

374-2

Office of State Engineer
DOCUMENT FILE

V. L. Palmer

Tutthill, S. Dak.

Sec. 30 - 37 N. - 35 W.

Bennett

Ground Water Supply (Well)

Map No. 403-2

No. 374-2

Division No. 2

Little White River District

PERMIT

to appropriate water from
Ground Water Supply-White River Basin

Bennett County, South Dakota

Name of applicant

V. L. Palmer

Name of diversion works

Palmer Well No. 1

Date of first receipt at office of State

Engineer April 16, 1951

Returned to applicant for Correction

----- 1951

Corrected application received

----- 1951

Date of water right

April 16, 1951

Recorded in Book 2 Page 796-797

One-fifth of work to be completed

September 20 1951

Whole work to be completed

December 20 1951

Final proof of use of water

December 20 1951

Approved June 20 1951

DEAN W. LAUCKS State Engineer.

NO. 374-2

Water Division No. 2 Little White River
(Blanks to be filled by the State Engineer.)District
APR 16 1951APPLICATION FOR PERMIT
To appropriate Water within the State of South Dakota

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

1. Name of applicant V.L. Palmer
Postoffice address Tuthill, County Bennett, State S.Dak.

I. If a corporation None

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses 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, \$12,000.00

(c) Treasury stock, \$0.00

(d) Bonds to be issued, \$0.00

(e) Other resources, \$

2. Name of well Palmer No. 1

3. Quantity of water claimed 750 gal. per min.

4. Source of water supply (estimated depth) 110'

5. Location of well (subdivision) N.W. 1/4 of N.E. 1/4, Sec. 30, Twp. 37 N., R. 35 W. 5th. PM.

6. Annual periods during which water is to be used May 15th. to Oct. 15th.

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated 172.3 acres.

(b) Legal subdivisions to be irrigated See list Attached

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

(c) Statement as to domestic use (giving location, etc.) None

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

(a) Nature of use None

(b) Amount of power to be generated None horse power.

(c) Location of plant None

(d) Method of developing power

(e) Point where return water will be diverted to stream

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$ 3300.00
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures Sprinkler Pipe & Well \$ 3200.00 Total, \$ 12000.00

9. Description of works:

(a) Head gate: Width feet; height feet;
Material
(b) Log of well:

FEET TO FROM	LOG OF WELL	
0 - 25	Fine Sand (To static water level)	
25 - 75	Coarse Sand	
75 - 115	Medium Sand	
115 - 134	Very Fine Sand	

(c) Measuring device Pressure Gauge & Sized nozzles (66)

(d) Canal: Total length Nonemiles.

LOCATION BELOW HEADGATE	DEPTH	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.)

(e) Was water tested for irrigation purpose?

Result: Very Good

10. Time required for completion of work 0.5 years.

11. Time required for complete application of water to the proposed beneficial use 0.5 years.

12. Choice of newspaper for publication of notice of intention to appropriate Martin
Messenger, Martin, S. Dak.

STATE OF SOUTH DAKOTA
County of Bennett } ss.

