

Considered: _____

WATER PERMIT NO. 2081-2

45

HAP No. Same 669-2391

Name of Applicant Murdo-Ford Mercury c/o Jim Butt

Post Office Address Box 186, Murdo, SD 57559

Amount of Water Claimed no add'l Total Acres no add'l

Source of Water Supply Bad River

Water to be used for irrigation County Stanley

West side of Fort Pierre

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received April 10, 1989 Fee \$50.00 Remarks This appl. is

to change the location of the div. pt. - see # 890-2

Corrected Application Received _____ Period of Annual Use April - Oct 31

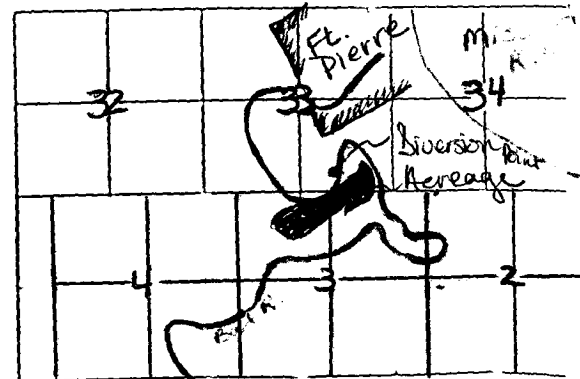
WATER QUALITY APPROVAL RECEIVED not required APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point Lot 5 Section 33-T5N-R31E

Land to be Irrigated Sec 33-T5N-R31E

Sec 3-T4N-R31E



Well Log: Driller NA Licensed YES NO

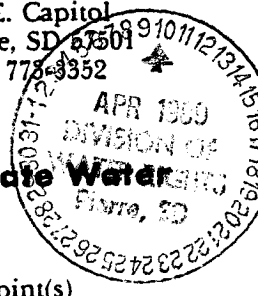
Depth of Well. _____ REMARKS _____

Type of Map aerial photo PREPARED BY Russell Ahadi Reviewed and the Number

assigned on May 9, 1989 By Susan A. Bowser

(See instructions)

No. 2081-2 Hydrologic Unit 10140102
Basin Bad R.
Newspaper Capitol Journal Box 878 Pierre 57501
(daily)



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 Jim Butt, Murdo-Ford Mercury Phone No. 669-2391
Post Office Address Box 186, Murdo State SD Zip Code 57559
(Street, RR or Box) (City)
2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 70.0 (no add'l)
3. Source of Water supply Bad River
4. Location of point of diversion approximately 2171 feet west, 470 feet north from the Southeast corner of Section 33, T5N-R31E (SW1/4SE1/4)
(Lot 5 Section 33-T5N-R31E) County Stanley
5. Counties where water will be used Stanley
6. Annual period during which water is to be used April 1 - October 31
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.
Lot 6, Sec 33, T5N-R31E	17.7
Lot 5, Sec 33, T5N-R31E	4.9

Land Description	No. Acres Irr.
Lot 1 Sec 3, T4N-R31E	0.8
Lot 2 Sec 3, T4N-R31E	23.0
Lot 3 Sec 3, T4N-R31E	23.6

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: ☒ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____
(Specify)
9. Crops to be Irrigated: Corn and Hay
10. Give a description of proposed project. (Attach sheet if more space is needed)

This application is to change location of the diversion point from the SE $\frac{1}{4}$ SE $\frac{1}{4}$, authorized under Water Permit No. 890-2, to Lot 5, Section 33, T5N-R31E.

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 Jones)^{ss}

I, Jim Butt, 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 Jim Butt

Subscribed and sworn to before me this 7th day of April 1989

Karen J. Royer
Notary Public
Comm expires 10-8-95

SOUTH DAKOTA
WATER PERMIT No. 2081-2 FOR IRRIGATION

Date of first receipt of application April 10, 1989.

