

No. 322-4

2

Division No. _____

Fall River

District _____

PERMIT

to appropriate water from _____

Cheyenne River

Fall River County, South Dakota

Name of applicant _____

L. A. Gorr

Name of diversion works L. A. Gorr

Diversion # 1

Date of first receipt at office of State

Engineer February 15 1954

Returned to applicant for Correction

_____ 19____

Corrected application received _____

_____ 19____

Date of water right _____

February 15 1954

Recorded in Book 3 Page 63

One-fifth of work to be completed

0 October 15 1959

Whole work to be completed _____

April 19 1959

Final proof of use of water _____

April 19 1959

Approved April 19 1954

DEAN W. LOUCKS State Engineer.

Pier # 428-2

NO. 379-2

Water Division No. 2

(Blanks to be filled by the State Engineer.)

Fall River

District

RECEIVED

9:10 AM.
FEB 15 1954

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

1. Name of applicant ~~XXXXXXXXXXXX~~ Edwin C & Sidney J Hussey
Postoffice address Oral, County Fall River, State South Dakota

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 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) employment of others(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work L. A. Gorr Diversion No. 13. Quantity of water claimed 2.1 cubic feet per second.4. Source of water supply Chetenne River5. Location of point of diversion Upper: From W. 1/4 cor. Sec. 33, N. 40 degrees and 0' 5.1665'Lower: From W. 1/4 cor. of Sec. 33, N. 77 degrees on left bank, Fall River County.
A distance of 2640.0 feet.6. Annual periods during which water is to be used April 1st to Nov. 1st, annually

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling and combination system?(a) Number of acres to be irrigated 357.43 acres.(b) Legal subdivisions to be irrigated see attached list
(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereon, 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. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None

Name any of the above uses claimed

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

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head gates, \$----- (b) Pumping plant, \$--6000.00.
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Overhead Sprinkler Pipe \$-9000.00 Total, \$--15,000.00

9. Description of diversion works:

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

Complete Pumping Plant, Overhead Sprinkler lines and Pipe,-----

II. Dimensions of works:

(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-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH-----FEET DEPTH AT OUTLET-----ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width Pressure gauge and-----feet; height-----feet;
 Graduated discharge openings to enable known quantity of water to
 Material Metal-----pass.

(d) Canal: Total length--None-----miles.

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.)

10. Time required for completion of work--5-----years.
 11. Time required for complete application of water to the proposed beneficial use --5----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate Hot Springs Star.
 Hot Springs, S.Dak.

STATE OF SOUTH DAKOTA

County of Fall River-----ss.

I, ~~XXXXXXXXXX~~ L. A. Gorn-----, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed L. A. Gorn-----

Subscribed and sworn to before me this 6th day of February, 1954

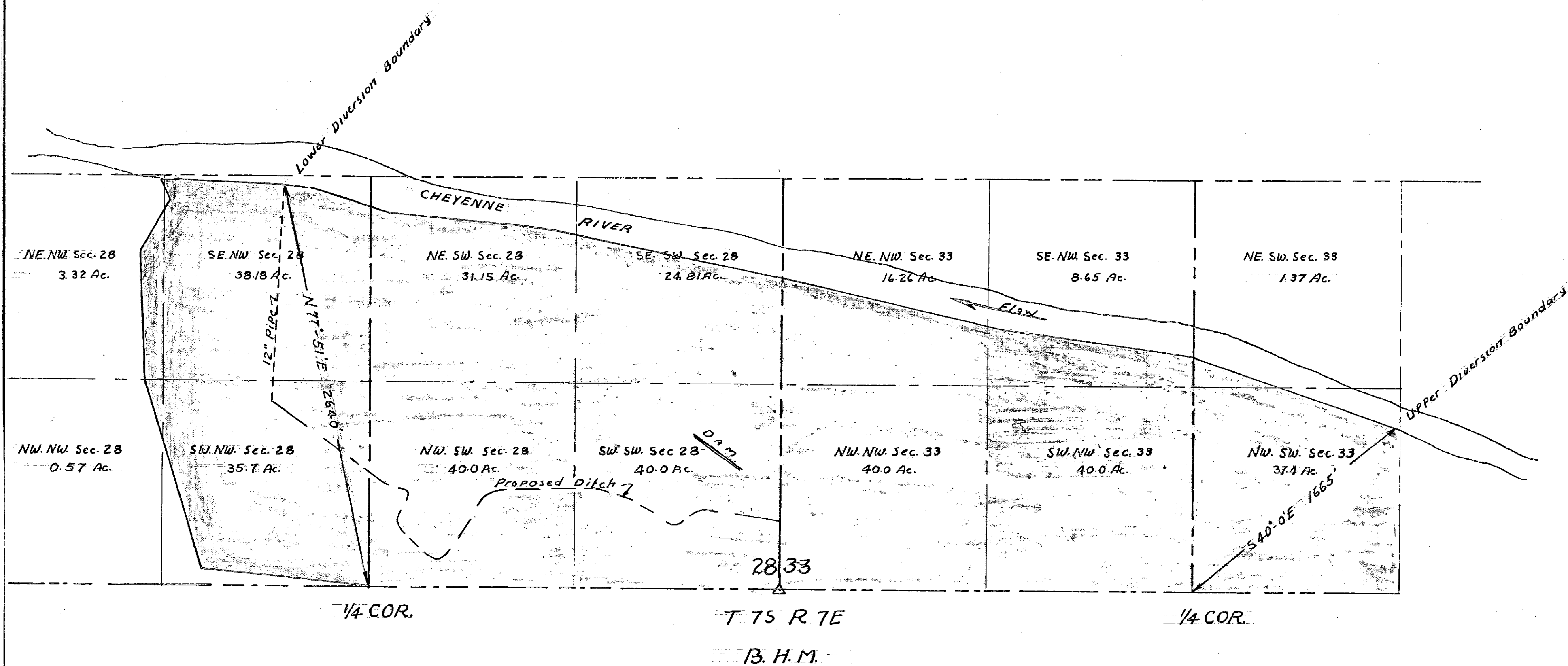
Edna J. Richardson
 Notary Public (or other qualified officer)

L. A. GORR DIVERSION NO. I

FALL RIVER COUNTY SOUTH DAKOTA

OWNER: L.A. GORR

SCALE: 1" = 500'



SURVEYOR'S CERTIFICATE

I, R. Richardson, Registered Professional Engineer and Land Surveyor No. 219, do hereby certify that I have made a careful and complete survey of L.A. Gorr Diversion No. I and that the annexed plat is a true representation of the same. In Witness Whereof, I have hereunto set my hand and seal this 11th day of February A.D. 1954.