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

Signed V.L. Palmer

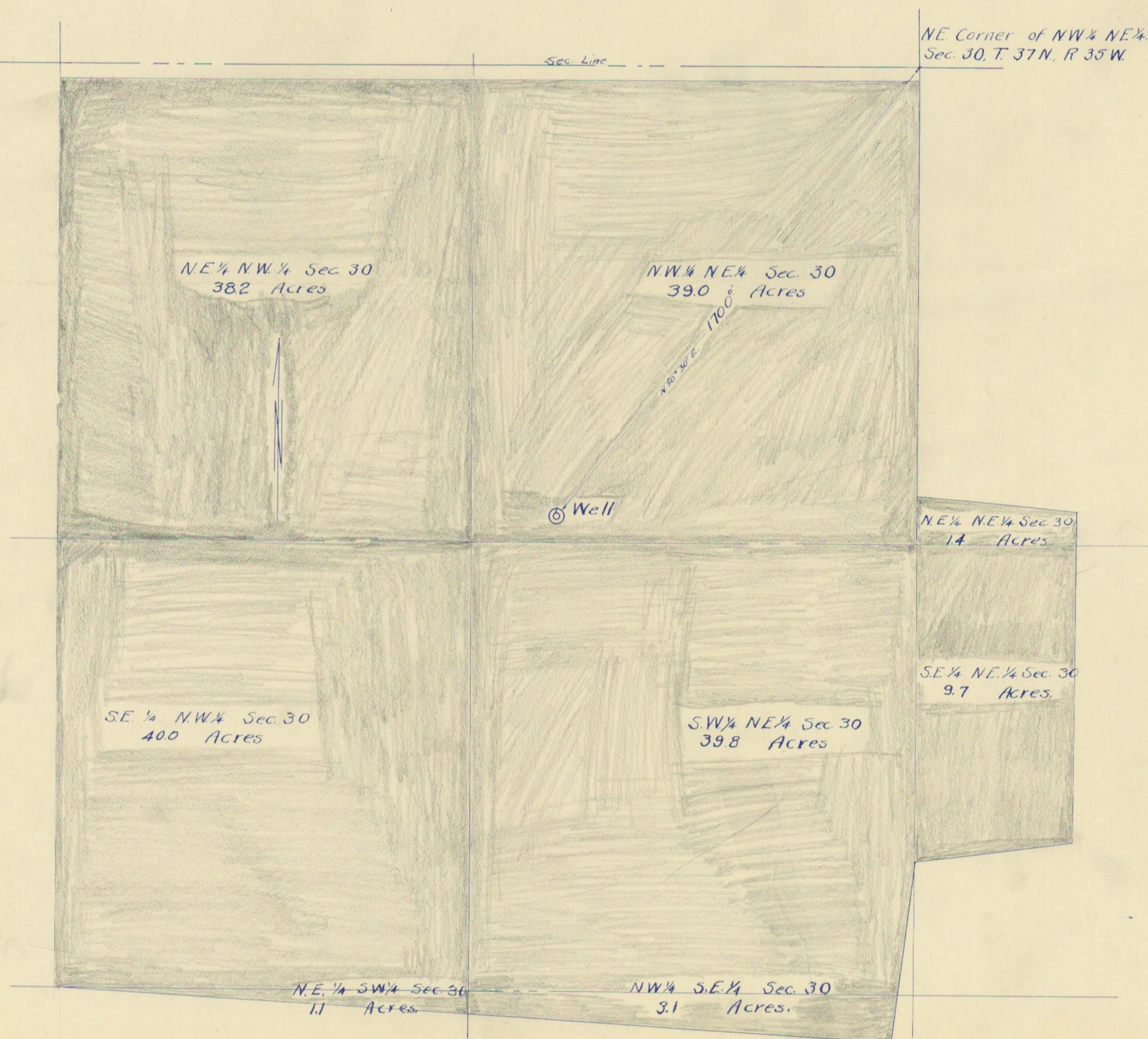
Subscribed and sworn to before me this 31st. day of March, 1951.

Edna F. Richardson
Notary Public (or other qualified officer.)

PALMER WELL NO. 1 IRRIGATION

OWNER: V. L. PALMER
BENNETT COUNTY - SOUTH DAKOTA

Scale: 1" = 200'



SURVEYOR'S CERTIFICATE

I, J. R. Richardson, Registered Professional Engineer and Land Surveyor No. 218, do hereby certify that I have made a careful and complete survey of the Palmer Well No. 1, irrigation project and that the accompanying plat is a true representation of the same.
In Witness Whereof
I have hereunto set my hand and seal this 7th day of April, 1951.

J. R. Richardson
Registered Professional Engineer and Land Surveyor

Subscribed and sworn to before a Notary Public this 7th day of April, 1951

Edna F. Richardson
Notary Public

Location of land to be irrigated

Location	Sec.	Twp.	Rge.	Acres
NE 1/4 NE 1/4	30	37 N.	35 W.	39.0
NE 1/4 NW 1/4	30	37 N.	35 W.	38.2
SE 1/4 NW 1/4	30	37 N.	35 W.	40.0
SW 1/4 NE 1/4	30	37 N.	35 W.	39.8
NE 1/4 NE 1/4	30	37 N.	35 W.	1.4
SE 1/4 NE 1/4	30	37 N.	35 W.	9.7
NE 1/4 SW 1/4	30	37 N.	35 W.	1.1
NW 1/4 SE 1/4	30	37 N.	35 W.	3.1
Total				172.3

(Water Permit No. 374-2)

Map No. 403-2

STATE OF SOUTH DAKOTA

County of Hughes

Pierre, South Dakota, June 20, 1951

This is to certify that the foregoing application was received at this office at eight o'clock A. m. upon the 16th day of April, 1951 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. ~~NO PROTESTS ARE RECEIVED.~~

DEAN W. LOUCKS

State Engineer.