The Water Management Board approved Water Permit Application No. 2081-2 on July 26, 1989 for Murdo - Ford Mercury c/o Jim Butt, Box 186, Murdo, South Dakota 57559 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2081-2 is to change the location of the diversion point authorized by Water Right No. 890-2. Water Right No. 890-2 appropriates 1.26 cubic feet of water per second from the Bad River at a point located in the SE1/4 SE1/4 Section 33-T5N-R31E to irrigate 88.5 acres located in the S1/2 Section 33-T5N-R31E; N1/2 Section 3-T4N-R31E. An inspection found the point of diversion located in Lot 5 Section 33-T5N-R31E. No increase in acres irrigated or water appropriated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 to October 31.
3. The date from which applicant may claim right is August 9, 1966.
4. One-fifth of the construction is completed.
5. All construction is completed.
6. Water is put to beneficial use.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: _____

John H. Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)



Department of Water & Natural Resources

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

March 23, 1989

Jim Butt
Box 186
Murdo SD 57559

RE: Application to Change Location of the Diversion Point

Dear Mr. Butt:

On December 1, 1988, an inspection was conducted from your irrigation project in Stanley County. The inspection showed that the location of the diversion point, authorized under Water Right No. 890-2, was changed from the SE1/4 SE1/4 to SW1/4 SE1/4 Section 33, T5N-R31E.

Enclosed you will find two copies of Form2 to correct location of your diversion point. Please review the forms for accuracy, sign them in presence of a notary, and return them to this office with \$50.00 filing fee.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Ahadi".

M. RASSOOL AHADI
Natural Resources Engineer
(605) 773-3352

enclosures



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 10, 1989

RECEIVED OF Murdo-Ford Mercury Ltd (Jim Butt) Box 186, Murdo, SD 57559

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

Fee for Application for Permit No. <u>2081-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch
[Signature]

Conversation or File Documentation

NAME OF PERSON OR FILE: Jim ButtADDRESS: Box 186 Murdo SD 57559 COUNTY StanleyDATE: May 2, 1989 TELEPHONE 669-2391RE: S/W Permit for this Application

COMMENTS:

Jim Stukel called today to explain that a soil/water compatibility permit is not necessary because the change of diversion distance is less than 2000 feet. (See application sent to Stukel and received back on May 3, 1989).

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: Susan A. Brown

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2081-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2081-2, Murdo Ford-Mercury, c/o Jim Butt, Box 186, Murdo SD.

The Chief Engineer is recommending APPROVAL of Application No. 2081-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

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
May 31, 1989

Report on Application No. 2081-2
Murdo Ford-Mercury, c/o Jim Butt
May 30, 1989

Background

Application No. 2081-2 requests a change in the location of the diversion point from the SE1/4SE1/4 to the Lot 5, Section 33, T5N-R31E, in Stanley County. The original diversion point and irrigated lands were authorized under Water Right No. 890-2. This application does not request any increase in the amount of water or the acreage.

Discussion

Water Right No. 890-2 authorized diversion of 1.26 cubic feet per second from the Bad River to irrigate 88.5 acres with a priority date of August 9, 1966. On December 1, 1988, Water Right No. 890-2 was inspected. The inspection showed that the location of the diversion point had been changed. It was also noted that the acreage irrigated is 70 acres of the originally licensed 88.5 acres. If approval of Application No. 2081-2 is granted for the change in diversion point location, Water Right No. 890-2 will be incorporated into 2081-2. The change in the point of diversion will cause no adverse impacts to existing rights. The irrigation of this land has existed since approximately 1968 with no complaints regarding the use.

Conclusions and Recommendations

1. Water Rights on the Bad River will not be adversely affected by approval of Application No. 2081-2.
2. Water has been used since Water Right No. 890-2 was licensed in November of 1968.
3. It is recommended that Water Right Application No. 2081-2 be approved for the change in the point of diversion to divert 1.0 cubic foot per second of water for irrigation of 70.0 acres with Irrigation Questionnaire qualification.


