

369-2

No.

Office of State Engineer
DOCUMENT FILE

Project D. E. E. and J.
Oscar Turnquist
Colome (Wewela)

Sec. 24-95N-76W
Tripp County

Keyapaha River

Map No. 396-2

No. 369-2

Division No. 2

Keyapaha District

PERMIT

to appropriate water from

Keyapaha River

Tripp County, South Dakota

Name of applicant

Oscar Turnquist

Name of diversion works

R C Bar Irrigation Project

Date of first receipt at office of State

Engineer November 28 19.50

Returned to applicant for Correction

November 30 19.50

Corrected application received

December 7 19.50

Date of water right

November 28 19.50

Recorded in Book 2 Page 774-775

One-fifth of work to be completed

August 17 19.52

Whole work to be completed

February 17 19.54

Final proof of use of water 2/17/56

Approved February 17 19.51

DEAN W. LOUCKS State Engineer

RECEIVED
Original application

NOV 28 1950
8:00 A.M.

Corrected Copy.

Form 2—Appropriation of Water—Original Map No. 396-2

PIERRE, S. DAK.

NO. 369-2

Water Division No. 2

Keyapaha River

District

(Blank to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To appropriate water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Osborn Turnquist Victor G. VIEICKUM
Postoffice address Volonia, (Tennessee), County Trim, State So. Dak.
WEWELA

I. If a corporation XXXXX

- (a) Name of same
- (b) Date and place of incorporation
- (c) Amount of capital stock
- (d) Amount paid in
- (e) Names and address of directors:

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Direct labor
- (b) Cash on hand, Sufficient
- (c) Treasury stock \$.....
- (d) Bonds to be issued, \$.....
- (e) Other resources, \$.....

2. Name of diversion work R O Bar Irrigation Project

3. Quantity of water claimed 2.0 cubic feet per second.

4. Source of water supply Keyapaha River (When stream flow is 10 C.F.S. or more.)

5. Location of point of diversion One Pump to be used between points (1) S. 80° 28' W. 1029.8 Ft. (2) S. 35° 20' E. 2088.0 Ft. . Bearings & Dist. from 1/4 cor between Sec's. 23 and 24- T. 95N. R. 76 W. 5th P.M. on Both right and left bank.

6. Annual periods during which water is to be used April thru Sept (With 10 C.F.S. Flow)

7. To be used for: Irrigated acreage by subdivisions. T. 95, R 76.

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 140.9 acres.

(b) Legal subdivisions to be irrigated See above total of 140.9 Acres.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be apprehended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) No domestic use.

II. Mining, power, manufacturing, transportation, or other purposes:

- (a) Nature of use
- (b) Amount of power to be generated.....horse power.
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

Water License issued

Map No. 396-2

6. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$1750.00.....
 (c) Fluming, \$..... (d) Canal-earth, \$**----- Rock, \$**-----
 (e) Other structures pipe and sprinklers \$4650..... Total, \$5000.00.....

7. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pumping plant and sprinkler system with 6 " pipe.

II. Dimensions of works: Chart attached with Sprinkler Discharge.

- (a) Dam: Height None feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet; slope at front (water) face; slope of back face; material used in construction
- (b) Reservoir: Capacity when filled None acre feet. Surface area at highwater mark acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH.....FEET OF DEPTH AT OUTLET--ACRES	ACRE-FEET CAPACITY

(c)* Head gate: Width None feet: height feet;
 Material

(d) Canal: Total length None miles.

LOCATION BELOW HEADGATE	DEPTH ft	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required or completion of work.....3..... years.

11. Time required for complete application of water to the proposed beneficial use5..... years.

12. Choice of newspaper for publication of notices of intention to appropriate

Winner Advocate, Winner, South Dakota.

STATE OF SOUTH DAKOTA,

County of LYMAN

I, Oscar Turquist, 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
 (Owner)

foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein state and shown are true.

Signed Oscar Turquist

Subscribed and sworn to before me this 6th day of December, 1920

Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE
 I, Robert M. Myers, hereby certify that I am a Registered Land Surveyor, in and for the State of South Dakota, that I did on 7-29-1950, at the request of Oscar Turnquist, make a survey of the R.C. Bar Irrigation Project.
 I further certify that this plat is a true and correct representation of said survey.
 Robert M. Myers
 State of S. Dakota, Registered Land Surveyor,
 County of Beale, S.D.
 Be it known that on the 16th day of November 1950, personally appeared before me Robert M. Myers, known to me to be the above Surveyor, and acknowledged that he executed the above certificate.
 Signed _____
 My commission expires _____ Notary Public.

OWNER'S CERTIFICATE
 Oscar Turnquist hereby certifies that I am the owner of the property described as SE 1/4 S. 23 and SW 1/4 S. 24, T. 95 N., R. 76 W., S. 14 PM that I did on April 12, 1950.
 Robert M. Myers, Registered Land Surveyor, do make a survey of a Proposed Irrigation Project on this Property.
 I do hereby certify that the above is a true and correct representation of the above survey, and acknowledged that he executed the above certificate.
 Signed _____
 My commission expires _____

**PLAT OF
 R. C. BAR IRRIGATION
 PROJECT**

Oscar Turnquist & R. Perron,
 Owner & Operator - Wewela, S. Dak.
 In SE 1/4 S. 23 & SW 1/4 S. 24 - T. 95 N. R. 76 W.
 5th PM
 SURVEY 7-29-1950 By Robert M. Myers
 Scale 1 inch = 200 ft.

Water Right 369-2
Map no. 396-2

Remarks by State Engineer:

Consistent with the policy on the Koyapaha River this permit is granted with the following limitations: During periods when the flow in the river at the government stations at Wapola is 10 cu. ft. per sec. or less or when the gauge reading is 1.0 or less, this permit shall not authorize the drawing of water from the stream for irrigation. The C. R. Hickey water right has priority over this right to any waters available on the Koyapaha River.

STATE OF SOUTH DAKOTA,

County of Hughes

Pierre, South Dakota, February 17

1951

This is to certify that the foregoing application was received at this office at 3:00 o'clock a.m. upon the 28th day of November, 1950 and that after examination it was found to comply with the South Dakota water laws, was published in accordance with the provisions thereof and consideration given to any and all information presented.

DEAN W. LOUCKS

State Engineer.

Number of permit 369-2

Date of first receipt of application November 28, 1950

Date of return to applicant for correction November 30, 1950

Date of receipt of corrected application December 7, 1950

Date from which applicant may claim right November 28, 1950

Approved February 17, 1951, Recorded in Book 2 Page 774-775

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before August 17, 1952. Extended to February 17, 1954

2nd. The whole of said work is to be completed on or before February 17, 1954

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is February 17, 1956

4th. The water appropriated shall be used for the purpose of providing irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.8 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before February 17, 1956; said water to be used during the following described annual period:

April through September inclusive

Witness my hand this 17th day of February, 1951

DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued Nov. 19, 1953

Water License issued Nov. 19, 1953

Sprinkler Irrigation Water Right Application

Oscar Turnquist,
 Coloma, (Merced) S.D.
 December, 1950.

DATA ON SPRINKLER DISCHARGE. For 37 Rainbird No. 70 Sprinklers $\frac{1}{2}$ X $\frac{7}{32}$ Nozzles

Pressure, Lbs. PSI	Gal per min. Each Sprinkler	Gal per Sec. Each Sprinkler	Cubic ft. per Sec. for 37 sprinklers.
25	15.5	.26	1.28
30	17.0	.28	1.38
35	18.5	.31	1.53
40	19.9	.33	1.63
45	21.1	.35	1.73
50	22.3	.38	1.88
60	24.6	.41	2.52
70	26.7	.44	2.67
80	28.7	.48	2.86

Courtesy of John Kinchel
 Plotted by Philip

STATE OF SOUTH DAKOTA

WATER LICENSE No. 369-2

WHEREAS On the 28th day of November A. D. 1950

Orson Throckmalt

of Colons (Worcester) County of Tripp and State of South Dakota duly made application (No. 369-2) to us for a permit to use 2.0 cubic feet per second of the waters of the Nebraskan River County of Tripp, State of South Dakota, for Irrigation purposes; and

WHEREAS, On the 17th day of February A. D. 1951

Permit No. 369-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 17th day of February by approved extension of time A. D. 1956 and for the application to beneficial use of said water on or before the 17th day of February A. D. 1956 and,

WHEREAS, On the 16th day of November A. D. 1955

Robert W. Brezine, holder by transfer, of Permit to appropriate water the holder of said permit duly made proof of the completion of adequate works for the diversion of

1.8 cubic feet per second of said waters, as evidenced by our Certificate No. 369-2

dated November 19, 1955, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.8 cubic feet per second of water, with date of priority of November 28, 1950

WHEREAS, On the 18th day of November A. D. 1955

proof was duly made of the application to beneficial use of 1.8 cubic feet per second of said water; on lands described as follows:

In SE 1/4, Sec. 23, T 25N, R 26W, 5th P.M.

