

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY 10 2019

WATER RIGHTS  
PROGRAM

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

No. 2063-2

Date: 4-10-19

I/We request that Water Right No. 2063-2

formerly owned by: Melvin Brassfield

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

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

60 acres - NE 1/4 Section 16, T1S, R10E

I/We understand that the validity of Water Right No. 2063-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

**A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.**

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

  
(Signed by new owner)

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **May 10**

, 20 **19**

RECEIVED OF

**Steven Brassfield-Brassfield Ranch LLC Box 43 Caputa SD 57725**

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

|                                                                                                                |       |    |
|----------------------------------------------------------------------------------------------------------------|-------|----|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use | 50    | 00 |
| Fee for Application for Permit No. _____ to Appropriate Water for Future use                                   |       |    |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                         |       |    |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____            |       |    |
| Fee for Filing Transfer Form _____ <b>2063-2</b>                                                               |       |    |
| 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. _____                                         | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |    |
| (Any Other Work Provided by Law)                                                                               | TOTAL |    |

No. **09136**

By

*Jeanne Goodman*  
Chief Engineer  
*VM*

2063-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

May 13, 2019

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

Steven Brassfield  
Brassfield Ranch LLC  
Box 43  
Caputa SD 57725

Dear Mr. Brassfield:

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

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

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

Sincerely,

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

enclosures

2063-2



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

January 20, 2022

**NOTICE**

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 400-2, 401-2, 1714-2 & 2063-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 400-2, 401-2, 1714-2 & 2063-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

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

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

2063-2



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

March 1, 2022

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

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

Dear Mr. Brassfield:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 & 2063-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

## Dewell, Amanda

---

**From:** Dewell, Amanda  
**Sent:** Thursday, April 2, 2026 2:42 PM  
**To:** rancherlee123@outlook.com  
**Cc:** Rodriguez, Rachel  
**Subject:** Irrigation Applications\_Amend  
**Attachments:** Brassfield\_Amendment Apps.pdf

Lee –

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

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

Thank you,

### Amanda Dewell

DANR - Water Rights Program  
Permitting Administrator  
Main Phone: 605 773-3352  
Website: [danr.sd.gov](http://danr.sd.gov)



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

NAME: Brassfield Ranch LLC c/o Lee Brassfield

DATE: April 08, 2026

PHONE: 605-391-2091

RE: Pumping irrigation water prior to permitted start date.

**COMMENTS:**

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

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

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



Adam Mathiowetz

Acting Chief Engineer

DANR-Water Rights Program