M. RASSOOL AHADI
Natural Resources Engineer II
(605)773-3352

Approved by:


JAMES E. WINTERTON. P.E.
Natural Resources Engineer IV
(605)773-3352



Department of Water & Natural Resources

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

June 12, 1989

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

Jim Butt
Murdo-Ford Mercury
Box 186
Murdo, SD 57559

Dear Mr. Butt:

Water Permit Application No. 2081-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Daily Capitol Journal printed at Pierre SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation will be sent to you at a later date. Please review the notice prior to publication 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 Intent to Appropriate Water 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





Department of Water & Natural Resources

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

June 12, 1989

Daily Capitol Journal
PO Box 878
Pierre, SD 57501

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2081-2 to be published twice. Please publish the first notice on or before June 21, 1989 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 Murdo-Ford Mercury, c/o Jim Butt, Box 186, Murdo, SD 57559.

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____



Instruction to Newspaper - Publish first Notice on or before June 21, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2081-2 to Change the
Location of a Diversion Point

Notice is given that Murdo-Ford Mercury, c/o Jim Butt, Box 186, Murdo, SD 57559 has filed an application for a water permit to change the location of the diversion point authorized by Water Right No. 890-2. Water Right No. 890-2 appropriates 1.26 cubic feet of water per second from the Bad River at a point located in the SE1/4 SE1/4 Section 33-T5N-R31E to irrigate 88.5 acres located in the S1/2 Section 33-T5N-R31E; N1/2 Section 3-T4N-R31E. An inspection found 70 acres being irrigated from a diversion point located in Lot 5 Section 33-T5N-R31E. This application, if approved, does not authorize any increase in the amount of water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2081-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD on July 26, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this 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 July 14, 1989. 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 July 14, 1989.

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; 46-5-1 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.



I, Peggy Warner hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Capital Journal

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Pierre

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

June 19, 1989

June 26, 1989

Peggy Warner
(Signature)

Legal Ad Representative
(Title)

June 27, 1989
(Date Signed)

Cost of Printing: 45.32

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hughes) ss.



I, Peggy Warner hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Capital Journal

A newspaper which during the whole time of publication of said notice
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June 19, 1989

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Peggy Warner
(Signature)

Legal Ad Representative
(Title)

June 27, 1989
(Date Signed)

Cost of Printing: 45.32



Department of Water & Natural Resources

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

SEP 12 1989

Murdo Ford Mercury
c/o Jim Butt
Box 186
Murdo SD 57559

Dear Mr. Butt:

Enclosed is Water Permit No. 2081-2 as approved by the Water Management Board authorizing your water diversion system and the application of water beneficial use, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date _____

TO: Water Rights Division, DWNH
Joe Foss Building
Pierre SD 57501-3181

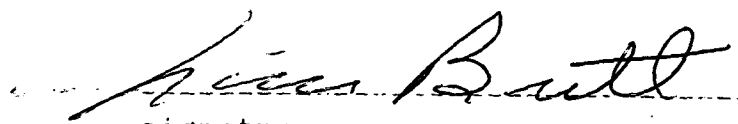
FROM: _____
name address city

I have completed the construction of the water diversion system
and I have put the water to beneficial use to the maximum extent
it is going to be used. I have not exceeded the amounts
specified in Water Permit No. _____.

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

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

You may schedule an inspection so that the Water License may be
issued.


signature

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411916

Pierre, September 19, 1980

RECEIVED OF Murdo-Ford Mercury, Ltd., c/o Jim Butt, Murdo, SD 57550

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>Water Right No. 2081-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch
Lmra

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

I have this day made a thorough examination of the water use system constructed by P.C. Hamilton (x-owner)
Jim Butt (present owner) of Box 136, Murdo S.D. 57559 holder of
Permit No. 890-2, bearing the priority of August 9 19 66 authorizing
the diversion of 1.26 cu. ft. per second of the waters of Bad River
for irrigation purposes, in Stanley County.