NW 1/4 29.4 acres

NE 1/4 19.8 acres

SW 1/4 4.4 acres

SE 1/4 16.7 acres

In SW 1/4, Sec. 24, T 25N, R 26W, 5th P.M.

NW 1/4 22.7 acres

NE 1/4 35.7 acres

SE 1/4 11.2 acres

SW 1/4 .5 acres

Total

140.9 acres

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Robert W. Brazini, P. O. Box 243
of Rapid City, South Dakota, the holder and owner of said permit No. 364-2
a water right, dating from November 28, 1950 to the use of 1.4
cubic feet per second of the waters of the Kautzsch River
in the County of Taib and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at between point (1) 1029.8 feet
S 88° 20' W and point (2) 2088.0 feet S 35° 20' E, both from the E. Corner
Sac. 23, T. 25N, R. 26W, 5th P.M.
and conducted to and upon the lands hereinbefore described

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 19th day of November A. D. Nineteen
Hundred and fifty-five

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.

To

Source of Supply

County

Am't c. f. s.

Point of Diversion

Place of Use

Purpose

Date of Priority

Recorded

In Book of Page

Permit No. 369-2.

Water Division No. 2, Kayapaha River District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Walker W. Brezina, P. O. Box 243,of Dapid City, County of Pennington and State ofSouth Dakota, the holder of Permit No. 369-2, issued upon ApplicationNo. 369-2, bearing date of priority of November 28, 1950, authorizing the diversion of1.8 cu. ft. per second of the waters of Kayapaha RiverCounty of Tripp, State of South Dakota, between point (1),1025.8 feet S 88°20' W and point (2), 2088.0 feet S 35°20' E, both fromE 1/4 Corner Sec. 23, T 95N,R 76W, S 5 P. M., for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.8 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:

In Sec. 23, T 95N, R 76WNW 1/4, SE 1/4 29.4 acresNE 1/4, SE 1/4 19.1 acresSW 1/4, SE 1/4 4.4 acresSE 1/4, NE 1/4 16.7 acresIn Sec. 24, T 95N, R 76WNW 1/4, SW 1/4 22.7 acresNE 1/4, SW 1/4 35.7 acresSE 1/4, SW 1/4 11.7 acresSW 1/4, SW 1/4 0.5 acresTotal 140.9 acresWitness my hand this 19th day of November A. D. 1955.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., December 30, 1950

Notice is hereby given that Oscar Turquist whose postoffice address is Colome, So. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the Koyapaha River through the R.C. Far Irrigation Project, the point of diversion of which is to be located on ~~the~~ either bank of said stream between two points S.80°28' W.1029.8' and S.35°20' E.2088' from a corner between Sections 23 and 24, Twp. 95N Range 76W. Said water to be used for the purpose of providing sprinkler irrigation on the following described land:

SE 1/4 Sec. 23 and SW 1/4 Sec. 24 Twp. 95N, Range 76W

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 10th day of February, 19 51, at 10 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

~~Appropriate~~ Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS
State Engineer

NCS/mt
Enc.

cc: Robert H. Myers

H. P. Co. 7573

FEB 6 1951

PROOF OF PUBLICATION

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

STATE OF SOUTH DAKOTA

County of Tripp

ss.

R. H. Harris being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the

Winner Advocate a newspaper which during the whole time of publication of said notice herein-

after stated, has been and is printed and published in the city of Winner County of

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

January 11, 18, 25, 1950

February 1, 1951

in each and every issue of the full number thereof, the first publication being made on the 11 day of Jan 1950 and the last publication on the 1 day of Feb 1951, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

R. H. Harris

Subscribed and sworn to before me this 2 day of Feb.

A. D. 1951

Notary Public

Tripp

County, S. D.

NOTICE OF INTENTION TO
APPROPRIATE WATER

No. 369-2

(First Publication 11 Jan. 1951)

Appropriation of Water

Office of State Engineer,

Pierre, S. Dak., Dec. 30, 1950

Notice is hereby given that Oscar Turnquist whose postoffice address is Colome, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from the Keyapaha River through the R. C. Bar Irrigation Project, the point of diversion of which is to be located on either bank of said stream between two points S 80 degrees 28 feet W. 1029.8 feet and S. 35 degrees 20 feet E. 2088 feet from 1/4 corner between Sections 23 and 24, Township 95N, Range 76W.

Said water is to be used for the purpose of providing sprinkler irrigation on the following described land:

SE $\frac{1}{4}$ Section 23 and SW $\frac{1}{4}$ Section 24 Township 95N, Range 76W.

The application will be taken up by the State Engineer at his office at Pierre for consideration upon the 10th day of February, 1951, at 10:00 a. m. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protests with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS,
5-8 1/4 State Engineer.

RECEIVED

Form No. 25

OCT 4 1954

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORK
OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

To the State Engineer
Pierre, South Dakota

September 20, 1954
(date)

Dear Sir: -

I hereby request that an extension of time ~~be~~ from February 17, 1954
to February 17, 1956 be granted me for the completion of works to be done
under Permit No. 369-2 and that the time for proof of beneficial use of
water be extended to (present date of completion is February 17, 1956).

Said works are located in Tripp County and
are described as follows:-

Location of headworks: In the _____ $\frac{1}{4}$ of the _____
of Section 23 and 24 Township 95N Range 76W
E., B.H.H.

The water is to be used for the purpose of sprinkler irrigation

The extension of time for the completion of these works is requested for
the following reasons: Unable to secure experienced &
adequate help to date to properly operate the project
But are confident we could secure the help
within the extended time period

Oliver J. Lounsbury

APPROVED:- OFFICE OF STATE ENGINEER

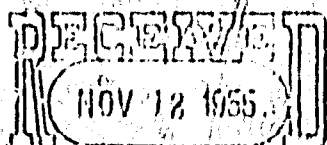
Holder of Permit No. 369-2

DEAN W. LOUCKS

Dean W. Loucks
State Engineer

Permit No. 369-2

Water Division No. 2 Keyapaha Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Rapid City, South Dakota

(Date) November 1, 1955

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 8th day of October 1955, at Colome County of Tripp State of South Dakota, before Julien Staven (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 1.8 cubic feet per second of the waters of Keyapaha River. In accordance with the terms and conditions of Permit No. 369-2 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are

Robert W. Brezina
P. O. Box 743
Rapid City, South Dakota

2. The use to which said water has been applied is irrigation

3. The amount applied to beneficial use is 1.8 cubic feet per second

4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) Substantially as shown in surveyor's map of project, which shows following acreages in the various subdivisions, all in T. 95N, R. 76W, 5th P.M.: In SE 1/4 Sec. 23: NW 1/4, 29.4; SW 1/4, 4.4; NE 1/4, 19.8; SE 1/4, 16.7 acres. In SW 1/4 Sec. 24: NW 1/4, 22.7; SW 1/4, 0.5; NE 1/4, 35.7; SE 1/4, 11.7 acres. Total, 140.9 acres.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is no name

6. The right to take the water from such works is based upon permit No. 369-2

7. The source of supply from which such water is diverted is Keyapaha River

8. The date of priority which said user is prepared to establish is June 1, 1955 at which time water was applied to irrigate the above land.

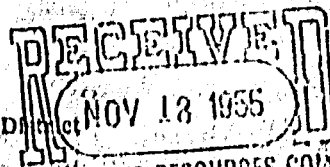
(Sign)

Form 18

Permit No. 369-2

Water Division No. 2

Kuyupaha River



NOTICE OF COMPLETION OF WORKS

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Rapid City, South Dakota

(Date) November 1, 1955

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of one and eight tenths (1.8) cu. ft. per second of the waters of the state from Kuyupaha River through the months of April to October, inclusive for irrigation purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota,

1. The name of the person or corporation holding said permit is Robert W. Brezina
2. The postoffice address of such person or the place of business of such corporation is Rapid City County of Pennington State of South Dakota
3. The number of such permit is 369-2 and the date set for the completion of such work is November 8, 1955
4. Said water to be used for irrigation purposes.
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.8 cubic feet per second.
6. The amount of land for which said water is available is 140.9 acres, particularly described as follows: all land being in T.95N., R.76W., 5th E.M. in SE 1/4 Sec. 23, 70.3 acres in SW 1/4 Sec. 24, 70.6 acres, totalling 140.9 acres.