Number of permit 374-2

Date of first receipt of application April 16, 1951

Date of return to applicant for correction 19

Date of receipt of corrected application 19

Date from which applicant may claim right April 16, 1951

Approved June 20, 1951, Recorded in Book 2 Page 796-797

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 September 20, 1951

2nd. The whole of said work is to be completed on or before December 20, 1951

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is December 20, 1951

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 750 gallons per minute; 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 December 20, 1951; said water to be used during the following described annual period:

May 15th to October 15th inclusive

Witness my hand this 20th day of June, 1951

DEAN W. LOUCKS

State Engineer.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 374 - 2

WHEREAS, On the 16 day of April A. D. 19 51
V. L. Palmer

of Tuthill County of Bennett and State of
South Dakota
made application (No. 374-2) to me for a permit to use 750
gal. per min.
the ground water supply
County of Bennett State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 20 day of June A. D. 19 51
Permit No. 374-2 was issued to said applicant for the diversion of said water, and providing for the com-
pletion of the works of diversion therein described on or before the 20 day of
December A. D. 19 51 and for the application to beneficial use of said
water on or before the 20 day of December A. D. 19 51
and,

WHEREAS, On the 18 day of December A. D. 19 51
the holder of said permit duly made proof of the completion of adequate works for the diversion of 750
gal. per min.
said waters, as evidenced by my Certificate No. 374-2
dated August 2, 1952 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.67 cubic feet per second of water,
with date of priority of April 16, 1951 and,

WHEREAS, On the 2 day of August A. D. 19 52
proof was duly made of the application to beneficial use of 750 gal. per min.
said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to V. L. Palmer of Tuthill, South Dakota the holder... and owner... of said permit No. 374-2 a water right, dating from April 16, 1951 to the use of 750 gal. per min. ~~under the conditions~~ of the waters of the ground water supply in the County of Bennett and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at NW 1/4 of NE 1/4 Sec. 30, T. 37N., R. 35W. and conducted to and upon Sec. 30, T. 37N., R. 35W.

for the purpose... of providing irrigation.

subject, however, to the laws of the State of South Dakota applicable to 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 the seal of my office at Pierre, South Dakota, this 11 day of August A. D. Nineteen 52 Hundred and 52

DEAN W. LOUCKS,

State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 374 - 2

To V. L. Palmer

Tuthill, South Dakota

Source of Supply Ground Water
Well

Bennett County

Am't 750 gal. per min. ~~source~~

Point of Diversion Sec. 30,
T. 37N., R. 35W.

Place of Use Sec. 30,
T. 37N., R. 35W.

Purpose Irrigation

Date of Priority April 16, 1951

Recorded June 20, 1951

in Book 2 of 2 Page 786
787

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., April 20, 1951

Notice is hereby given that V. L. Palmer whose postoffice address is Tuthill, 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 750 gallons ~~per minute~~ ~~XXXXXX~~ of time from the ground water supply ~~through the~~ Palmer Well, No. 1, the point of diversion of which is to be located on ~~the~~ ~~XXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~ in the NW $\frac{1}{4}$ of the NE of Section 30 Twp. 37N Range 35W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW, SE
Section 30, Twp. 37N., Range 35W.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 4 day of June, 1951 at 2:00 P.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.