(signature)

MZRad-

LICENSE FOR PERMIT NUMBER 890-2

1. Legal location of wells: _____

~~XXXX~~ structures: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33, T5N-R31E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

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

Pump a) make Berkeley Motor a) make John Deere
b) model B3JQBM-CW b) model no. 6329DE-01 (Type)
c) size _____ c) horsepower rating 80
d) capacity 750 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 6 inches
b) type Aluminum
c) length 1320 feet

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

i) Outlet tubes:

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

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

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

b) towline:

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

5. System Type: c) center pivot
- 1) make Reinke-minigator
 - 2) number of towers 7
 - 3) distance between towers
120 feet
 - 4) overall length 840 feet
 - 5) End gun (Y/N) y
 - 6) high or low pressure high
 - 7) make & size of nozzles
1/8-1/2 inches
 - 8) PSI reading while system is
running 75
 - 9) GPM 300

g) Gun

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

d) Gate Pipe

- 1) length 2000 feet
- 2) diameter 6 inches
- 3) spacing of gates 38 inches

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES NO Check Items

NA 1. Soil and water permit lands agree with lands being irrigated
and lands listed on permit.

X 2. Special Qualifications to permit being abided by.

X 3. All Structures, wells and lands on map.

REMARKS: The location of the diversion point is changed. Application to cover
the change will be sent to the water user.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2081-2

(1) Murdo Ford-Mercury c/o Jim Butt of Box 186, Murdo, SD 57559 made Application No. 2081-2, April 10, 1989 for a water permit to appropriate no add'l cubic feet of water per second from the Bad River, Stanley County, South Dakota for irrigation purposes. Permit No. 2081-2 with a priority date of August 9, 1966 was approved July 26, 1989 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said completed.

Water Permit No. 2081-2 authorizes a change in location of the diversion point specified under Water Right No. 890-2. No increase in acres irrigated or water appropriated was authorized by Permit No. 2081-2.

The applicable portions of Water Right No. 890-2 are incorporated into this Water License No. 2081-2. A priority date of August 9, 1966 is retained.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.00 cubic feet of water per second for beneficial use. The location of the diversion point is: approximately 2171 feet west and 470 feet north of the SE corner of Section 33, T5N, R31E (Lot 5).

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

T5N, R31E Section 33	Lot 6	17.7	acres
	Lot 5	4.9	"
T4N, R31E Section 3	Lot 1	0.8	"
	Lot 2	23.0	"
	Lot 3	23.6	"
	Total	70.0	acres

(4) Pursuant to Section 46-5-30.1 Murdo Ford-Mercury, c/o Jim Butt of Box 186, Murdo, SD 57559 the holder(s) and/or owner(s) of Incorporated No. 2081-2 is issued a license to appropriate water, the right to use 1.0 cubic feet of water per second from the Bad River with a priority date of August 9, 1966 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 2081-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources APR 6 1990



Department of Water & Natural Resources

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

2081-2

APR 6 1990

Jim Butt
Murdo Ford-Mercury
Box 186
Murdo, SD 57559

Dear Mr. Butt:

Enclosed is Water License No. 2081-2. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411916 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

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

enclosures

NOTE: The applicable portions of Water Right No. 890-2 are incorporated into Water License No. 2081-2.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 8, 1992

Jim & Dena Lawhon
Box 673
Ft Pierre, SD 57532

Dear Mr. & Mrs. Lawhon:

I am contacting you in regard to ownership of land described in Water Right No. 2081-2. The water right is currently listed in the name of Murdo-Ford-Mercury, & Jim Butt. You indicated on last year's irrigation questionnaire that you were now the "Owners" of the land and not the "Operators".

In order to change the name on a water right, you will need to file a "Notice of Transfer of Ownership". I have enclosed a partially completed transfer form. Please review the form for accuracy and then sign it in the presence of a notary public.

Upon completion, return the form to our office with a required filing fee of \$2.50. The water right will be transferred to your names as soon as the form and filing fee are received in our office.

The 1992 irrigation questionnaires will be mailed from our office on October 16, 1992. Your names will appear on the mailing list as that of operator since the water right has not been officially transferred, however, we do realize that you actually own the land.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure: transfer form

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2081-2

Date: October 16, 1992



I\We request that Water Right No. 2081-2

formerly owned by: Murdo-Ford-Mercury, %Jim Butt, Murdo, SD 57559

be transferred to: (name & address) JAMES RAY LAWHON & DENA RAE LAWHON

Box 673, Ft Pierre, SD 57532

(Telephone No.) 223-2380 or 223-2074

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

Lots 5 & 6, Section 33, T5N, R31E; Lots 1, 2, 3, Section 3, T4N, R31E

I\We understand that the validity of Water Right No. 2081-2 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Stanley)

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

Jim Lawhon Dena Lawhon
(Signed)

Subscribed and sworn to before me this 16 day of Oct, 19 92.