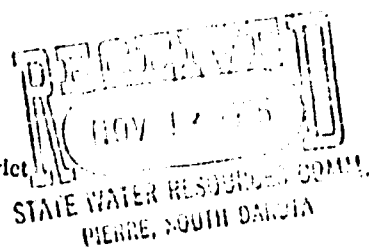
I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Robert W. Brezina

Location No. _____

Water Division No. _____ Keyapaha Water District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Report of Julian Staven, Engineer

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Julian Staven, Consulting Engineer623 1/2 St. Joseph Street, Rapid City, South Dakota (P.O. Box 508)

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. This date not known to me. Assume the date (July 18, 1955) of Mr. Brezina's letter to Mr. D. W. Loucks notifying him of appropriation of water.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Keyapaha River, on left (north) bank; Diversion Point No. 1 bears S. 88° 20' W - 1029.8 ft. and Diversion Point No. 2 bears S. 35° 20' E - 2088 ft. from 4-corner common to Secs. 23 & 24, T95N, R76W, 5th P.M.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Two 4" pumps, each with a nominal rating of 450 GPM @ 125' TPH and approximately 3300 LF of smooth pipe, most of it being 1", with irrigation type revolving sprinklers.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Apparently the areas, as shown in the Owner's map of the project, have actually been irrigated. These are listed as follows: In SE 1/4 Sec. 23: NW 1/4-29.4; SW 1/4-4.4; NE 1/4-19.8; SEP-16.7 acres. In SW 1/4 Sec. 24: NW 1/4-22.7; SW 1/4-0.5; NE 1/4-35.7; SE 1/4-11.7 acres; a total of 140.9 acres, all in T95N, R76W, 5th P.M.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. For that specified in Question 6, approximately 280 Ac. Ft.

~~Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.~~

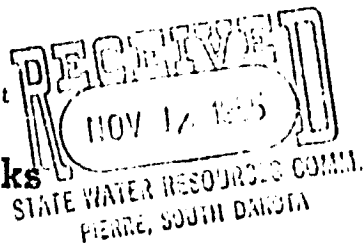
Ans. _____

Permit No. 369-2Water Division No. 2

Keyapaha

River

Water District



Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated October 12
1955, I have this day made a thorough examination of the diversion works constructed by Robert W. Brezina
Pennington County, South Dakota, holder of Permit No. 369-2, issued
upon Application No. _____, bearing date of priority of _____, 19____, authorizing the
diversion of 1.8 cu. ft. per second of the waters of Keyapaha River for irrigation
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Two pumps each with nominal rating of 450 GPM
@ 125' TPH and approximately 3,300 LF of smooth aluminum pipe, most
of it being 4", with irrigating type, revolving sprinklers.

and the system is in the following condition: Good. New this season.

The point of diversion is located On left (north) bank of Keyapaha River. Point
No. 1 bears S. 88° 20' W. - 1029.8' and Point No. 2 bears S. 35° 20' E. - 2088',
from 1/4-corner common to Secs. 23 & 24, T95N, R76W, 5th P.M.

The works are capable of diverting and conveying to the place of use 1.4 cu. ft. per second of water,
which is to be used for irrigation. Owner will install pipe adequate to
deliver 1.8 cfs.

The legal sub-divisions to be irrigated are: All located in T95N, R76W, 5th P.M. as
follows:

In SE 1/4 Sec. 23: NW 1/4-29.4; SW 1/4-4.4; NE 1/4-19.8; SE 1/4-16.7 acres.

In SW 1/4 Sec. 24: NW 1/4-22.7; SW 1/4-0.5; NE 1/4-35.7; SE 1/4-11.7 acres.

_____ comprising a total of 140.9 acres of land.

The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: None

Witness my hand, this 16 day of November, A. D. 19 55

—SEAL—

William J. Starnes
Examining Engineer.

369-2
~~386-2~~

INVESTIGATION OF WATER RIGHT #369-2

On August 24, 1967, I stopped at the Robert Brezing place and talked with his foreman, Mr. Roy Intorn. Mr. Intorn stated that eventhough no irrigation has taken place in the last two years, they intend to keep the water right active. They hope to pump yet this fall and will surely pump next year since he is aware of forfeiture clause.

Conclusion: No further action is planned.

RICHARD SCHMOYER
Water Rights Specialist

August 24, 1967

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date 4/4/73

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

Portions of the SE $\frac{1}{4}$, Section 23, and SW $\frac{1}{4}$, Section 24, T95N, R76W,
described in Water License No. 369-2.

formerly owned by Robert Brezina, Rapid City, S.D.has been transferred to Victor G. Weikum, Wewela, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
369-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the Office of Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960
Supplement to the South Dakota Code of 1939.

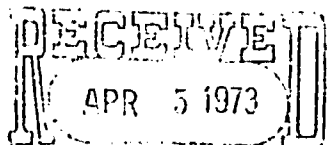
STATE OF SOUTH DAKOTA)
County of Tripp) ss.

I, Victor G. Weikum being first duly sworn on my oath depose and
say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing
statement, and I know of my own personal knowledge that the information herein stated is true

Victor G. Weikum
(Signed)

Subscribed and sworn to before me this 4 day of April, 1973

Ralph A. Johnson
(Notary Public)



STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA



Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights
(605) 773-3352

349.2

August 11, 1980

Because of the existing deficient supply of water in the Keyapaha River (2.3 cfs at Wewela gage August 6, 1980) to provide water for domestic use including livestock watering, it is ordered that all withdrawals of water from the Keyapaha River for irrigation purposes cease effective 12:00 noon August 14, 1980 until January 1, 1981 or until further notice.

This order is issued in accordance with the South Dakota Water Laws which require the Water Management Board to control and regulate all waters of the State to assure water for domestic supplies and prior water rights.

Please govern your use of irrigation water under your Water Right in accordance with this order. You will be notified if the water supplies of the Keyapaha River become sufficient to permit irrigation water withdrawals again during 1980. If there are any questions on this order, please let me know.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Equal Opportunity Employer



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

March 23, 1987

VICTOR G. WEICKUM
WEWELA, SD 57578

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 629-2, 369-2, 759-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 629-2, 369-2, 759-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

April 13, 1987

369-2
629-2
759-2

Victor Weickum
Wewela, SD 57578

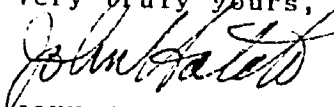
Dear Mr. Weickum::

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 369-2, 629-2 and 759-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

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

If you have any questions, please contact us.

Very truly yours,



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

Water Rights Division - DWR
Conversation or File Documentation

(369-2)
File No. 629-2
759-2

NAME OF PERSON OR FILE: Victor G. Weickum

ADDRESS: Waverla, SD COUNTY Tripp

DATE: August 29, 1990 TELEPHONE 842-1412

RE: Cancellation of Water Rights

COMMENTS:

On August 16 & 29, 1990, I talked to Victor Weickum about Water Rights No. 369-2, 629-2 & 759-2. These Water Rights have not been used for quite some time. Mr. Weickum sold his equipment several years ago, when doing this he placed some of the irrigated ground under Water Right No. 369-2 into the CRP program. Explained to him that I checked the Irrigation Questionnaires and found that he had irrigated some of the land under Water Right No. 369-2 in 1984 and had several years of adequate moisture between then and 1989 when he put the land into CRP and thought a portion of Water Right No. 369-2 (35 acres) could be retained with the remaining portion of #369-2 along with #629-2 & #759-2 needing to be cancelled. Mr. Weickum was not pleased with this, but said he understood.

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.

Permit No. 369-2Kayapaha River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Victor G. Weickman
 of Newell, SD holder of
 Permit No. 369-2, bearing the priority of November 28 19 50 authorizing
 the diversion of 1.80 cu. ft. per second of the waters of Kayapaha River
 for Irrigation purposes, in Tripp County.

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

A. Works used to divert the water:

No Equipment Availableland placed into CRP Program

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

C. Works used to apply water to beneficial use:

The system is in the following condition _____

The point of diversion is located Between a point located 1040 ft. West & 100 ft. South
and a point 1150 ft. East & 1600 ft. South of the East 1/4
Corner of Sec. 23-T95N-R76W.