R. Richardson
Registered Professional Engineer & Land Surveyor

Subscribed And Sworn To Before Me This 11th day of February, A.D. 1954

Wm. J. Richardson
Notary Public

LOCATION OF LAND TO BE IRRIGATED				
LOCATION	Sec.	Twp.	Rge.	Acres
NE NW 1/4	28	75	7E	3.32
NW NW 1/4	28	75	7E	0.57
SE NW 1/4	28	75	7E	38.18
SW NW 1/4	28	75	7E	35.70
NE SW 1/4	28	75	7E	31.15
NW SW 1/4	28	75	7E	40.00
SE SW 1/4	28	75	7E	24.81
SW SW 1/4	28	75	7E	40.00
NE NW 1/4	33	75	7E	16.26
NW NW 1/4	33	75	7E	40.00
SE NW 1/4	33	75	7E	8.65
SW NW 1/4	33	75	7E	40.00
NE SW 1/4	33	75	7E	1.37
NW SW 1/4	33	75	7E	37.40
Total				357.41



RECEIVED

FEB 11 1954
FALL RIVER COUNTY SOUTH DAKOTA

(Water Right No. - 399-2)

Map No. - 423-2

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes } ss.

Pierre, South Dakota, April 19, 1954

This is to certify that the foregoing application was received at this office at 2:10 o'clock
A. 15th day of February, 1954 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, and no objections
were received

Number of permit 399-2 DEAN W. LOUCKS State Engineer.
Date of first receipt of application February 15, 1954
Date of return to applicant for correction _____, 19____
Date of receipt of corrected application _____, 19____
Date from which applicant may claim right February 15, 1954
Approved April 19, 1954, Recorded in Book 3 Page 63

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 October 15, 1959

2nd. The whole of said work is to be completed on or before April 19, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is April 19, 1959 Providing

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

5th. The prior right of all persons who, by compliance with the laws of the State of South Da-
kota, 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 5.1
cubic feet per second; 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 April 19, 1959; said water to be used during the following described annual
period:

Witness my hand this 19th day of April, 1954

Certificate of Construction issued SEPTEMBER 4, 1962 DEAN W. LOUCKS, State Engineer.

Water License issued SEPTEMBER 4, 1962

LIST OF LAND TO BE IRRIGATED

NE. NW.	SEC. 28	TWP. 7S	RGE. 7E	5.32 ACRES
NW. NW.	" "	" "	" "	0.57 "
SE. NW.	" "	" "	" "	38.18 "
SW. NW.	" "	" "	" "	35.70 "
NE. SW.	" "	" "	" "	31.15 "
NW. SW.	" "	" "	" "	40.00 "
SE. SW.	" "	" "	" "	24.81 "
SW. SW.	" "	" "	" "	40.00 "
NE. NW.	33	" "	" "	16.26 "
NW. NW.	" "	" "	" "	40.00 "
SE. NW.	" "	" "	" "	8.65 "
SW. NW.	" "	" "	" "	40.00 "
NE. SW.	" "	" "	" "	1.37 "
NW. SW.	" "	" "	" "	37.40 "

TOTAL 337.41 ACRES

Permit No. 399-2Water Division No. 2 Fall River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Harry L. Gorrof Oral, County of Fall River, and State of South Dakota, the holder of Permit No. 399-2, issued upon ApplicationNo. 399-2, bearing date of priority of February 15, 1954, authorizing the diversion of5.1 cu. ft. per second of the waters of the Cheyenne RiverCounty of Fall River, State of South Dakota, ~~at~~ between a point S40°E. 1665' from the W $\frac{1}{2}$ corner, Section 33, and a point N77°31'E, 2640' from the W $\frac{1}{2}$ cornerSection 23, T7S, R7E, for irrigationpurposes, 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 5.1 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: All in T7S, R7E Section 22 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 3.32 acresNW $\frac{1}{4}$ NW $\frac{1}{4}$.57 "SE $\frac{1}{4}$ NW $\frac{1}{4}$ 38.18 "SW $\frac{1}{4}$ NW $\frac{1}{4}$ 35.70 "NE $\frac{1}{4}$ SW $\frac{1}{4}$ 31.15 "NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.00 "SE $\frac{1}{4}$ SW $\frac{1}{4}$ 24.81 "SW $\frac{1}{4}$ SW $\frac{1}{4}$ 40.00 "Section 33 NE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.26 "NW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00 "SE $\frac{1}{4}$ NW $\frac{1}{4}$ 8.65 "SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40.00 "NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1.37 "NW $\frac{1}{4}$ SW $\frac{1}{4}$ 37.40 "Total... 357.41 "Witness my hand this 4th day of September A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. CRITES

STATE OF SOUTH DAKOTA

WATER LICENSE No. 399-2

WHEREAS, On the 11th day of February A. D. 1954
L. A. Corr

of Coral County of Fall River and State of
South Dakota duly made application (No. 399-2) to us for a permit to use 5.1
cubic feet per second of the waters of the Chayenne River
County of Fall River, State of South Dakota, for Irrigation
purposes; and

WHEREAS, On the 19th day of April A. D. 1954
Permit No. 399-2 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 19th day of
April A. D. 1959 and for the application to beneficial use of said
water on or before the 19th day of April A. D. 1959

and, WHEREAS, on the 8th day of March, 1961, said permit was transferred to Harry L. Corr,