Quinn Cross
(Notary Public)

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

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413481

Pierre, _____, October 23, 19 92

RECEIVED OF Dena Lawhon, Box 673, Ft. Pierre, SD 57532

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 2081-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch/gm
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 1992

No. 2081-2

James Ray and Dena Rae Lawhon
Box 673
Ft. Pierre, SD 57532

Dear Mr. and Ms. Lawhon:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2081-2.

Our records now show you as the owner of Water Right No. 2081-2.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

January 29, 1993

NOTICE

TO: JIM/DENA LAWHON
BOX 673
FT PIERRE SD 57532

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 2081-2

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2081-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2081-2 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 3, 1993, in the 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 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) 2081-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: JIM/DENA LAWHON BOX 673 FT PIERRE SD 57532	4. Article Number P906 560 166 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature - Addressee X <i>[Signature]</i>	Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature - Agent X	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 2-1-93	

PS Form 3811, Apr. 1989

DOMESTIC RETURN RECEIPT



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1993

2081-2

Jim & Dena Lawhon
Box 673
Ft Pierre, SD 57532

Dear Mr. & Mrs. Lawhon:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire. You indicated during our telephone conversation that you did not irrigate during 1992. I have completed a questionnaire for you with the information you provided.

You may disregard the January 29, 1993 Notice of Violation of Water Permit No. 2081-2. The information for the questionnaire was in our office prior to the Board Meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely, _

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1994

No. 2081-2

Dena R. Lawhon
Box 673
Ft. Pierre, SD 57532

Dear Ms. Lawhon:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2081-2. The water right is currently listed in the name of James Ray Lawhon & Dena Rae Lawhon.

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

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

If you have any questions, please contact me.

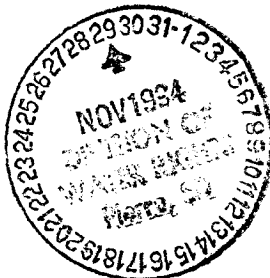
Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2081-2

Date: November 21, 1994

I/We request that Water Right No. 2081-2

formerly owned by: James Ray Lawhon & Dena Rae Lawhon

be transferred to: (name & address)

DENA RAE LAWHON

P.O. Box 673, Fort Pierre, S.D. 57532 (Telephone No) (605) 223-2380
~~223-2380~~

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

Lots 5 & 6, Section 33, T5N, R31E and Lots 1, 2, & 3 Section 3, T4N, R31E

I/We understand that the validity of Water Right No. 2081-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Hughes

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

Dena Rae Lawhon
(Signed)

Subscribed and sworn to before me this 23 day of November, 19 94.

Therese Cross
(Notary Public)

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

414354

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 19, 1994

RECEIVED OF Dena Lawhon, Box 673, Ft. Pierre, SD 57532

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 2081-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatcher 
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 1994

2081-2

Dena Rae Lawhon
Box 673
Ft Pierre, SD 57532

Dear Ms. Lawhon:

The "Notice of Transfer of Ownership" you submitted for Water Right No. 2081-2 has been received. The "Notice" was completed properly, however it can not be recorded without the required \$2.50 filing fee.

We will proceed with processing the change of ownership upon submission of the fee. 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

November 18, 1997

Dena Rae Kinsella
PO Box 673
Ft Pierre, SD 57532-0673

Dear Ms. Kinsella:

Thank you for the prompt return of your 1997 Irrigation Questionnaire. On the form you made a notation that the name on the water right should be changed. In order to make a change of this nature, a transfer of ownership must be filed with the water right.

Enclosed is a partially completed "Notice of Transfer of Ownership" form. Please review the form for accuracy and make any necessary corrections. The form will need to be signed in the presence of a notary and returned to our office with a required filing fee of \$2.50.