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

cu. ft. per second of water which is to be used for _____

Water has been put to beneficial use to the maximum extent as follows: Sec. 23-T95N-R76W.SW 1/4 SE 1/4 - 18 AcresSE 1/4 SE 1/4 - 21 Acrescomprising a total of 35 acres of land and the license should be issued for 0.50 cfsApplicable permit qualifications have been complied with ☐ Yes ☐ NoExceptions to compliance are: _____ Date August 30, 1990

Timothy J. Shand
 (signature)



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 11, 1991

NOTICE

TO: Victor Weickum
Wewela, SD 57578

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Amendment of Water Right No. 369-2 Qualification Regarding
Cut Off Periods

Notice is given that the Water Management Board will consider deleting and adding the following qualifications to Water Right No. 369-2.

Qualification to be deleted:

During periods when the flow in the river at the Government Station at Wewela is 10 cubic feet of water per second or less or when the gauge reading is 1.0 or less, this permit shall not authorize the drawing of water from the stream for irrigation.

Qualification to be added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 10 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

The hearing to consider amendment of Water Right No. 359-2 to delete and add the above qualifications will be held February 27, 1991 at 11:30 am, Meeting Room, Governors Inn, 700 West Sioux Avenue, Pierre, SD 57501. The agenda time is an estimate and may be delayed due to prior agenda items. The hearing will be held pursuant to the provisions of SDCL 46-1-11 and 46-2-17.

The hearing is based on the review of Keya Paha River Water Permits/Rights and historic flow records of the Keya Paha River. The attached report summarizes the current water permits/rights on the Keya Paha River and contributing tributaries. Also enclosed is a notice of hearing that will be published in the Winner Advocate for two consecutive weeks. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

After all evidence is taken at the hearing, the Board may issue a decision to delete and add the above qualifications, postpone any action or take no action. This hearing is an adversary proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Attachment

CERTIFICATION

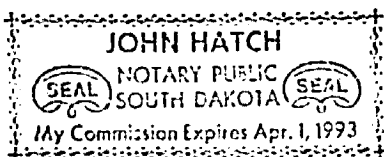
I hereby certify that on January 14, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Amendment of Water Right No. 359-2 addressed as stated below.

Victor Weikum, Wewela, SD 57578

Marie R. Arthur
Marie R. Arthur
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of January, 1991.



John Hatch
Notary Public

REPORT ON
NOTICE OF CANCELLATION
WATER RIGHTS NO. 629-2 & 759-2
VICTOR G. WEICKUM, WEWELA, SD
FEBRUARY 25, 1991

On August 16 & 29, 1990, I talked to Victor Weickum about Water Rights No. 369-2, 629-2, 759-2. Mr. Weickum said these permits had not been used for some time. He said he had sold his equipment several years ago, and when doing this he placed some of the irrigated land into the CRP Program.

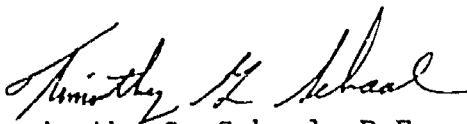
Water Right No. 369-2 was licensed in 1955 for 1.80 cfs to irrigate 140.9 acres in the SE 1/4 of Section 23-T95N-R76W and the SW 1/4 of Section 24-T95N-R76W. Water Right No. 629-2 was licensed in 1962 for 0.37 cfs to irrigate 27.1 acre in the NW 1/4 of Section 25-T95N-R76W. Water Right No. 759-2 was licensed in 1962 for 0.67 cfs to irrigate 46.9 acres in the NW 1/4 of Section 25-T95N-R76W.

The following table represents Mr. Weickum's past Irrigation Questionnaire Reports.

	90	89	88	87	86	85	84	83	82
#369-2	CRP	CRP	Rain	None	No Equip.	Rain	35 Ac.	10 Ac.	None
#629-2	CRP	CRP	Rain	None	No Equip.	Rain	None	10 Ac.	None
#759-2	CRP	CRP	Rain	None	No Equip.	Rain	None	None	None

According to the Tripp County ASCS Office the only land covered in the CRP Program would be the SE 1/4 of Section 23-T95N-R76W and a portion of the SW 1/4 of Section 24-T95N-R76W. This would be land cover under Water Permit No. 369-2. None of the land covered under Water Permit Nos. 629-2 and 759-2 is in the CRP Program.

After checking this information, I informed Mr. Weickum that I thought Water Permit Nos. 629-2 and 759-2 should be cancelled, and Water Permit No. 369-2 should be re-licensed for only the 35 acres that had been reported irrigated.


Timothy G. Schaal, P.E.
Water Recourses Engineer III

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 369-2

(1) Robert Brezina of Rapid City, SD was issued Water License No. 369-2 on November 19, 1955, for a water right to appropriate 1.80 cubic feet of water per second from the Keyapaha River, Tripp County, South Dakota for irrigation purposes. Water license No. 369-2 with a priority date of November 28, 1950 was 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 water completed.

On April 5, 1973, Water Right No. 369-2 was transferred from Robert Brezina to Victor G. Weickum, Wewela, SD.

Water License No. 369-2 was originally issued for irrigation of 140.9 acres in the SE 1/4 Section 23 and the SW 1/4 Section 24, T95N, R76W.

In 1989, the land was placed in the Conservation Reserve Program (CRP). Based upon an August 30, 1990 inspection of the water use system, Water License No. 369-2 is being reissued to the extent of what was actually being irrigated prior to the time the land was placed in the CRP Program.

(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 0.50 cubic feet of water per second for beneficial use. The location of the diversion point is: between a point located 1040'W and 100'S (NE1/4 SE1/4 Section 23) and a point 1150'E and 1600'S (SW1/4 SW1/4 Section 24) of the E1/4 corner Section 23, T95N, R76W.

(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:

T93N, R76W Section 23	SW1/4 SE1/4	14 acres
	SE1/4 SE1/4	21 acres
	Total --	35 acres.

(4) Pursuant to Section 46-5-30.1 Victor G. Weickum of Wewela, SD 57578 the holder(s) and/or owner(s) of Water Right No. 369-2 is issued a license to appropriate water, the right to use 0.50 cubic feet of water per second from the Keyapaha River with a priority

date of November 28, 1950 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 Water Right No. 369-2 and subject to South Dakota State Law.



APR 26 1991

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

APR 26 1991

Victor G. Weickum
Wewela, SD 57578

Dear Mr. Weickum:

Enclosed is reissued Water License No. 369-2. The water license was reissued to the extent of what was actually irrigated prior to the time the land was placed in the CRP Program.

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

Very truly yours,

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

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

enclosures

569-2

STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE APPLICATION	)	FINDINGS OF FACT
TO AMEND WATER PERMITS AND WATER	)	CONCLUSION OF LAW
RIGHTS WHOSE WATER SOURCE IS THE	)	AND FINAL DECISION
KEYA PAHA RIVER, IN PARTICULAR,	)	
WATER PERMITS AND RIGHTS NOS. 281-2	)	
282-2 AND 710-2, CHARLES RICHEY;	)	
NO. 369-2, VICTOR WEICKUM; NO. 414-2	)	
H.W. CARLSON; NO. 465-2 LUCILE RICHEY;	)	
NOS. 835-3 AND 959-2 ALVA WILEY;	)	
NO. 1530-2, VERN KESZLER; NO. 879-2,	)	
RICHARD KIRSCH; NO. 931-2,, LLOYD	)	
BLOMSTROM NO. 1107-2, STANLEY HANSON;	)	
NO. 1108-2, GARNET SARGENT;	)	
NO. 1128-2, CHARLES HELLMANN; AND	)	
NO. 2122-2 RODNEY HOFELDT	)	



FINDINGS OF FACT

I

This is an application by the Chief Engineer to establish a more manageable "cutoff" system on the Keya Paha River.

II

The existing water permits and water rights on the Keya Paha River have various cutoff dates. The first three permits issued on the Keya Paha River have a 10 cfs bypass at the Wewela Gauging Station. Eight permits, issued in the 1950s and 1960s, do not have a specific low flow bypass or cutoff date, but do have a requirement to bypass water for downstream domestic use and prior water rights. Three permits, issued in the 1970's, have a June 15 cutoff date. The most recent permit granted in the Keya Paha system provides a May 20 cutoff date.

III

Keya Paha system includes not only diversions from the Keya Paha River itself, but from its tributaries.

IV

The Keya Paha River is a spring fed river.

V

The Wewela Gaging Station is located at a point downstream of most of the water permits at issue. Statistics developed at the Wewela Gaging Station demonstrate that for the past thirty-nine years there were at least 10 cfs water at Wewela 90% of the time during the driest months of July, August and September. The same gaging station statistics indicate that there was a 70% chance that there would be at least 20 cfs of water at Wewela during the driest months of August and September.