WHEREAS, On the 6th day of August A. D. 1962
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 5.1
cubic feet per second of said waters, as evidenced by our Certificate No. 399-2
dated September 4, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 5.1 cubic feet per second of water, with date of
priority of February 15, 1954 and,

WHEREAS, On the 6th day of August A. D. 1962
proof was duly made of the application to beneficial use of 5.1 cubic feet per second of said water;
for irrigating 357.41 acres in sections 28 and 33, T7S, R7E

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 HARRY L. GORR
of Oral the holder and owner of said permit No. 359-2
a water right, dating from February 15, 1954 to the use of 5.1
cubic feet per second of the waters of the Cheyenne River
in the County of Fall River and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at: between a point S40°E 1665' from the
W1/2 corner, Section 33, and a point N77°51'E, 2640' from the W1/2 corner, Section 28,
T7S, R7E
and conducted to and upon portions of Sections 28 and 33, T7S, R7E more specifically
described in the Certificate of Completion of Works

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 4th day of September A. D. Nine'een
Hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer

J. W. GRIMES

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 _____

9--Notice of Intention to Appropriate Water

No. 399-2

(First Publication -----, 19-----)

APPROPRIATION OF WATER

Office of State Engineer,
Pierro, S. Dak., February 18, 1954

Notice is hereby given that L. A. Gorr whose postoffice address is Oral, 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 5.1 cubic feet of water per second of time from the Cheyenne River through the L.A. Gorr Diversion #1, the point of diversion of which is to be located on the left bank of said stream the upper point of which is 1665' south 40° 0 min. east from the west quarter corner of Sec. 33-T 7S - R 7E and the lower point of which is 2640' north 77° 51 min. east from the west quarter corner of Sec. 28 -- T 7S - R 7E. Said water to be used for the purpose of providing irrigation on the following described land:

NE. NW.	SEC. 28	TWP. 7S	RGE. 7E	3.32	ACRES
NW. NW.	"	"	"	.57	"
SE. NW.	"	"	"	38.18	"
SW. NW.	"	"	"	35.70	"
NE. SW.	"	"	"	31.15	"
NW. SW.	"	"	"	40.00	"
SE. SW.	"	"	"	24.81	"
SW. SW.	"	"	"	40.00	"
NE. NW.	33	"	"	16.26	"
NW. NW.	"	"	"	40.00	"
SE. NW.	"	"	"	8.65	"
SW. NW.	"	"	"	40.00	"
NE. SW.	"	"	"	1.37	"
NW. SW.	"	"	"	37.40	"
TOTAL				357.41	ACRES

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 5th day of April, 1954, 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.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Fall River } ss.

Charles T. Leonard being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the.....

Hot Springs Star 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 Hot Springs County of Fall River and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

March 4, 1954; March 11, 1954; March 18, 1954; March 25, 1954

in each and every issue of the full number thereof, the first publication being made on the 4th day of March 1954 and the last publication on the 25th day of March 1954, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor ~~the printer~~ and publisher of the said newspaper.

RECEIVED

Subscribed and sworn to before me this 26th day of March

APR 3 1954

OFFICE OF STATE ENGINEER
 PIERRE, SOUTH DAKOTA

Notary Public Fall River County, S. D.

APPROPRIATION OF WATER
 No. 399-2
 (First Publication March 4, 1954)
 Office of State Engineer
 Pierre, South Dakota
 February 18, 1954.

Notice is hereby given that I, A. Gorr whose postoffice address is Oral, 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 5.1 cubic feet of water per second of time from the Cheyenne River through the I. A. Gorr Diversion No. 1, the point of diversion of which is to be located on the left bank of said stream the upper point of which is 1665' south, 40 degrees 0 minutes east from the west quarter corner of Sec. 33, T. 7 S., R. 7 E., and the lower point of which is 2640' north, 77 degrees 51 minutes east from the west quarter corner of Sec. 28, T. 7 S., R. 7 E. 8.40 water to be used for the purpose of providing irrigation on the following described lands:

NE NW Sec. 18, Twp. 7 S., Rge. 7 E., 3.32 acres.
 NW NW Sec. 22, Twp. 7 S., Rge. 7 E., .57 acres.
 SE NW Sec. 28, Twp. 7 S., Rge. 7 E., 38.18 acres.
 SW NW Sec. 21, Twp. 7 S., Rge. 7 E., 35.70 acres.
 NE SW Sec. 28, Twp. 7 S., Rge. 7 E., 31.15 acres.
 NW SW Sec. 28, Twp. 7 S., Rge. 7 E., 40.00 acres.
 SE SW Sec. 18, Twp. 7 S., Rge. 7 E., 21.81 acres.
 SW SW Sec. 28, Twp. 7 S., Rge. 7 E., 40.00 acres.
 NE NW Sec. 33, Twp. 7 S., Rge. 7 E., 16.21 acres.
 NW NW Sec. 33, Twp. 7 S., Rge. 7 E., 40.00 acres.
 SE NW Sec. 33, Twp. 7 S., Rge. 7 E., 8.65 acres.
 SW NW Sec. 33, Twp. 7 S., Rge. 7 E., 40.00 acres.
 NE SW Sec. 33, Twp. 7 S., Rge. 7 E., 1.37 acres.
 NW SW Sec. 33, Twp. 7 S., Rge. 7 E., 37.40 acres.

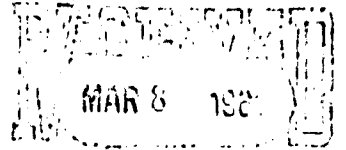
Total 357.11 acres.
 This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 5th day of April, 1954, at 4:00 P. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental 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.