Upon receipt of the completed form and the filing fee, Water Right No. 2081-2 will be transferred to your name. If you have any questions, please contact me.

Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2081-2

Date: December 7 1997

I/We request that Water Right No. 2081-2

formerly owned by: Dena Rae Lawhon

be transferred to: (name & address) Dena Rae Kinsella, PO Box 673, Ft Pierre, SD 57532-0673

Telephone No. 223-2380

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

Lots 5 & 6, Section 33, T5N, R31E and Lots 1, 2 & 3, Section 3, T4N, R31E

I/We understand that the validity of Water Right No. 2081-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of STANLEY)

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

Dena R. Kinsella
(Signed)

Subscribed and sworn to before me this 7th day of December, 1997.

JA La Forge
(Notary Public)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1995

No. 2081-2

Dena Rae Lawhon
P.O. Box 673
Ft. Pierre, SD 57532

Dear Ms. Lawhon:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2081-2.

Our records now show you as the owner of Water Right No. 2081-2.

Sincerely,

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

enclosure

August 27, 2000



Ron Duvall
Natural Resources Engineer
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Re: Water Permit No. 1169-2

Dear Mr. Duvall:

I have received your letter of August 16, 2000 in regard to Water Permit No. 1169-2.

Each year I receive and complete a Water Management Board Irrigation Questionnaire, which appears to be for water permit number 2081-2. Although I have not irrigated for several years, I do have plans to begin irrigation in 2001. It would appear that the Water Permit No. 1169-2 is a completely different permit than the one on which I file the questionnaire each year. If that is, in fact, the case, I have no objection to your recommendation for cancellation of the permit.

Please clarify this for me. Thank you.

Sincerely,

A handwritten signature in cursive script, reading 'Dena R. (Lawhon) Kinsella'.

Dena R. (Lawhon) Kinsella
P. O. Box 673
Fort Pierre, South Dakota 57532



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 30, 2000

1169-2

Dena R Kinsella
PO Box 673
Ft Pierre, SD 57532-0673

Dear Ms. Kinsella:

Thank you for your August 27th letter concerning the notice of cancellation of Water Permit No. 1169-2, Robert Ingstad, which was sent to a number of landowners.

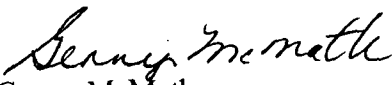
You were correct that Water Permit No. 1169-2 and your Water Right No. 2081-2 are different. However, Water Permit No. 1169-2 does describe some of the same land as listed in your water right. At the time it was applied for, the intent of the land owner was to irrigate 550 acres from ground water and the Bad River. The ground water diversion point was to supplement irrigation of land also described in Water Right No. 890-2.

Murdo-Ford Mercury %Jim Butt, purchased a portion of the land (No. 890-2) and applied for a change in diversion point on the Bad River. This change resulted in Water Permit No. 2081-2 (**now listed in your name**). Water Permit No. 2081-2 was subsequently licensed and incorporated the applicable portions of No. 890-2. A priority date of August 9, 1966 was retained for No. 2081-2.

The pending cancellation of Water Permit No. 1169-2 **does not** have any bearing on your Water Right No. 2081-2. However, you should be aware that Water Permit No. 1169-2 is being considered for cancellation due to abandonment and/or forfeiture. Water must be placed to beneficial use at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for not irrigating. Legal excuse as defined in Water Management Board Rules includes, but is not limited to, the following: 1) unavailability of water to satisfy a permit or right; 2) legal proceedings which prevent the use of water; or 3) water use under existing climatic conditions would result in a waste of water.

I hope I have answered your questions with regard to the pending cancellation consideration of Water Permit No. 1169-2. If you have additional questions, please give us a call.