VI

That Wewela Gaging Station thus reflects the situation which has existed given actual diversions. The Wewela station statistics do not reflect, however, the withdrawals of the latest appropriator whose Water Permit Application No. 2122-2 was approved May 23, 1990. That permit was for 4.57 cfs of water from a dug out located on a spring fed draw and supplemental water from Lost Creek, a tributary of the Keya Paha River. That permit has a May 20 cutoff for the portion of the diversion from Lost Creek.

VII

At least one domestic user downstream of the Wewela Gaging Station has testified that even when there are 18 cfs of water in the stream, there is insufficient water for his livestock. His cattle are located several miles below Wewela.

VIII

The Board finds that a 10 cfs bypass at Wewela is insufficient to provide reasonable protection to downstream domestic use, including livestock watering and prior water rights. The Board finds, furthermore, that reasonable protection is provided, on the basis of data now available, by a 15 cfs bypass requirement.

IX

The Board of Water Management has jurisdiction to impose amendments on existing permits to protect downstream domestic use, including livestock watering and to protect prior water rights. Such amendments are justified by the Water Management Board's statutory authority and duty to protect such prior rights.

X

The rights of the prior appropriators are not unlawfully impaired by the exercise of this authority by the Board, especially when the amendment provides for exceptions upon written authorization from the Chief Engineer. Moreover, when it is reasonable to allow exceptions despite the 15 cfs bypass requirement, senior appropriators will be

allowed by the Chief Engineer to irrigate beyond the cutoff date before junior appropriators.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. The Board has general authority to amend existing water permits pursuant to SDCL 46-2A-12.
3. The amendment set out in the Final Decision does not unlawfully impair existing rights. This is so because the existing rights are all subject to downstream domestic use including livestock watering and, of course, prior water rights. Moreover, even when the flow is 15 cfs or less, any appropriator may receive written permission from the Chief Engineer to appropriate water and such permission shall be granted, insofar as reasonably possible under the circumstances, first to senior appropriators and then to later appropriators.
4. The cutoff requirement set out in the Final Decision provides reasonable direction to the Chief Engineer in his management of the Keya Paha system. The proposed amendment to the permits is for beneficial purposes and is in the public interest.
5. The Board has jurisdiction to provide for a 15 cfs bypass requirement despite the fact that the advertisement provided for a 10 cfs requirement. The Chief Engineer's recommendation, as advertised and served upon the present water right holders, authorized the Board to approve the recommendation with "additional qualifications. . . ."

This language vests the Board with the power to make reasonable modifications in the recommendation.

6. The Department of Game, Fish and Parks requested a 16 cfs bypass for fish and wildlife purposes. The Board, having determined to adopt a 15 cfs requirement, concludes that it is unnecessary to consider whether it is appropriate or lawful to impose new bypass requirements on existing permits for fish and wildlife purposes and therefore declines to act upon the GF&P suggestion.

FINAL DECISION

Each of the rights and permits identified in the caption of this proceeding is herewith amended to remove any previous cutoff dates and bypass requirements and the following qualification is hereby added to each of the above-identified water rights and water permits.

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the chief engineer. Diversions under this permit shall be in accordance with any written orders issued by the chief engineer.

BY THE BOARD

Chairman
Water Management Board

m-pld51.jrg

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 13, 1991

NOTICE

369-2

Victor Weickum
Wewela SD 57578

Dear Mr. Weickum:

This letter is in response to action taken by the Water Management Board to amend Water Right No. 369-2. The Board amended Water Right No. 369-2 by deleting and adding the qualifications on the enclosed "Attachment" which should be placed with the water right. The action was taken pursuant to the notice to you dated January 11, 1991.

Very truly yours,

John Hatch

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

enclosure

ATTACHMENT TO WATER RIGHT NO. 369-2

VICTOR WEICKUM

The Water Management Board amended Water Right No. 369-2 at the February 27, 1991 Board meeting to delete and add the following qualifications:

Qualification deleted:

During periods when the flow in the river at the Government Station at Wewela is 10 cubic feet of water per second or less or when the gauge reading is 1.0 or less, this permit shall not authorize the drawing of water from the stream for irrigation.

Qualification added:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

CERTIFICATION

I hereby certify that on June 17, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of action taken by the Water Management Board to amend Water Right No. 369-2 addressed as stated below:

Victor Weickum, Wewela, SD 57578.

Chas. F. Frost

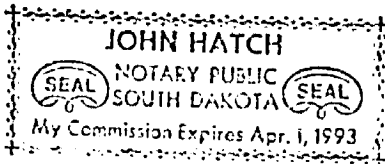
Cheryl F. Frost
Secretary

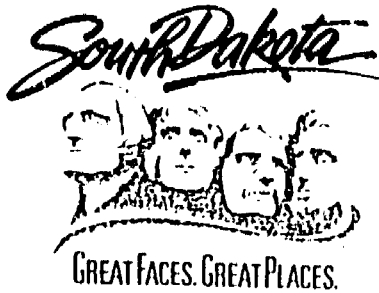
STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of June, 1991.

John Bates

Notary Public





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

August 29, 1991

NOTICE

PERMIT NO(S). 369-2

TO: Victor Weickum
Wewela, SD* 57578

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: Shutoff Order for Water Diversions from the
Keyapaha River.

The flows in the Keyapaha River are below 15 cubic feet per second (cfs) at the Wewela gaging station. Therefore, to protect domestic use (livestock watering), effective immediately, no pumping of water is authorized from the Keyapaha River or contributing tributaries until January 1, 1992 or until further notice.

The following is the latest flow (cfs information on the river:

GAGE	3/27/91	3/28/91	3/29/91
Wewela	15.9	13.5	12.6

If you have any questions, please contact Tim Schaal or Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

L

369-2

CERTIFICATION

I hereby certify that on August 29, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Shutoff Order for Water Diversions from the Keyapaha River addressed as stated below:

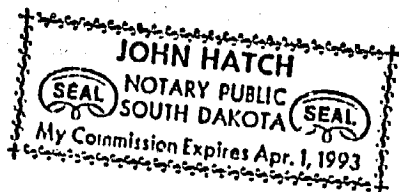
Garnet Sargent, RR, Clearfield, SD 57581
Rodney Hofeldt, RR 5, Box 89, Millboro, SD 57554
Stanley Hanson, RR 5, Box 63, Millboro, SD 57554
Lloyd Blomstrom, P.O. Box 623, Winner, SD 57580.
Vern Keszler, HC 88, Box 12, Clearfield, SD 57581.
~~Dale Heese, SR Box 36, Millboro, SD 57554.~~
Charles Hellman, RR 5, Box 84, Millboro, SD 57554.
Alva Wily, SR 10, Box 34, Millboro, SD 57554.
Richard Kirsch, HC 80, Box 49, Springview, NE 68778.
Charles Richey, HC 88, Box 47, Wewela, SD 57578.
Lucile Richey, RR 10, Box 46, Wewela, SD 57578.
Victor Weickum, Wewela, SD 57578.
H. W. Carlson, RR 1, Box 32, Colome, SD 57528.

Cheryl F. Frost

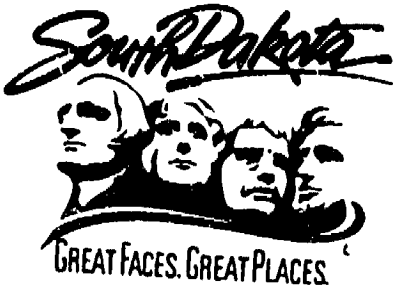
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 30th day of August, 1991.



John Hatch
Notary Public



369-2

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

October 20, 1995

369-2
VICTOR G. WEICKUM
HC 88 BOX 44
WEWELA, SD 57578**NOTICE TO SUBMIT THE 1995 IRRIGATION QUESTIONNAIRE
AND CHEMIGATION REPORTING FORM**

Please complete the enclosed 1995 Irrigation Questionnaire(s) and return them in the postage paid envelope by **December 15, 1995**. Chemigation reporting form(s) are also enclosed for irrigators who have reported applying chemicals through their irrigation system. However, if you apply chemicals through your irrigation system, but did not receive a report form, please indicate so on the water use questionnaire and a report form will be forwarded to you.