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
 March 4-11-15-26

*Proof of 4-5-54
 ok - p. 2.*

A. D. 1954

Permit No. 399-2Water Division No. 2 Fall 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 Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Oral, South Dakota(Date) March 6, 1961

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

DEAR SIR: Notice is hereby given that on the 8th day of May
1961, at Oral County of Fall River State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)

of 5.1 cubic feet per second of the waters of the Cheyenne River

In accordance with the terms and conditions of Permit No. 399-2
 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
Harry L. Gorr, Oral, South Dakota
2. The use to which said water has been applied is irrigation
3. The amount applied to beneficial use is 5.1
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
NE1/4, NW1/4, SE1/4, SW1/4, NE1/2, NW1/2, SE1/2, SW1/2, all in
section 28, township 7 south range 7, EBM, Fall River County, S Dak
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is
L. A. Gorr Diverison No 1
6. The right to take the water from such works is based upon permit No. 399-2
7. The source of supply from which such water is diverted is the Cheyenne River
8. The date of payment which said user is prepared to establish is February 15, 1961

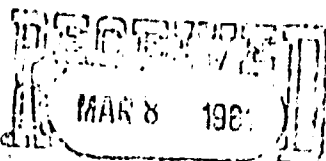
(Sign)

Harry L. Gorr

Permit No. 399-2

Water Division No. 2 Fall River

Water District



STATE WATER RESOURCES COMMISSION

NOTICE OF COMPLETION OF WORKS

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.) Oral, South Dakota

(Date) March 6, 1961

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

DEAR SIRs. Notice is hereby given of the completion of the works for the diversion of

5.1

cu. ft. per second of the waters of the state from
through the Chayenne River from the L. A. Gorr Diversion No. 1
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 Harry L. Gorr

2. The postoffice address of such person or the place of business of such corporation is Oral
County of Fall River State of South Dakota

3. The number of such permit is 399-2 and the date set for the completion of such work is

April 19, 1959

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 5.1 cubic feet per second.

6. The amount of land for which said water is available is 213.73 acres
particularly described as follows: NE1/4NW1/4, NW1/4NW1/4, SE1/4NW1/4, SW1/4NW1/4, NE1/4SW1/4, NW1/4SW1/4, SE1/4SW1/4, SW1/4SW1/4, all in section 26, township 7 south range 7, EBR, Fall River County, S D

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

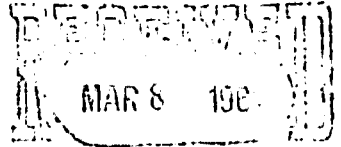
(Signature of Owners)

Harry L. Gorr

Form No. 25

Permit No. 399-2

NOTICE OF TRANSFER OF WATER PERMIT



March 6 1961 STATE WATER RESOURCES COMMISSION

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

L. A. Gorr

This is to notify you that

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

Harry L. Gorr

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 399-2

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

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
Fall River

County of

SS.

Harry L. Gorr

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

Harry L. Gorr

Subscribed and sworn to before me this 6th day of March 1961

Notary Public

M. P. Farrell

Permit No. 399-2Water Division No. 2 Fall 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 _____
 19____, I have this day made a thorough examination of the diversion works constructed by Harry L.
GERR of Fall River
 _____ County, South Dakota, holder of Permit No. 399-2, issued
 upon Application No. 399-2, bearing date of priority of Feb. 15, 1954, authorizing the
 diversion of 5.1 cu. ft. per second of the waters of Cheyenne River for Irrigation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Pump (Pacific) ^{Mod. #4C LYE} Sec. #31H-181 Run by an Oliver
diesel 199, 250' c.f. 6" pipe

and the system is in the following condition: Good

The point of diversion is located Upper From W/4 Cor. Sec. 33 S40° E 1665'
Lower; From W/4 Cor. of Sec. 33 N. 77° E 2640.0'

The works are capable of diverting and conveying to the place of use 5.1 cu. ft. per second of water,
 which is to be used for: Irrigation

The legal subdivisions to be irrigated are: *

LIST OF LAND TO BE IRRIGATED

NE. NW.	SEC. 28	TWP. 7S	ROE. 7E	3.32 ACRES
NW. NW.	"	"	"	0.57 "
SE. NW.	"	"	"	38.18 "
SW. NW.	"	"	"	35.70 "
NE. SW.	"	"	"	31.15 "
NW. SW.	"	"	"	40.00 "
SE. SW.	"	"	"	24.81 "
SW. SW.	"	"	"	40.00 "
NE. NW.	33	"	"	16.26 "
NW. NW.	"	"	"	40.00 "
SE. NW.	"	"	"	8.65 "
SW. NW.	"	"	"	40.00 "
NE. SW.	"	"	"	1.37 "
NW. SW.	"	"	"	37.40 "

TOTAL: 377.41 ACRES

—SEAL—

William H. Mearns
 Examining Engineer.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7754

PIERRE, October 28, 1980

RECEIVED OF Edwin C. Hussey, Oral, SD 57766

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

Fee for Application for Permit to appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for transfer of WR #399-2		2.50
(any other work as provided by law)		
TOTAL		2.50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / CE

NO. 399-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: October 22, 1980

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

357.41 acres - NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec. 28; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 33; all in T7S, R7E

formerly owned by Harry L Gorr, Oral, SD 57766
has been transferred to EDWIN C. HUSSEY and SIDNEY J. HUSSEY, husband & wife, as joint tenants, ORAL, SOUTH DAKOTA 57766
(complete name and mailing address)
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 399-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
) ss.
County of FALL RIVER)

I, HARRY L. GORR being first duly sworn on my oath despose 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.

Harry L Gorr
HARRY L. GORR (Signed)

Subscribed and sworn to before me this 22nd Day of October, 19 80.

M. P. Farrell
(Notary Public)
M.P. Farrell
My commission expire 4-1-82.



Department of Water & Natural Resources

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

April 1, 1987

Tom Jagow
Jagow Ranch
Box 111
Buffalo Gap, SD 57722

Dear Mr. Jagow:

Enclosed are copies of Water Right No. 399-2 and the transfer between Harry Gorr and Edwin & Sidney Hussey. The water right is currently listed in the names of Edwin & Sidney Hussey.

I was unable to find another Water Right in either of the above names. If you have another name I could look under or perhaps another legal description, please forward this information to me, and I will recheck our files.