Appropriation 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: Richardson

The Martin Messenger Affidavit of Publication

STATE OF SOUTH DAKOTA)
(83)
COUNTY OF BENNETT)

H. C. BECK

of said county, being first duly sworn,
on oath says that he is EMPLOYER
of the Martin Messenger, a weekly
newspaper printed and published in
Martin, in said County of Bennett,
and has full and personal knowledge
of the facts herein stated; that said
newspaper is a legal newspaper and
has a bona-fide circulation of at least
two hundred copies weekly, and has
been published within said county
for fifty-two successive weeks next
prior to the publication of the notice
herein mentioned and was and is
printed wholly or in part in an of-
fice maintained at said place of
publication; and that the Notice
headed -

Notice of Intention
to Appropriate Water

a printed copy of which was taken
from the paper in which same was
published, is attached to this sheet,
and is made a part of this affidavit,
was published in said newspaper at

least once each week for FOUR
successive weeks on the day of each
week on which said newspaper was
regularly published, to-wit:

<u>MAY 3</u>	19 <u>51</u>
" <u>10</u>	19 <u>51</u>
" <u>17</u>	19 <u>51</u>
" <u>24</u>	19 <u>51</u>
	19
	19

That the full amount of the fee
charged for the publication of said
notice inured to the benefit of the
publisher of said newspaper; that
no agreement or understanding for
the division thereof has been made
with any person whomsoever, and
that the fees charged for the publi-
cation thereof, are \$14.00

H. C. Beck

Subscribed and sworn to before
me this 18th day of June,
A. D., 1951.

Herold James
Notary Public.
My commission expires Apr 15
1952

NOTICE OF INTENTION TO APPROPRIATE WATER

No. 374-2
(First Publication May 3, 1951)
APPROPRIATION OF WATER
Office of State Engineer,
Pierre, So. Dak., April 20, 1951
Notice is hereby given that
V. I. Palmer, whose postoffice
address is Tuthill, So. Dak.,
has made an application in
accordance with the provi-
sions of the water laws of
South Dakota for a permit to
appropriate 750 gallons per
minute of time from the
ground supply through the
Palmer Well, No. 1, the point
of diversion of which is to be
located in the NW 1/4 of Section
30, Twp. 37N., Range 35W. Said
water to be used for the pur-
pose of providing irrigation
on the following described
land:

NW 1/4, NE 1/4, NE 1/4 NW 1/4;
SE 1/4, NW 1/4, SW 1/4, NE 1/4; NE
1/4, NE 1/4; SE 1/4, NE 1/4; NE
1/4, SW 1/4; NW 1/4, SE 1/4 section
30, Twp. 37N., Range 35W.

This application will be tak-
en up by the State Engineer
at his office at Pierre for con-
sideration upon the 4th day
of June, 1951, at 2:00 P. 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 En-
gineer in writing prior to the
above date and may appear
on the day above mentioned
in person for the purpose of
discussing further the in-
formation presented.

Appropriation action will
be taken by the State En-
gineer after suitable time has
elapsed for the consideration
of any or all information pre-
sented.

DEAN W. LOUCKS,
State Engineer.
(May 3-10-17-24)

RECEIVED

JUN 20 1951

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Permit No. 374 - 2

Little White
Water Division No. 2 River Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Engineer at least 60 days before the time set for application of water.)

(P. O.) Tuthill, South Dakota

(Date) December 18, 1951

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the _____ day of _____
at _____ County of _____ State of South Dakota,
before _____ proof will be submitted of the application to beneficial use
(Examining Engineer or Officer)
of _____ cubic feet per second of the waters of _____
in accordance with the terms and conditions of Permit No. _____
heretofore issued by the State Engineer of South Dakota.

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

V. L. Palmer, Tuthill

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

Sprinkler Irrigation

3. The amount applied to beneficial use is 150 gal. per min.

4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) As shown on the permit.

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
Sprinkler system.

6. The right to take the water from such works is based upon permit No. 374 - 2

7. The source of supply from which such water is diverted is Ground water supply between La Creek and Little White River.

8. The date of priority which said user is prepared to establish is April 16, 1951

(Sign)

V. L. Palmer

V. L. Palmer

PAU:IN

cc: Richardson

Water Division No. 2 Little White River Water District

CERTIFICATE OF APPLICATION OF WATER TO BENEFICIAL USE

RECEIVED
AUG 7 1952

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

DEPOSITION OF HOLDER

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

Ans. V.L. Palmer, Tathill, S.Dak. Rancher

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. None

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. Permit No. 374-2, dated April 16, 1951, Priority Date April 16, 1951

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

Ans. Palmer Well No. 1 located 1700' N. 50 degrees and 30 minutes east of the
Northeast corner of the northwest 1/4 of the northeast 1/4 Sec. 30, T. 37 N., R. 35 W.