Submission of the Irrigation Questionnaire(s) and Chemigation Reporting form(s) is required whether or not you irrigated this year. Some of the items to be aware of when completing the enclosed form(s) are:

1. Make necessary changes to the address label. It is important that your mailing address remain current. Please include a phone number where you can be reached during the day. This will assist us in contacting you if we have questions.
2. If you have multiple permits and do not know the specific legal descriptions which pertain to each permit, please contact us. It is acceptable to put the information for all permits on one form, however, **ALL** forms need to be returned.
3. **A WATER RIGHT OR PERMIT IS SUBJECT TO SUSPENSION OR CANCELLATION IF THE IRRIGATION QUESTIONNAIRE(S) AND/OR CHEMIGATION REPORTING FORM(S) ARE NOT RETURNED.**

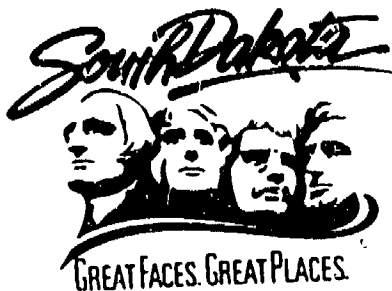
If you have questions or need assistance with completion of the irrigation questionnaire or chemigation reporting form, please contact Genny McMath, at (605) 773-3352.

For the Water Management Board

JOHN HATCH, Chief Engineer
Water Rights Program

enclosures

*Been in Texas with our daughter, back again
sorry we are so late!!*



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: VICTOR G. WEICKUM, HC 88 BOX 44, WEWELA, SD 57578

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 369-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 369-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

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 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:

VICTOR G. WEICKUM
HC 88 BOX 44
WEWELA SD 57578

5. Received By: (Print Name)

6. Signature (Addressee or Agent)

X

PS Form 3811, December 1994

4a. Article Number

Z 348 318 909

4b. Service Type

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

01-31-96

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

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

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

Consult postmaster for fee.

Domestic Return Receipt

Thank you for using Return Receipt Service.

is your RETURN card completed on the reverse side?

369-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1996

369-2

Victor G Weickum
HC 88 Box 44
Wewela, SD 57578

Dear Mr. Weickum:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of the Requirement to Submit the 1995 Irrigation Questionnaire.

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



369-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: VICTOR G WEICKUM, HC 88 BOX 44, WEWELA, SD 57578 7001

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 369-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 1:30 pm, March 1, 2000, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 369-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

369-2

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY									
■ 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.		<table border="1"> <tr> <td>A. Received by (Please Print Clearly)</td> <td>B. Date of Delivery</td> </tr> <tr> <td><i>Victor G Weickum</i></td> <td>01-31-00</td> </tr> <tr> <td>C. Signature</td> <td> ☒ Agent ☐ Addressee </td> </tr> <tr> <td colspan="2"> D. Is delivery address different from item 17 ☐ Yes If YES, enter delivery address below: ☐ No </td> </tr> </table>		A. Received by (Please Print Clearly)	B. Date of Delivery	<i>Victor G Weickum</i>	01-31-00	C. Signature	☒ Agent ☐ Addressee	D. Is delivery address different from item 17 ☐ Yes If YES, enter delivery address below: ☐ No	
A. Received by (Please Print Clearly)	B. Date of Delivery										
<i>Victor G Weickum</i>	01-31-00										
C. Signature	☒ Agent ☐ Addressee										
D. Is delivery address different from item 17 ☐ Yes If YES, enter delivery address below: ☐ No											
1. Article Addressed to: VICTOR G WEICKUM HC 88 BOX 44 WEWELA SD 57578 7001		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.									
2. Article Number (Copy from service label) 2 227 670 418		4. Restricted Delivery? (Extra Fee) ☐ Yes									

PS Form 3311, July 1999

Domestic Return Receipt

102595-99-M-1789



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 2000

369-2

Terry Weickum
HC 88 Box 44
Wewela, SD 57578-7001

Dear Mr. Weickum:

Thank you for calling in regarding ownership of Water Right No. 369-2 and the 1999 irrigation questionnaire.

I completed a questionnaire for you based on our phone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 369-2. The information was received in our office prior to the Water Management Board meeting and the matter has been deleted from the agenda.

With regard to the ownership change, enclosed is a partially completed "Notice of Transfer of Ownership" form. Please review the form for accuracy and make any necessary corrections. Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

Once we receive the completed form and filing fee in our office, the water right 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

enclosure



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

369-2

Dear Mr. Weickum:

I completed a questionnaire for you based on our phone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 369-2. The information was received in our office prior to the Water Management Board meeting and the matter has been deleted from the agenda.

Once we receive the completed form and filing fee in our office, the water right will be transferred to your name. If you have any questions, please contact me.

Henry McMath

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 18, 2000

369-2

Terry Weickum
HC 68 Box 44
Wewela, SD 57578-7001

Dear Mr. Weickum:

On February 25, 2000, I forwarded you a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with Water Right No. 369-2. The water right is currently listed in the name of Victor Weickum.

In order to complete the transfer, you needed to sign the form in the presence of a notary and return it to our office with a required filing fee of \$2.50. On April 11th, you sent back the partially completed transfer form and a copy of my February 25th letter. I am assuming since the form was not filled out and signed by you, that you do not wish to have the water right transferred and it should be left under Victor's name. If I have misunderstood, please let me know.

Thank you in advance for your help. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

4/19 Terry called - said he forgot to fill form
out - wants me to send transfer form back for
completion
Sen

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 369-2



Date: 5-14-00

I/We request that Water Right No. 369-2

formerly owned by: Victor G Weickum

be transferred to: (name & address) Terry Weickum, HC 88 Box 44, Wewela, SD 57578-7001

Telephone No. _____

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

35 acres - S 1/4 SE 1/4 Section 23, T93N, R76W

I/We understand that the validity of Water Right No. 369-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Tripp)

I/We Terry Weickum 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.

Terry Weickum
(Signed)

Subscribed and sworn to before me this 16 day of May, 2000.

Paul Schmidt
(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
Water Rights Program
South Dakota Department of Environment and Natural Resources

N2 416520

Pierre, May 17, 2000

RECEIVED OF Terry Weickum, HC 68, Box 44, Wewela, SD 57578-7001
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. 369-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By Harold E. Ebel
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 2000

369-2

Terry Weickum
HC 88 Box 44
Wewela, SD 57578-7001

Dear Mr. Weickum:

Thank you for following up on the transfer of ownership for Water Right No. 369-2. The transfer has been completed and the water right is now listed in your name.

Enclosed is your Receipt No. 416520 in the amount of \$2.50 which paid for filing the ownership change.

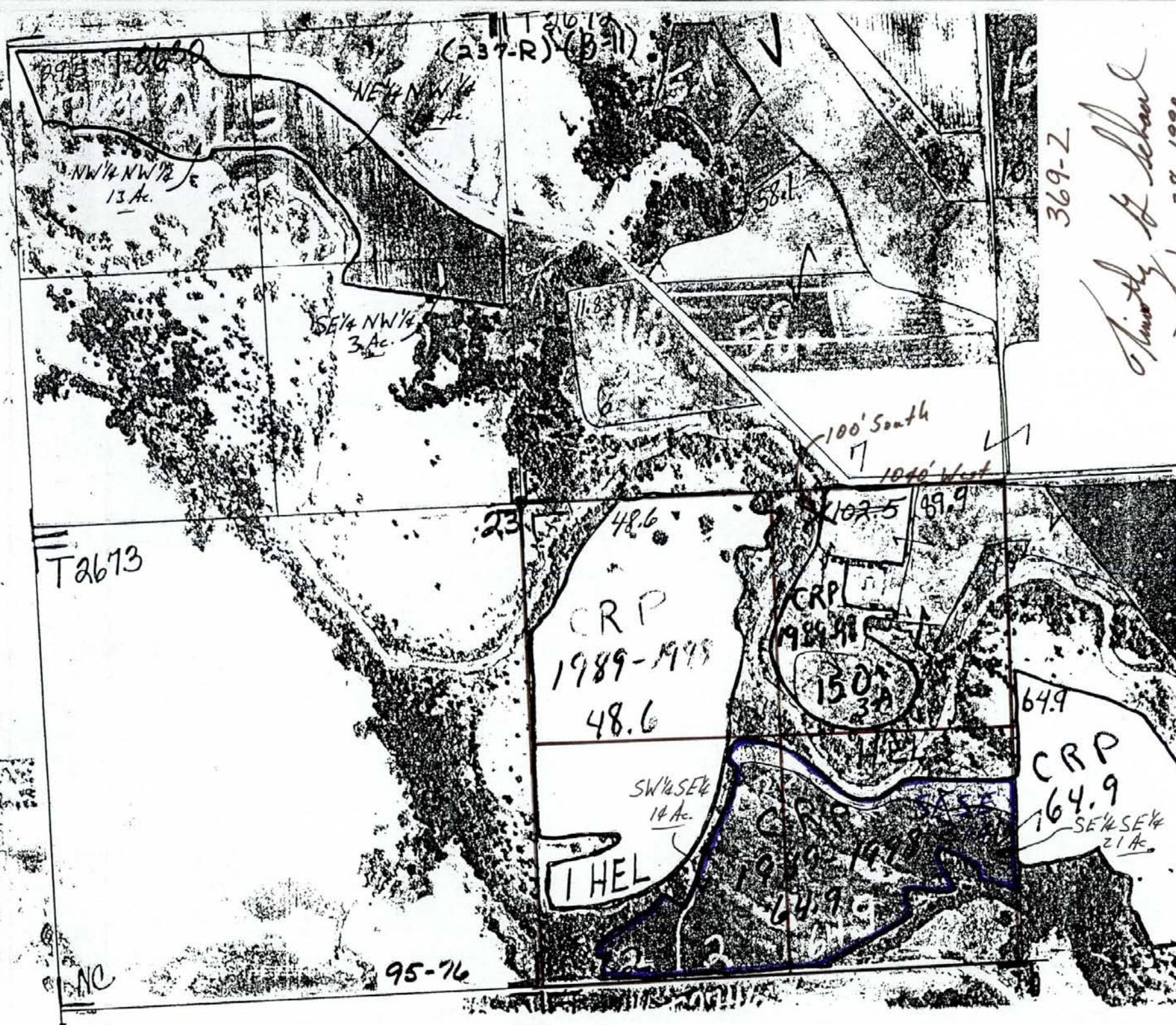
If I can answer any questions for you concerning the water right, please contact me.