Also enclosed is a partially completed "Notice of Transfer". Please check over the form, date, sign and have it notarized before returning it to this office. A \$2.50 filing fee is required and should be submitted along with the transfer form.

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,

A handwritten signature in cursive script that reads "Genny McMATH". The signature is written in black ink.

GENNY MCMATH
Water Rights Analyst
605 773-3352

encl



NO. 399-2

NOTICE OF TRANSFER OF WATER

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 23, 1987

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

357.41 acres - NW $\frac{1}{4}$, SW $\frac{1}{4}$, Section 28; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 33, T7S, R7E

formerly owned by Edwin C & Sidney J Hussey, Oral, SD 57766

has been transferred to Thomas + Robin Jagow Box 111 Buffalo Gap, SD
(please include complete mailing address) 57722
together with any rights the beneficial use of water thereon as evidenced by

Water Right Permit No. 399-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Fall River) ss.

I, Robin Jagow 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.

Robin Jagow
(Signed)

Subscribed and sworn to before me this 23 Day of April, 19 87

Juan Phillips
(Notary Public)
Commission Expires 11-21-93

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

440050

Pierre, April 24, 1987

RECEIVED OF Thomas/Robin Jagow, Box 111, Buffalo Gap, SD 57722

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form 399-2 _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By

Chief Engineer JOHN PATCH

MIS

No. 399-2



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

April 28, 1987

Thomas/Robin Jagow
Box 111
Buffalo Gap, South Dakota 57722

Dear Mr. & Mrs. Jagow:

Enclosed is receipt No. 410850 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 399-2.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3191

March 23, 1987

EDWIN C & SIDNEY HUSSEY
RR #1
ORAL, SD 57766

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

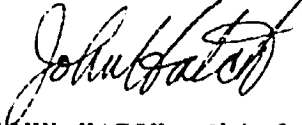
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 399-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given 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). 399-2 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.



Department of Water & Natural Resources

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

May 4, 1987

399-2

Ed Hussey
RR #1
Oral, SD 57766

Dear Mr. Hussey:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. The questionnaire was completed for you upon receiving a telephone call from you indicating you did not irrigate in 1986. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 399-2 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

Conversation or File Documentation

NAME OF PERSON ON FILE: Thomas & Robin JagowADDRESS: Box 111 Buffalo Gap SD COUNTY DATE: April 27, 1987 TELEPHONE 533-2765RE: Irrigation Questionnaire for 1986

COMMENTS:

Water Right No. 399-2 was transferred to Jagows
April 24, 1987. I called & spoke with Robin
Jagow and ask if they had owned land during
1986 irrigation season. She said no, they
closed sale in March, 1987. She said she
thought land was irrigated in 1986, but I'd have
to contact Edwin Huesey.

Unable to reach Mr. Huesey - override
questionnaire.

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

NAME: Henry Thelwell

 **Department of
Water & Natural Resources**

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

February 8, 1989

THOMAS & ROBIN JAGOW
BOX 111
BUFFALO GAP, SD 57722

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 399-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

1. Amend Permit No(s). 399-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
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 is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,


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



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

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

February 24, 1989

399-2

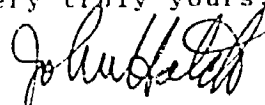
Thomas & Robin Jagow
Box 111
Buffalo Gap, SD 57722

Dear Mr. & Mrs. Jagow:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 399-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaire your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 9, 1990

THOMAS & ROBIN JAGOW
RR 1 BOX 39
BUFFALO GAP, SD 57722

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 399-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

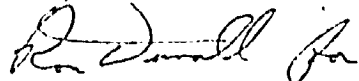
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 399-2 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



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



Department of Water & Natural Resources

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

March 14, 1990

399-2

Thomas & Robin Jagow
RR #1 Box 39
Buffalo Gap, SD 57722

Dear Mr. & Mrs. Jagow:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 399-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

RON DUVALL
Natural Resources Engineer
Water Rights Division

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

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

July 19, 1990

NOTICE

TO: Cheyenne River Irrigators

FROM: John Hatch, Chief Engineer *[Signature]*
Division of Water Rights

SUBJECT: Shutoff Order for water rights in the Cheyenne River reach from the Angostura Dam to Rapid Creek with priority dates after 1965.

Due to the present low flow conditions in the Cheyenne River, the following water rights must cease withdrawals of water from the Cheyenne River for the remainder of this irrigation season. This order is effective July 21, 1990. Additional shutoffs may be necessary if conditions show the need.

PERMIT NO.	NAME	PRIORITY DATE
1241A-2	Chauncey D. Taylor, Hermosa	02/06/75
1241B-2	Donald R. Thorson, Scenic	02/06/75
2061-2	Rittberger Beef & Dairy, Buffalo Gap	08/22/88
1923-2	Rittberger Beef & Dairy, Buffalo Gap	03/15/85
1613-2	Rittberger Beef & Dairy, Buffalo Gap	10/28/77
2059-2	Fred Weibert, Hermosa	06/27/88
1408-2	RIBOB-ELJIM-KIDEN, Rapid City	06/06/77
1754-2	Earl Stombaugh, Buffalo Gap	01/27/81
1109-2	Lloyd Neugebauer, Gral	04/21/72
1882-2	Roland/Donna March, Hot Springs	05/29/84
1024-2	Clarence Werner, Hermosa	05/22/70

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

cc: Water Right Holders on the Cheyenne River in the Reach from Angostura Dam to Rapid Creek Confluence



Department of Water & Natural Resources

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

March 14, 1991

399-2

Thomas/Robin Jagow
Box 111
Buffalo Gap, SD 57722

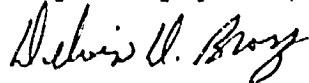
Dear Mr. Jagow:

I am contacting irrigators and water users below Angostura Reservoir to advise of the low water level conditions in Angostura Reservoir and of potential water use restrictions from the Cheyenne River. Due to the continuing drought, Angostura Reservoir is receiving below normal inflows. As of February 27, 1991 the water level in the reservoir was at elevation 3170.25 feet above mean sea level (msl). Full elevation of the reservoir is 3187.2 msl.