Sincerely,


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



2081-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: DENA RAE KINSELLA, PO BOX 673, FT PIERRE, SD 57532 0673

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2081-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 2081-2 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 7, 2001 in the 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) 2081-2 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 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

2081-2

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:

DENA RAE KINSELLA
PO BOX 673
FT PIERRE SD 57532 0673

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) DENA R Kinsella Date of Delivery JAN 31 1999

C. Signature Dena R Kinsella

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: USPS

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2331

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 2001

2081-2

Dena Rae Kinsella
PO Box 673
Ft Pierre, SD 57532-0673

Dear Ms. Kinsella:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 2081-2.

I completed a questionnaire for you based on our March 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



2081-2
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: DENA RAE KINSELLA, PO BOX 673, FT PIERRE, SD 57532 0673

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2081-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2081-2 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) 2081-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2005

2081-2

Dena Rae Kinsella
PO Box 673
Ft Pierre SD 57532-0673

Dear Ms. Kinsella:

I am writing to acknowledge receipt of your 2004 irrigation questionnaire. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 2081-2.

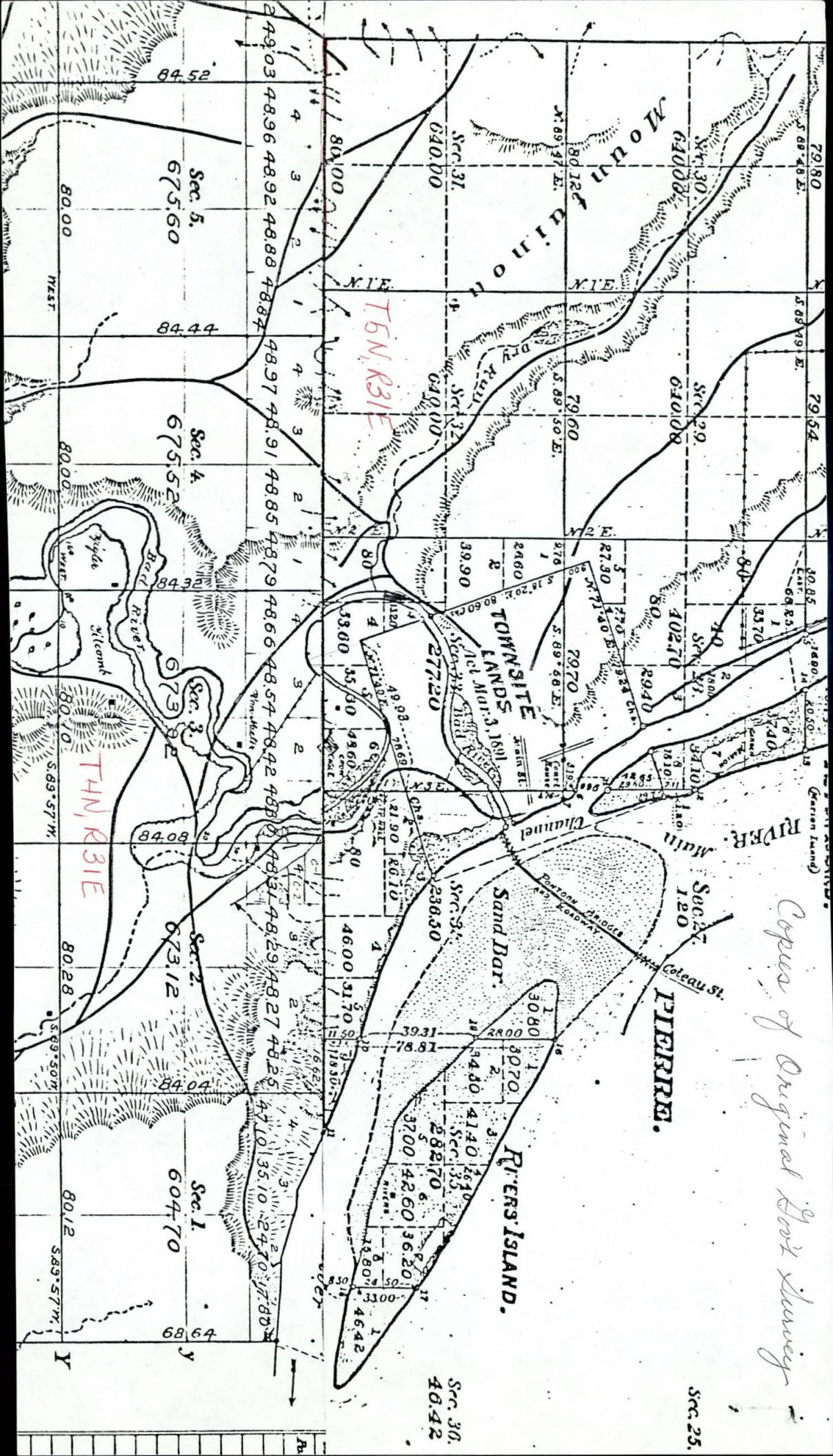
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