Sincerely,

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

enclosure

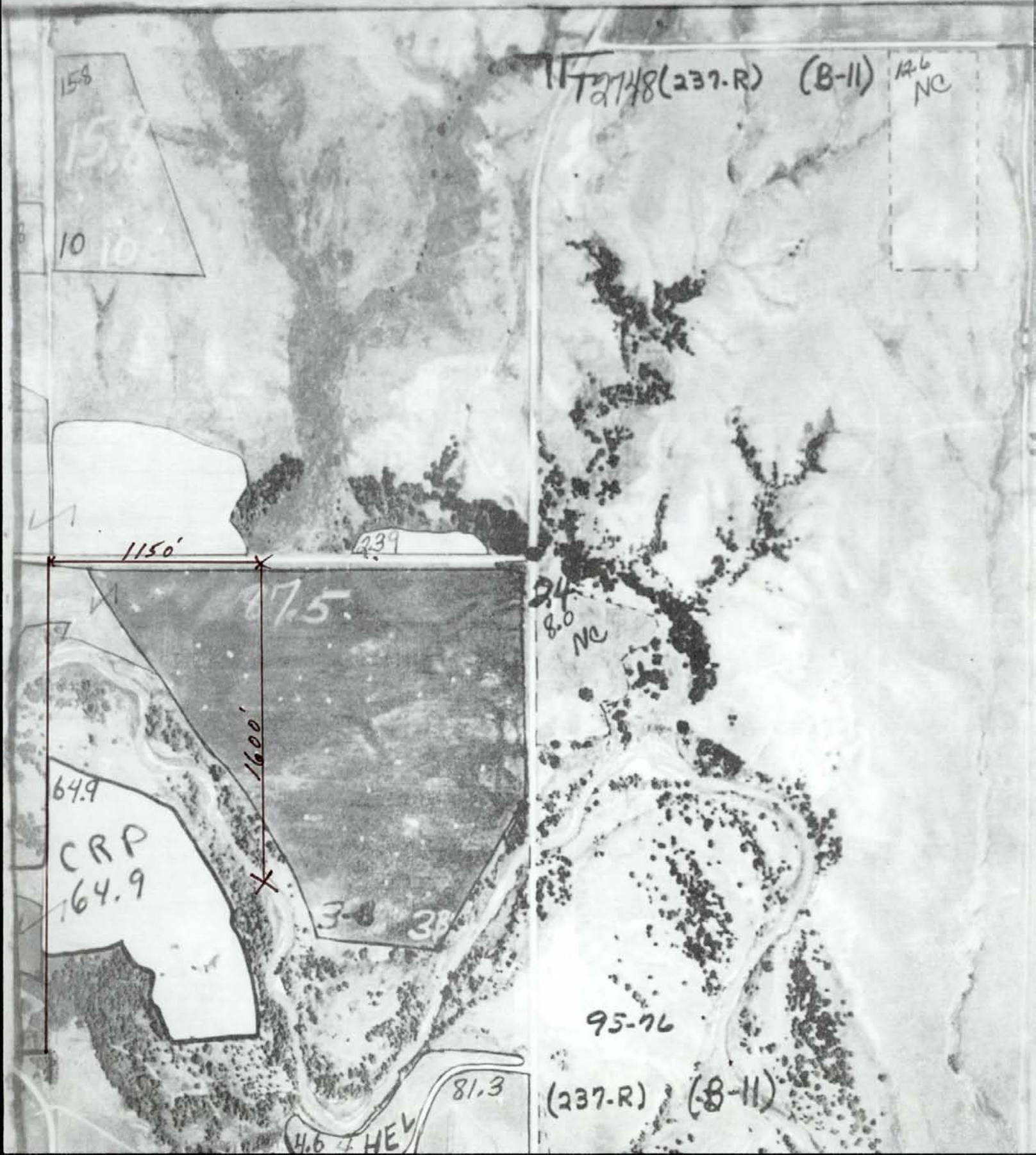
Wickham #369-2



369-2

Timothy H. Schaul
December 28, 1990

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 2006

**KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s) 369-2**

To: TERRY WEICKUM
30203 US HWY 183
WEWELA SD 57578

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: Keya Paha River Qualification Reminder for Permit No(s) 369-2

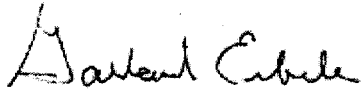
Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 17, 2006, the stream flow at the Wewela gage dropped to 14-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.

July 16, 2007

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s) 369-2

To: TERRY WEICKUM
30203 US HWY 183
WEWELA, SD 57578



From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: Keya Paha River Qualification Reminder for Permit No(s). 369-2

Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 16, 2006, the stream flow at the Wewela gage dropped to 13-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2007

369-2

Whetham Agency
31879 288th St
Colome SD 57528

RE: Water Right No. 369-2, Terry Weickum

Dear Sirs:

Thank you for contacting us regarding the ownership change needed for Water Right No. 369-2.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The form will need to be completed and signed by the new owner. Upon completion, please return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure

RECEIVED

JAN 31 2008

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 369-2

Date: 1-30-8

I/We request that Water Right No. 369-2

formerly owned by: Terry Weickum, 30203 US Hwy 183, Wewela SD 57578-7001

be transferred to: (name & address) Hartland Farms Inc Corwin Hartthorn
RR 2 Box 245 Ainsworth, NE

Telephone No. 402-387-1253

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

35 acres - S 1/2 SE 1/4 Section 23, T93N, R76W

I/We understand that the validity of Water Right No. 369-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Corwin Hartthorn
(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 1/31, 20 08

RECEIVED OF Hartland Farms Inc 2587 240th St Doon IA 51235

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>369-2</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	2	50

No.

03444

By

Leland Erbe

Chief Engineer

[Signature]



February 1, 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

369-2

Corwin Harthoorn
Hartland Farms Inc
RR 2 Box 245
Ainsworth NE 69212

Dear Mr. Harthoorn:

I am writing to acknowledge receipt of the ownership change and filing fee you submitted for Water Right No. 369-2. The transfer has been completed. The water right formerly held by Terry Weickum is now listed in the name of "Hartland Farms Inc".

Enclosed is your Receipt No. 03444 in the amount of \$2.50. I have also included a copy of Water Right No. 369-2 which will outline what is authorized for irrigation. The Findings of Fact, Conclusions of Law and Final Decision included with the water right will show you what qualifications are on the water right as they pertain to the Keyapaha River. You may keep these for your records.

Each year we mail out irrigation questionnaires to irrigators requesting information on how much water they pumped during that crop year. I am including a copy of a past irrigation questionnaire for this property to give you an idea of what type of records to keep track of during the growing season.

Sincerely,

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

enclosure



February 22, 2008

TERRY WEICKUM
30203 US HWY 183
WEWELA, SD 57578

Dear Water Right Holder:

Due to the ongoing drought, I would like to remind you of the qualification that exists on your water right. All water right holders who divert water from the Keya Paha River and its tributaries have water rights with a 15 cubic feet of water per second (cfs) bypass qualification. The qualification states that diversion of water is not authorized when the stream flow at the USGS Wewela, SD gaging station is 15 cfs or less, unless written authorization is received by the Chief Engineer.