Flow conditions in the Cheyenne River will be monitored during the coming irrigation season. Low flows may require that shut off orders be issued to junior water right holders to protect senior water rights. Low water levels in Angostura and the potential for low flows in the Cheyenne should be considered when planning for the coming water use and irrigation season.

Junior Water Rights above Angostura were shut off during 1989 and will remain shut off until Angostura fills again. If you have any questions, please contact Mark Rath or Del Brosz (605-773-3352).

Very truly yours,

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

South Dakota

399-2

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

THOMAS & ROBIN JAGOW
RR 1 BOX 39
BUFFALO GAP SD 57722

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 399-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

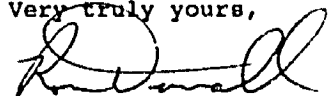
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 399-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

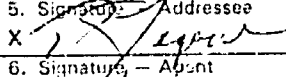
The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



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

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)							
3. Article Addressed to: THOMAS & ROBIN JAGOW RR 1 BOX 39 BUFFALO GAP SD 57722	4. Article Number P694 057 378 Type of Service: <table border="0"> <tr> <td>☐ Registered</td> <td>☐ Insured</td> </tr> <tr> <td>☒ Certified</td> <td>☐ COD</td> </tr> <tr> <td>☐ Express Mail</td> <td>☐ Return Receipt for Merchandise</td> </tr> </table> Always obtain signature of addressee or agent and DATE DELIVERED.	☐ Registered	☐ Insured	☒ Certified	☐ COD	☐ Express Mail	☐ Return Receipt for Merchandise
☐ Registered	☐ Insured						
☒ Certified	☐ COD						
☐ Express Mail	☐ Return Receipt for Merchandise						
5. Signature of Addressee X 	8. Addressee's Address (ONLY if requested and fee paid)						
6. Signature — Agent X							
7. Date of Delivery 2-2-91							



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 21, 1991

399-2

Thomas & Robin Jagow
RR #1 Box 39
Buffalo Gap, SD 57722

Dear Mr. & Mrs. Jagow:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 390-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duval", is written over a horizontal line.

Ron Duval, Natural Resources Engineer IV
Water Rights Division

399-2



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

THOMAS & ROBIN JAGOW
RR 1 BOX 39
BUFFALO GAP SD 57722

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 399-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 399-2 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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Ron Duvall', is written over a horizontal line.

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



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

February 25, 1992

399-2

Thomas & Robin Jagow
HC 56 Box 39
Buffalo, SD 57722

Dear Mr. & Mrs. Jagow:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 399-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

THOMAS & ROBIN JAGOW
RR 1 BOX 39
BUFFALO GAP, SD 57722

4a. Article Number

P 906 537 715

4b. Service Type

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

7. Date of Delivery

2-3-92

5. Signature (Addressee)

6. Signature (Agent)

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



399-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: THOMAS & ROBIN JAGOW
HC 56 BOX 39
BUFFALO GAP SD 57722

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 399-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 399-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
 2. ☐ Restricted Delivery
- Consult postmaster for fee.

3. Article Addressed to:

THOMAS & ROBIN JAGOW
HC 56 BOX 39
BUFFALO GAP SD 57722

3992

4a. Article Number

8906 560 068

4b. Service Type

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

7. Date of Delivery

2-4-93

5. Signature (Addressee)

Tom Jagow

6. Signature (Agent)

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

Thank you for using Return Receipt Service.



3992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 22, 1993

399-2

Thomas & Robin Jagow
HC 56 Box 39
Buffalo Gap, SD 57722

Dear Mr. & Mrs. Jagow:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 399-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaire was received in our office prior to the Water Management Board meeting, your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

THOMAS & ROBIN JAGOW
HC 56 BOX 39
BUFFALO GAP SD 57722

399-20

4a. Article Number

837 692 554

4b. Service Type

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

7. Date of Delivery

2-17-94

5. Signature (Addressee)

6. Signature (Agent)

[Signature]

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

HC 56 BOX 39
BUFFALO GAP SD 57722

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

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

399-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3181

February 16, 1994

THOMAS & ROBIN JAGOW
HC 56 BOX 39
BUFFALO GAP SD 57722

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 399-2. The request for the Questionnaire was dated October 16, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 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 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 399-2 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 April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Ron Duvall', is written over a horizontal line.

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



399-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: THOMAS & ROBIN JAGOW
HC 56 BOX 39
BUFFALO GAP, SD 57722

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

SUBJECT: April 6, 1994 Water Management Board Meeting --
Irrigation Questionnaire Violation(s)
RE: , 399-2

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

The hearing is now scheduled as follows:

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

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

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

CERTIFICATION

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

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

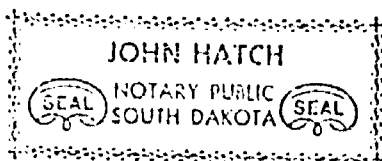
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box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

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA ;
)
 COUNTY OF HUGHES) SS

Sworn to, before me, this 10th day of March, 1994.



John Hatch
Notary Public

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



399-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

March 15, 1994

399-2

Thomas & Robin Jagow
HC 56 Box 39
Buffalo Gap, SD 57722

Dear Mr. & Mrs. Jagow:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. I completed a questionnaire for you following our March 14th telephone conversation. You may disregard the February 16, 1994, Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.

The questionnaire was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 29, 1997

399-2

Russell Wyatt
309 N River St.
Hot Springs, SD 57747

Dear Mr. Wyatt:

Enclosed, as you requested, is a copy of Water Right No. 399-2. The water right is currently listed in the names of Thomas and Robin Jagow.

Water Right No. 399-2 authorizes diversion of 5.1 cubic feet of water per second from the Cheyenne River to irrigate 357.41 acres located in portions of Sections 28 and 33, T7S, R7E, Fall River County. The water right carries a February 5, 1954 priority date.