Ques. 5. Describe your works of diversion, 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.

Ans. Pumping plant and sprinkler irrigation system with a capacity of 750 GPM.

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. Irrigation of SE NW 1/4 40.0, NE NW 1/4 38.2, NW NE 1/4 39.0, SW NW 1/4 39.8 acres
all situated in Sec. 30, T. 37 N., R. 35 W. of the 6th. 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. 750 GPM.

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. Original Applicant

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. During the irrigation seasons of 1951 and 1952 water was applied for irrigation purposes to all the lands previously described in this statement.

(Sign)

V. L. Palmer

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Igloo, South Dakota, County of Fall River, State of South Dakota, on this 2nd day of August, A.D., 1952.

Edna J. Richardson

Notary Public

Permit No.

Proof of Application of Water to

Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water _____ second feet

Source _____

County _____

Purpose _____

Place of Use _____

Date of priority _____

Received and filed _____

Permit No. 374-2

Water Division No. 2 Little White River Water District

CERTIFICATE OF EXAMINATION OF WORKS

RECEIVED

Report of Examining Engineer

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated August 2, 1952, I have this day made a thorough examination of the diversion works constructed by V.L. Palmer

of Tushill, South Dakota

Bennett County, South Dakota, holder of permit No. 374-2, issued upon application No. 374-2, bearing date of priority of April 16, 1951, authorizing the diversion of 1.67 second feet of the waters of Palmer Fall No. 1 for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Pumping plant, pressure line for sprinkler irrigation system, pressure gauge and nozzles sizes conforming to the sizes as shown in the original application for a permit. The entire system is in excellent condition.

and the system is in the following condition: Excellent

The point of diversion is located 1700 feet north 50 degrees and 30 minutes east of northeast corner of the northwest 1/4 of northeast 1/4 Sec. 30, T. 37 N. R. 35 W. 6th P.M.

The works are capable of diverting and conveying to the place of use 1.67 second-feet of water which is to be used for Irrigation

The legal sub-divisions to be irrigated are: SE 1/4 40.0, NW 1/4 39.2, NW 1/4 39.0, SW 1/4 39.3 Acres, all situated in section 30, T. 37 N. R. 35 W. 6th. P.M.

comprising a total of 157.0 acres of land.

The domestic use intended comprises None

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

Witness my hand, this 2nd day of August

A. D. 1952

J. R. Richardson
Examining Engineer.

Permit No. 374-2Water Division No. 2 Little White Water District
River**NOTICE OF COMPLETION OF WORKS**

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Tuthill, South Dakota(Date) December 18, 1951

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of ground
750 gal. per min. ~~of the water~~ of the state ~~from~~through ~~the~~ Palmer Well No. 1
for sprinkler irrigation purposesall in accordance with terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.1. The name of the person or corporation holding said permit is V. L. Palmer2. The postoffice address of such person or the place of business of such corporation is Tuthill
County of Bennett State of South Dakota3. The number of such permit is 374-2 and the date set for the completion of such work is December 20, 19514. 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 750 gal. per min. ~~and the amount of water~~6. The amount of land for which said water is available is 172.3 acres,
particularly described as follows: as described in the permit.

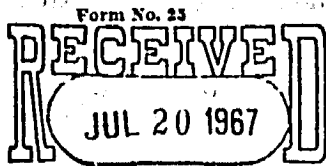
(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

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

(Signature.)

~~OFFICIAL USE ONLY - DO NOT WRITE IN THESE SPACES~~V. L. Palmer
V. L. Palmer

cc: Richardson



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 374-2

**NOTICE OF
TRANSFER OF WATER PERMIT**

JUNE 28 1967

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that

V.L. PALMER

who previously owned the land described below has sold his interests to

WENDELL DEKAY

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 374-2

and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

NW 1/4 of T1E N.E. 1/4,
Sec 30 TWP. 37 N. R. 35 W., 6th P.M.

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 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Butte

SS.

I, Wendell Dekay 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.

Signed

Wendell Dekay

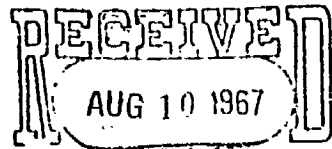
Subscribed and sworn to before me this 28th day of June 1967.