In the past, we have sent a letter to water right holders reminding them of the 15 cfs bypass qualification. However, some water right holders misinterpreted the "reminder letter" as a "shut-off order" and discontinued irrigation for the rest of the season, which is the reason for this letter.

As stated above, water may not be diverted when flow at the USGS Wewela, SD gaging station is 15 cfs or less. However, when flow at the gage is greater than 15 cfs, you are authorized to divert water from the river or its tributaries.

I hope this removes any confusion some may have regarding the "reminder" letter. If you have any questions, please contact Mike DeFea or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele
Chief Engineer
DENR, Water Rights Program

369-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



March 20, 2008

CORWIN HARTHOORN
HARTLAND FARMS INC
RR 2 BOX 245
AINSWORTH NE 69212

Dear Water Right Holder:

Due to the ongoing drought, I would like to remind you of the qualification that exists on your water right. All water right holders who divert water from the Keya Paha River and its tributaries have water rights with a 15 cubic feet of water per second (cfs) bypass qualification. The qualification states that diversion of water is not authorized when the stream flow at the USGS Wewela, SD gaging station is 15 cfs or less, unless written authorization is received by the Chief Engineer.

In the past, we have sent a letter to water right holders reminding them of the 15 cfs bypass qualification. However, some water right holders misinterpreted the "reminder letter" as a "shut-off order" and discontinued irrigation for the rest of the season, which is the reason for this letter.

As stated above, water may not be diverted when flow at the USGS Wewela, SD gaging station is 15 cfs or less. However, when flow at the gage is greater than 15 cfs, you are authorized to divert water from the river or its tributaries.

I hope this removes any confusion some may have regarding the "reminder" letter. If you have any questions, please contact Mike DeFea or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele
Chief Engineer
DENR, Water Rights Program

369-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 10, 2012

KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER

To: HARTLAND FARMS INC
CORWIN HARTHOORN
88809 429TH AVE
AINSWORTH NE 69212

From: Garland Erbele, Chief Engineer
Water Rights Program, DENR
(605) 773-3352

Subject: Keya Paha River Qualification Reminder for Permit No(s) 369-2

This is a **reminder** to water right holders along the Keya Paha River and its tributaries that the dry weather and low flows create a potential for shutoff orders to be issued. A qualification on your water right states that diversions are not authorized when the stream flow is 15 cfs or less at the USGS Wewela, SD gaging station. This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

Currently the stream flow at the Wewela gage is at 21 cfs. Only when flow in the Keya Paha River is greater than 15 cfs at the USGS Wewela, SD gage, are you authorized to divert water. This is **not** a shut-off order. However, if flows continue to drop, a shut-off order may be issued.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 153 stream gauging stations across the state including two gaging stations on the Keya Paha River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

If you have any questions, please feel free to contact Mark Rath or Lynn Beck at (605) 773-3352.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE OF SHUTOFF ORDER

July 17, 2012

TO: HARTLAND FARMS INC
CORWIN HARTHOORN
88809 429TH AVE
AINSWORTH NE 69212

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Keya Paha River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 369-2

The flows in the Keya Paha River are below 15 cubic feet per second (cfs) at the USGS gaging station at Wewela, SD. Therefore to protect domestic use which includes livestock watering, the department is issuing shutoff orders for the Keya Paha River from the Todd-Tripp county line to the South Dakota-Nebraska border. Effective immediately, no diversions of water from the Keya Paha River is authorized under your Keya Paha River water rights.

Flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve.

If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Mark Rath or Lynn Beck (605- 773-3352) with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on July 17, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 17, 2012 regarding shutoff order for Keya Paha River addressed as stated below:

PERMIT NO	PNO2	FIRST NAME	LAST NAME	CONTACTOWN	ADDRESS2	CITY	STATE	ZIP
1107-2		ROBERT/KIMBERLY	HANSON		29445 303 AVE	WINNER	SD	57580
2141-2		CORY C	SARGENT		29461 304th AVE	WINNER	SD	57580
1128-2	2581-2	JOE	ANDERSON	OPERATOR	29694 312th AVE	WINNER	SD	57580
414-2		H W OR BRAD	CARLSON		29716 315TH AVE	COLOME	SD	57528
835-2	959-2	ALVA LEE	WILEY		31450 301 ST	WINNER	SD	57580
710-2		JIM	RICHEY		30099 318TH AVE	WEWELA	SD	57580
465-2		E LUCILE	RICHEY		31856 RICHEY RD	WEWELA	SD	57578
369-2			HARTLAND FARMS INC	CORWIN HARTHOORN	88809 429TH AVE	AINSWORTH	NE	69212
931-2		VERNON & JEAN	VAN EPPS		93925 908TH RD	SPRINGVIEW	NE	68778
879-2		JEFF	KIRSCH		44326 905th RD	SPRINGVIEW	NE	68778

Gail Jacobson

Gail Jacobson
Secretary/Water Rights

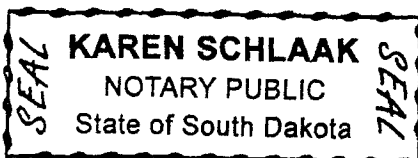
STATE OF SOUTH DAKOTA)
) SS

COUNTY OF HUGHES)

Sworn to, before me, this 17th day of July, 20 12.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2020

369-2

Corwin Harthoorn
Hartland Farms Inc
88809 429th Ave
Ainsworth NE 69210

Dear Mr. Harthoorn:

I am contacting you regarding your Water Right No. 369-2 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 369-2 has been in the Conservation Reserve Program through 2019.

The purpose of my letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have decided not to maintain the water right, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosure

RECEIVED

JUL 14 2020

WATER RIGHTS
PROGRAM**Water Right No. 369-2
Hartland Farms Inc**

Water Right No. 369-2 authorizes diversion of water from the Keyapaha River to irrigate 35 acres in the S ½ SE ¼ Section 23, T93N, R76W in Tripp County SD.

Do you still own the land described above?

Yes ☒

No ☐ (If no, please list the name and mailing address of the new owner)

Has the land been re-enrolled in CRP?

Yes ☒ through calendar year 2024

No ☒

If the land has **not** been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2022

HARTLAND FARMS INC
88809 429TH AVE
AINSWORTH, NE 69212

Dear Keya Paha River Water Right Holder:

I am writing to remind Keya Paha River water right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 – Keya Paha River near Wewala, SD to insure flows for domestic use and prior existing water rights.

Recently, river flows measured at **USGS Gage No. 06464500 – Keya Paha River near Wewala, SD** have been nearing the 15 cfs cutoff and when it does, diversion of water for irrigation purposes shall cease. This 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Mark Rath, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 31, 2025

Hartland Farms Inc
c/o Corwin Harthoorn
88809 429th Ave
Ainsworth, NE 69210

No. 369-2

Dear Mr. Harthoorn:

I am contacting you in regard to Water Right No. 369-2, authorizing the diversion of 0.50 cubic feet of water per second from the Keyapaha River, for the irrigation of 35 acres located in portions of the SE 1/4 Section 23, T93N, R76W.

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 369-2 has been in the Conservation Reserve Program (CRP) through 2024.

The purpose of this letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. If you have made a decision not to resume irrigation, let me know that as well.

Thank you in advance for your help in updating the water right.

Sincerely,

Miranda Smith
Water Rights Program
605 773-3352
Miranda.Smith@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

August 7, 2026

Permit No. 369-2

HARTLAND FARMS INC
C/O CORWIN HARTHOORN
88809 429th AVE
AINSWORTH, NE 69212

Dear Appropriators:

I am writing to remind Keya Paha River Water Right holders and operators of the bypass qualification that was placed on your water permit by the Water Management Board in 1991:

A minimum flow of 15 cubic feet of water per second (cfs) shall be maintained at Gage No. 06464500 - Keya Paha River near Wewala, SD to ensure flows for domestic use and prior existing water rights.

Recently, river flows measured at USGS Gage No. 06464500 – Keya Paha River near Wewala, SD have been as low as 25 cfs. If flows decrease to 15 cfs, diversion of water for irrigation purposes are required to cease. The 15 cfs limit is in place to protect domestic use, including livestock watering and those water rights that are most senior.

Realtime flows in the in Keya Paha River can be monitored by going to the following website:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

USGS Stream Gage No. 06464500 – Keya Paha River near Wewala, SD

Thank you for your cooperation. If you have any questions, please contact Nakaila Steen or another member of the DANR-Water Rights Program at (605) 394-2229 (Rapid City Office) or (605) 773-3352 (Pierre Office). We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program