During our phone conversation, you inquired about any restrictions on the water right as it relates to Angostura Reservoir. I have enclosed a copy of a letter to the Jagow's dated March 14, 1991. The letter discusses with them the possibility of shutoff orders being issued. In years where low flow conditions exist, shutoff orders may be issued to junior water right holders to protect senior water rights.

I hope the enclosed information is helpful to you. 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 10, 1998

399-2

Thomas Jagow
HC 56 Box 39
Buffalo Gap, SD 57722

Dear Mr. Jagow:

Thank you for the prompt return of your 1998 irrigation questionnaire. I noticed on the form that you wish to have the name changed. In order to make the change, you will need to file a notice of transfer of ownership.

Enclosed is a partially completed "Notice of Transfer of Ownership" form. Please review the form and make any necessary changes. 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.

I realize that having to file a transfer form just to delete a name from the water right may seem a bit bureaucratic. However, we need to have these on file so it doesn't look like we just arbitrarily change names on water right files.

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

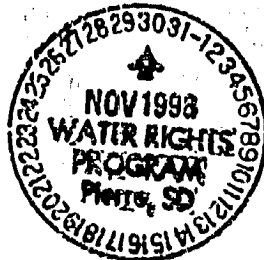
Sincerely,

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

encl

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 399-2

Date: 11-24-98

I/We request that Water Right No. 399-2

formerly owned by: Thomas & Robin Jagow

be transferred to: (name & address) Thomas Jagow, HC 56 Box 39, Buffalo Gap, SD 57722

Telephone No. 605 424-2352

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

W 1/4 Section 28; NW 1/4 and N 1/4 SW 1/4 Section 33, all in T7S, R7E

I/We understand that the validity of Water Right No. 399-2 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 Fall River)

I/We Thomas Jagow 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.

Thomas Jagow
(Signed)

Subscribed and sworn to before me this 24th day of November, 1998.

Chala Klein
(Notary Public)

My Commission expires August, 11 2002

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

NO 415929

Pierre,

November 30, 1998

RECEIVED OF Thomas Jagow, MC 56, Box 39, Buffalo Gap, SD 57722
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. 399-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

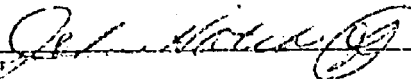
Total

2 50

2 50

By

Chief Engineer





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/d3nr

November 30, 1998

399-2

Thomas Jagow
HC 56 Box 39
Buffalo Gap, SD 57722

Dear Mr. Jagow:

Thank you for returning the transfer of ownership form and fee. The transfer has been completed and Water Right No. 399-2 is now listed in your name.

Enclosed is your Receipt No. 415929 in the amount of \$2.50. If you have any questions, please contact me.

Sincerely,

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

encl



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 6, 1999

399-2

Swede Johnson
9320 S Hwy 79
Rapid City, SD 57701

Dear Mr. Johnson:

Last Friday, you visited with Eric Gronlund with our program, about Water Right No. 399-2. Enclosed is a copy of the water right, currently listed in the name of Thomas Jagow.

I reviewed past irrigation questionnaires dating back to 1983. Our records show that the land has been continually irrigated with the exception of 1985 and 1986.

Eric indicated you were thinking about purchasing the land from Mr. Jagow. If you decide to buy the land, the water right goes with the land and will need to be transferred.

If you have any questions concerning the water right, the water use history or filing an ownership change, please contact either Eric or myself at (605) 773-3352.

Sincerely,

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

enclosures

399-2

SENDER COMPLETE THIS SECTION

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

1. Article Addressed to:

THOMAS JAGOW
~~HE 56 BOX 39~~
 BUFFALO GAP SD 57722

COMPLETE THIS SECTION ON DELIVERY

A. Received By (Please Print Clearly) Lex Jagow B. Date of Delivery 1-22-01

C. Signature Lex Jagow ☐ Agent ☐ Addressee

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

PO Box 133

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7500 0600 0026 9814 3376

PS Form 3811, July 1999

Domestic Return Receipt

102595-90-10 0352



399-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: THOMAS JAGOW, HC 56 BOX 39, BUFFALO GAP, SD 57722

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit No. 399-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire 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 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No. 399-2 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 is received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire, please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 21, 2001

399-2

Thomas Jagow
HC 56 Box 39
Buffalo Gap, SD 57722

Dear Mr. Jagow:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 399-2.

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

If you have any questions, please contact me.

Sincerely,

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



399-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: THOMAS JAGOW, HC 56 BOX 39, BUFFALO GAP, SD 57722

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 399-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 399-2 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 8, 2002, 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.

399-2



RECEIVED
FEB - 4 2002
WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
TEMP RETURN SERVICE REQUESTED

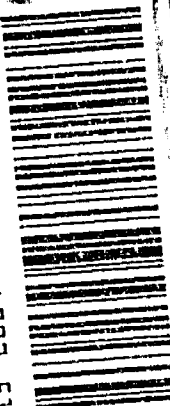


THOMAS JAGOW

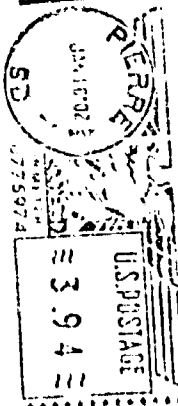


Rec'd 1-17-02
J. Jagow
Ref. 2-1-02

7001 2510 0004 4797 5101



CERTIFIED MAIL



57501/3182





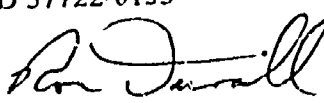
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

February 4, 2002

NOTICE

TO: Thomas Jagow, PO Box 133, Buffalo Gap, SD 57722-0133

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 399-2

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 17th and January 22nd to pick up and sign for the certified mail.

If you have any questions, please contact Genny McMath, (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

February 6, 2002

399-2

Thomas Jagow
HC 56 Box 39
Buffalo Gap, SD 57722

Dear Mr. Jagow:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 399-2.

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

If you have any questions, please contact me.