Notary Public

W. H. Hanson

Sioux Falls, S. Dakota
August 7, 1967

State Resource Commission
Pierre
S. Dakota



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Att: Mr. Richard Schmege

Dear Sir:

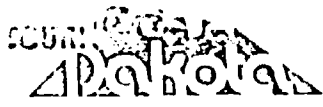
I have before me your letter regarding the Water Permit # 374-2. The information that I have does not quite agree with yours. The description of the land should be $E\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$ and instead of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ it should read $W\frac{1}{2}$ of $NE\frac{1}{4}$, which makes a total of 172.3 A. instead of 157.0 which you state. We agree on gallons drawn per minute. I do irrigate on the above water licence and intend to continue on the same land. I am now in process of having the permit changed to my name. Please advise me of the procedure in the event that in the future I need to increase the galleage taken.

I have taken the above figures from the old permit which was issued to U. L. Palmer which I received when I bought this place.

Thanking you for any information you can give me. Submit this answers your questions

Yours truly,

Herrell McKay



Department of Water & Natural Resources

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

October 29, 1990

374-2

Wendell DeKay
Box 31
Tuthill, SD 57574

Dear Mr. DeKay:

Enclosed is your 1990 irrigation questionnaire. You did not include enough information on the form for us to complete it for you. The amount of kilowatt hours is important, however the remaining columns on the questionnaire also need to be filled out.

I have included a blank form for you to complete and a postage paid envelope. Please complete the questionnaire and return it to our office prior to December 14, 1990. If you have any questions or need assistance, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures



374-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 11, 1994

No. 374-2

Arlis DeKay
Box 31
Tuthill SD 57574

Dear Mrs. DeKay:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 374-2. The water right is currently listed in the name of Wendell DeKay. You indicated on the irrigation questionnaire that Mr. DeKay was deceased.

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

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

If you have any questions, please contact me.

Sincerely,

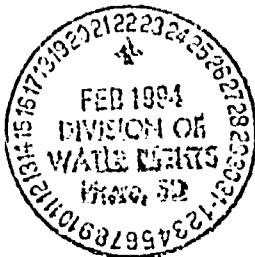
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

374-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 374-2

Date: 2/17/94

I/We request that Water Right No. 374-2

formerly owned by: Wendell McKay

be transferred to: (name & address) Arthur M. McKay

Box 31 Guthrie, SD 57574 (Telephone No) (605) 685-6706

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

157 acres - E 1/2 NW 1/4, SW 1/4 NW 1/4, NW 1/4 NE 1/4 all in Section 30-T37N-R35W

I/We understand that the validity of Water Right No. 374-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA)

County of Bennett)

I/We Arthur M. McKay 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.

Arthur M. McKay
(Signed)

Subscribed and sworn to before me this 17th day of February, 19 94.

Luella Lopez
(Notary Public)

My Commission expires
3-11-2001

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

374-2
414050

Pierre, February 22, 19 94

RECEIVED OF Arliss DeKay, Box 31, Tuthill, SD 57574

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 _____ Water Right No. 374-2	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. Harkins
Chief Engineer



374-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 2, 1994

No. 374-2

Arliss DeKay
Box 31
Tuthill, SD 57574

Dear Mrs. DeKay:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 374-2.

Our records now show you as the owner of Water Right No. 374-2.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 16 2002

374-2

Arliss DeKay
PO Box 31
Tuthill, SD 57574-0031

Dear Mrs. DeKay:

Enclosed is your Reissued Water License No. 374-2. The license has been reissued to clarify the location of the acres irrigated.

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

Sincerely,

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

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 374-2

(1) V L Palmer was issued Water License No. 374-2, August 11, 1952 for a water right to divert 1.67 cubic feet of water per second (750 gallons per minute) from ground water (one well), Bennett County, South Dakota for irrigation purposes. Water License No. 374-2, with a priority date of April 16, 1951 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On February 22, 1994, Water Right No. 374-2 was transferred to Arliss DeKay.

A review of the water right, map and the 2001 irrigation questionnaire found an error in the legal description of the acres irrigated. The water license is being reissued to clarify the location of the irrigated acreage. The remaining portions of the original license have not been altered.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.67 cubic feet of water per second for beneficial use. The location of the diversion point is in the NW ¼ NE ¼ Section 30, T37N, R35W.