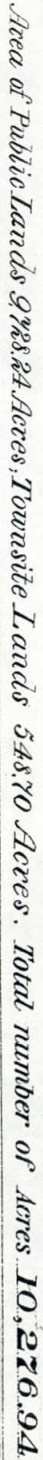
If you have any questions, please contact me.

Sincerely,

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

Sec. 25.





Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. Hcs.	When Surveyed	Mean Declination E.
Township lines Subdivisions	W. V. McClellan J. H. W. S. H. H. H. H.	March 29, 1890	28 63 59	May 1890 June 30, Aug 22	13° 29' 30"
Meandered	" " "	" " "	16 08 51	" " "	"
South boundary	W. V. McClellan	" 1 st "	"	May "	"
Cornerite	W. V. McClellan	Sept 2nd, Dec 9, 91	"	April 1891	"

$$C \quad b \quad B \quad a \quad A$$

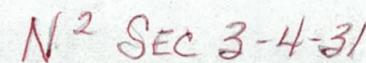
Subvrat General's Office,
Heaton, S. A. May 21, 1891.

} Dr. Thomas W. Anderson
Quincy, Tenn.

COMMISSIONER OF THE LAND OFFICE
dated May 26, 1891

PLAT OF

STANLEY COUNTY, SOUTH DAKOTA



N 0° 06.7' W (M)
N 0° 02.5' W (R)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: DENA RAE KINSELLA, PO BOX 673, FT PIERRE, SD 57532 0673

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2081-2. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 2081-2 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 9, 2011** 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) 2081-2 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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

2081-2

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Search Results

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

Your item was delivered at 9:18 am on January 24, 2011 in FORT PIERRE, SD 57532. The item was signed for by D KANOSELA.

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- **Notice Left, January 22, 2011, 9:25 am, FORT PIERRE, SD 57532**
- **Arrival at Post Office, January 22, 2011, 6:55 am, FORT PIERRE, SD 57532**

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 0287

DENA RAE KINSELLA
PO BOX 673
FT PIERRE SD 57532 0673

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel



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

January 25, 2011

2081-2

Dena Rae Kinsella
PO Box 673
Ft Pierre SD 57532-0673

Dear Ms. Kinsella:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 2081-2. 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
email: genny.mcmath@state.sd.us



2081-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: DENA RAE KINSELLA, PO BOX 673, FT PIERRE, SD 57532 0673

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2081-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 2081-2 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 7, 2013** 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) 2081-2 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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2013

2081-2

Dena Rae Kinsella
PO Box 673
Ft Pierre SD 57532 0673

Dear Ms. Kinsella:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 2081-2. 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
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



2081-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: DENA RAE KINSELLA, PO BOX 673, FT PIERRE, SD 57532 0673

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) 2081-2. 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) 2081-2 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) 2081-2 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 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 26, 2015

2081-2

Dena Rae Kinsella
PO Box 673
Ft Pierre SD 57532-0673

Dear Ms. Kinsella:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 2081-2. 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



2081-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2017

NOTICE

TO: DENA RAE KINSELLA, PO BOX 673, FT PIERRE, SD 57532 0673

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) 2081-2. 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) 2081-2 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) 2081-2 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



2081-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 2, 2017

2081-2

Dena Rae Kinsella
PO Box 673
Ft Pierre SD 57532 0673

Dear Ms. Kinsella:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 2081-2. 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