Sincerely,

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



December 10, 2002

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

399-2

Carla Simunek
RR 1 Box 178P
Hot Springs SD 57747

Dear Ms. Simunek:

Thank you for calling in regard to the ownership change for Water Right No. 399-2. Enclosed is a copy of the water right. I have included a copy of the last ownership change filed with it.

Also enclosed is a partially completed Notice of Transfer of Ownership form for use in filing an ownership change. Please complete the form as needed. Upon completion, please sign the form and return it 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.

We are still in need of the 2002 irrigation questionnaire for this water right. The form was originally mailed to Thomas Jagow and contained a December 2nd deadline. If you farmed the land in 2002, please complete the form and return it to us along with the transfer form. If you did not farm the land during 2002 and we should be directly our request to Mr. Jagow, let me know.

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date DECEMBER 17, 2002

RECEIVED OF Steve L. Simunek, P.O. Box 178P RR 1, Hot Springs SD 57747

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>309-2</u>		
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.

000743

By

Dale L. Zahle
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 399-2

Date: Dec 8, 2002

I/We request that Water Right No. 399-2

formerly owned by: Thomas Jagow

be transferred to: (name & address) Steve L. Simunek

Box 178 p. RR. 1 Hot Springs S.D.

Telephone No. 605-745-3998

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

357.41 acres located in the W 1/2 Section 28 and NW 1/4 & N 1/2 SW 1/4 all in Section 33, T7S, R7E

I/We understand that the validity of Water Right No. 399-2 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 Steve L. Simunek, the new owner, certify that the above information is true and correct.

Steve L. Simunek
(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.

RECEIVED

DEC 17 2002

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3137
www.state.sd.us/denr

December 18, 2002

399-2

Steve Simunek
RR 1 Box 178P
Hot Springs SD 57747

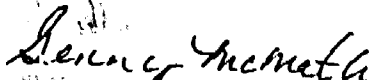
Dear Mr. Simunek:

I am writing to acknowledge receipt of the 2002 irrigation questionnaire and the Notice of Transfer of Ownership form and filing fee you submitted for filing an ownership change on Water Right No. 399-2. The transfer has been completed. The water right, formerly held by Thomas Jagow, is now listed in your name.

Enclosed is your Receipt No. 399-2 in the amount of \$2.50, which you paid for filing the ownership change. You may keep this for your records.

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 27, 2004

399-2

Steve Simunek
102 Sandpiper Dr
Hot Springs SD 57747 5201

Dear Mr. Simunek

Enclosed is a "Notice" dated October 22, 2004 concerning the 2004 irrigation questionnaire. The notice was originally mailed to RR 1 Box 178P, Hot Springs, 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,

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

enclosures



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 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "[Realtime streamflow data via satellite](#)".

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**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 21, 2009

399-2
399A-2
1929C-2

Steve L Simunek
27851 S Buffalo Gap Rd
Oral SD 57766-7249

Dear Mr. Simunek:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire for Water Right No. 399-2.

The notice was originally mailed to 102 Sandpiper Dr, Hot Springs 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,

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

enclosures



399-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: STEVE L SIMUNEK, 27851 S BUFFALO GAP RD, ORAL, SD 57766 7249
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaires

Our records indicate that the 2011 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 399-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2668-2 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2668-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 399-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link:
<http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2012

399-2
2668-2

Steve Simunek
27851 S Buffalo Gap Rd
Oral SD 57766 7249

Dear Mr. Simunek:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No 399-2 and Water Permit No. 2668-2. 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".

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



399-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: STEVE L SIMUNEK, 27535 S BUFFALO GAP RD, ORAL, SD 57766 7249

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaires

Our records indicate your 2018 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 399-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2668-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2668-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 399-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

399-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 7, 2019

399-2
2668-2

Steve L Simunek
27535 Buffalo Gap Rd
Oral SD 57766 7249

Dear Mr. Simunek:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 399-2 and Water Permit No. 2668-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



399-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: STEVE L SIMUNEK, 27851 S BUFFALO GAP RD, ORAL, SD 57766

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 399-2 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2668-2 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2668-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 399-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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> using this password: WRXIFT**

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2020

NOTICE OF ENTRY OF ORDER
FOR AMENDMENT AND ONE YEAR SUSPENSION

TO: Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program *Jeanne Goodman*

SUBJECT: Amendment of Water Right No. 399-2 and One Year Suspension of Water Permit No. 2668-2

On February 26, 2020, the Water Management Board took the following actions on Water Right No. 399-3 and Water Permit No. 2668-2:

The Board amended Water Right No. 399-2 to add the following qualification effective immediately:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The Board also ordered:

Effective March 26, 2020, Water Permit No. 2668-2 be suspended for the 2020 irrigation season for failure to submit the 2019 irrigation questionnaire.

If the 2019 irrigation questionnaire is received prior to March 26, 2020, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2020 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2020 unless the 2019 irrigation questionnaire is submitted by March 26th.

After March 26th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2019 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 6-7, 2020, in Pierre, SD. The letter should include your reasons for not completing the 2019 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place. Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembrook Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

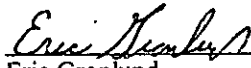
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

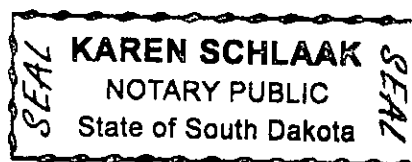
Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.


Karen Schlaak
Notary Public
My Commission expires April 1, 2025





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

January 20, 2022

NOTICE

TO: STEVE L SIMUNEK, 27535 S BUFFALO GAP RD, ORAL, SD 57766
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 399-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 399-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 399-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

399-2

Steve L. Simunek
27535 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 399-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

399-2



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

January 20, 2023

NOTICE

TO: STEVE L SIMUNEK, 27535 S BUFFALO GAP RD, ORAL, SD 57766

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 399-2. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 399-2 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 399-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: LXGGYI**

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



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

January 30, 2023

399-2

Steve L Simunek
27535 S Buffalo Gap Rd
Oral SD 57766

Dear Mr. Simunek:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 399-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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