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

Section 30, T37N, R35W			
NE ¼ NW ¼	38.2 acres	NW ¼ NE ¼	39.0 acres
SE ¼ NW ¼	40.0 acres	SW ¼ NE ¼	39.8 acres
NE ¼ SW ¼	1.1 acres	SE ¼ NE ¼	9.7 acres
NW ¼ SE ¼	3.1 acres	NE ¼ NE ¼	1.4 acres
Total of 172.3 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Arliss DeKay, PO Box 31, Tuthill, SD 57574-0031 the holder and/or owner of Reissued Water Right No. 374-2 is issued a license to appropriate water, the right to use 1.67 cubic feet of water per second (750 gallons per minute) from ground water (one well) with a priority date of April 16, 1951 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. 374-2 and subject to South Dakota State Law.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 16 2002

date



374-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: ARLISS DEKAY, PO BOX 31, TUTHILL, SD 57574 0031

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 374-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 374-2 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 27, 2004, 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.



374-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8244

Your item was delivered at 10:43 am on January 15, 2004 in TUTHILL, SD 57574. The item was signed for by A DEKAY.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

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▶ Request Proof of Delivery

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

[Redacted]	
SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8515 8244	ARLISS DEKAY PO BOX 31 TUTHILL SD 57574 0031
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For inquiries: Access internet web site at www.usps.com or call 1-800-222-1811
☐ Priority Mail® ☐ Package Services	
[Redacted]	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2004

374-2

Arliss DeKay
PO Box 31
Tuthill SD 57574-0031

Dear Mrs. DeKay:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 374-2.

I completed a questionnaire for you based on our January 15th telephone conversation. I am enclosing a copy of the 2002 and the 2003 forms. You may keep both of these for your records.

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

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

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2008

374-2

Arliss DeKay – Moreland
PO Box 8
Merriman NE 69218-0008

Dear Ms. DeKay:

Enclosed is a "Notice" dated October 24, 2008 concerning the 2008 irrigation questionnaire. The notice was originally mailed to PO Box 31, Tuthill SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2010

NOTICE

TO: ARLISS DEKAY, PO BOX 8, MERRIMAN, NE 69218 0008

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 374-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 10, 2010**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 374-2 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 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq.aspx>

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



374-2

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

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7828

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

Your item was delivered at 9:58 AM on January 25, 2010 in MERRIMAN, NE 69218. The item was signed for by S MORELAND.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 25, 2010, 9:58 am, MERRIMAN, NE 69218
- Notice Left, January 23, 2010, 10:00 am, MERRIMAN, NE 69218
- Arrival at Post Office, January 23, 2010, 9:59 am, MERRIMAN, NE 69218

Notification Options

Track & Confirm by email

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Verify who signed for your item by email, fax, or mail. [Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7828

ARLISS DEKAY
PO BOX 8
MERRIMAN NE 69218 0008

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2010

374-2

Arliss DeKay
PO Box 8
Merriman NE 69218 0008

Dear Ms. DeKay:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 374-2.

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

If you have any questions, please contact me.

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 2015

374-2

Arliss Moreland
1917 Flag Mountain Dr
Pierre SD 57501 2809

Dear Ms. Moreland:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire for Water Right No. 374-2 (listed as Arliss DeKay).

The notice was originally mailed to PO Box 8, Merriman NE. The post office notified us that your address has changed and I will update our records accordingly.

If you have sold the land, please let us know. If you have any questions, please contact me.

Sincerely,

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

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

enclosures

McMath, Genny

From: Williams, Teresa
Sent: Friday, November 13, 2015 1:18 PM
To: McMath, Genny
Subject: Phone Call

Genny,

Arlyis Moreland-DeKay called about the 2015 irrigation questionnaire, she is turning everything over to her son.

Richard L. DeKay
23119 296th Street
Martin, SD 57551

Phone# 605-685-1463

She said the questionnaire will take longer to get back to you cause she is forwarding it all to him to fill out. I told her if you had any questions you would give her a call. Her number is 224-2027.

Thanks,

Teresa Williams
Secretary
DENR - Air Quality
605-773-3151