

No.

400-2

Office of State Engineer
DOCUMENT FILE

Gordon A. Steele

Box 747

Hot Springs, S. Dak.

Fall River County

No. 16-15-R. 10 E.

Pennington County

Rapid Creek District

Source: Rapid Creek

Engineers: Calvin Vaudrey
1104 5th St.

Brookings, S. Dak.

Map # 729-2

No. 400-2

Division No. 2
Rapid Creek

District

PERMIT

to appropriate water from
Rapid Creek

FALL RIVER County, South Dakota.

Name of applicant Gordon A.
SteeleName of diversion works Gordon A.
Steele Diversion #2Date of first receipt at office of State
Engineer March 16th 1954Returned to applicant for Correction
19.....Corrected application received
19.....Date of water right March 16th
1954Recorded in Book 2 Page 65
One-fifth of work to be completed
April 30 1956Whole work to be completed
/ April 30 1958Final proof of use of water
April 30 1959

Approved April 30 1954

State Engineer.

NO. 400-2

Water Division No. 2 Rapid Creek District
(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota REC
MAR 1

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

OFFICE OF STA
PIERRE, SOUT

1. Name of applicant GORDON A. STEELE ART BEASSFIELD
 Postoffice address Box 749 Hot Springs, County Fall River, State South Dak

I. If a corporation

- (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) By purchase and Direct Labor
 (b) Cash on hand, \$ 6000.00 (c) Treasury stock, \$
 (d) Bonds to be issued, \$ (e) Other resources, \$ 25,000.00

2. Name of diversion work Gordon A. Steele Diversion No. 2
 3. Quantity of water claimed 2.38 cubic feet per second.
 4. Source of water supply Rapid Creek
 5. Location of point of diversion between points (3) 3220 ft 8550.08'W and (4) 1270ft S10-50'W from NE corner Section 16, T1S, R10E of The Black Hills Meridian bank.
 6. Annual periods during which water is to be used April 1st to November 1st
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated 117.05 acres.
 (b) Legal subdivisions to be irrigated NE1, NE1-30.54 acres; NW1, NE1-32.85 acres; SW1, NE1-25.33 acres; SE1, NE1-28.33 acres; SW1, NE1-16, T1S, R10E, Black Hills Meridian
 (c) Statement as to domestic use (giving location, etc.)

(NOTE—A list of lands to be irrigated, giving each subdivision and acreage, should be written here, or may be appended as a part of this application.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation

- (a) Nature of use
 (b) Amount of power to be generated 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 works:

(a) ~~Head-gates, \$.....~~ (b) Pumping plant, \$ 1200.00 ..
 (c) ~~Plumbing, \$.....~~ (d) ~~Canal earth, \$.....~~ Rock, \$.....
 (e) Other structures **Pipe & Sprinklers \$ 4000.00** Total, \$ 5200.00 ..

9. Description of diversion works:

- I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
8" pump, 650 gr., 80 #/in²; 600ft 6" mainline pipe, 700' 5" lateral line, 1000' 1" lateral line. 42 sprinklers to operate at 40 #/in²
 II. Dimensions of works:

(a) ~~Dam: Height..... 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 DEPTH AT OUTLET- ACRES	ACRE- FEET CAPACITY
Sprinklers to be used		
Mainbird #70 7/32 x 5/16		
Pressure		Discharge (gpm)
25		12.0
30		13.1
35		14.2
40		15.2
45		16.2

~~(c) Head-gate: Width..... feet; height..... feet;~~

~~Material.....~~

(d) ~~Canal: Total length..... 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 **Four** years.
 11. Time required for complete application of water to the proposed beneficial use **Five** years.
 12. Choice of newspaper for publication of notice of intention to appropriate **Rapid City Journal, Rapid City, South Dakota**

STATE OF SOUTH DAKOTA

County of **FALL RIVER**

I, **GORDON A. STEELE**, 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 examined the map accompanying the same, and that I know of my own personal knowledge that the matter herein stated and shown are true.

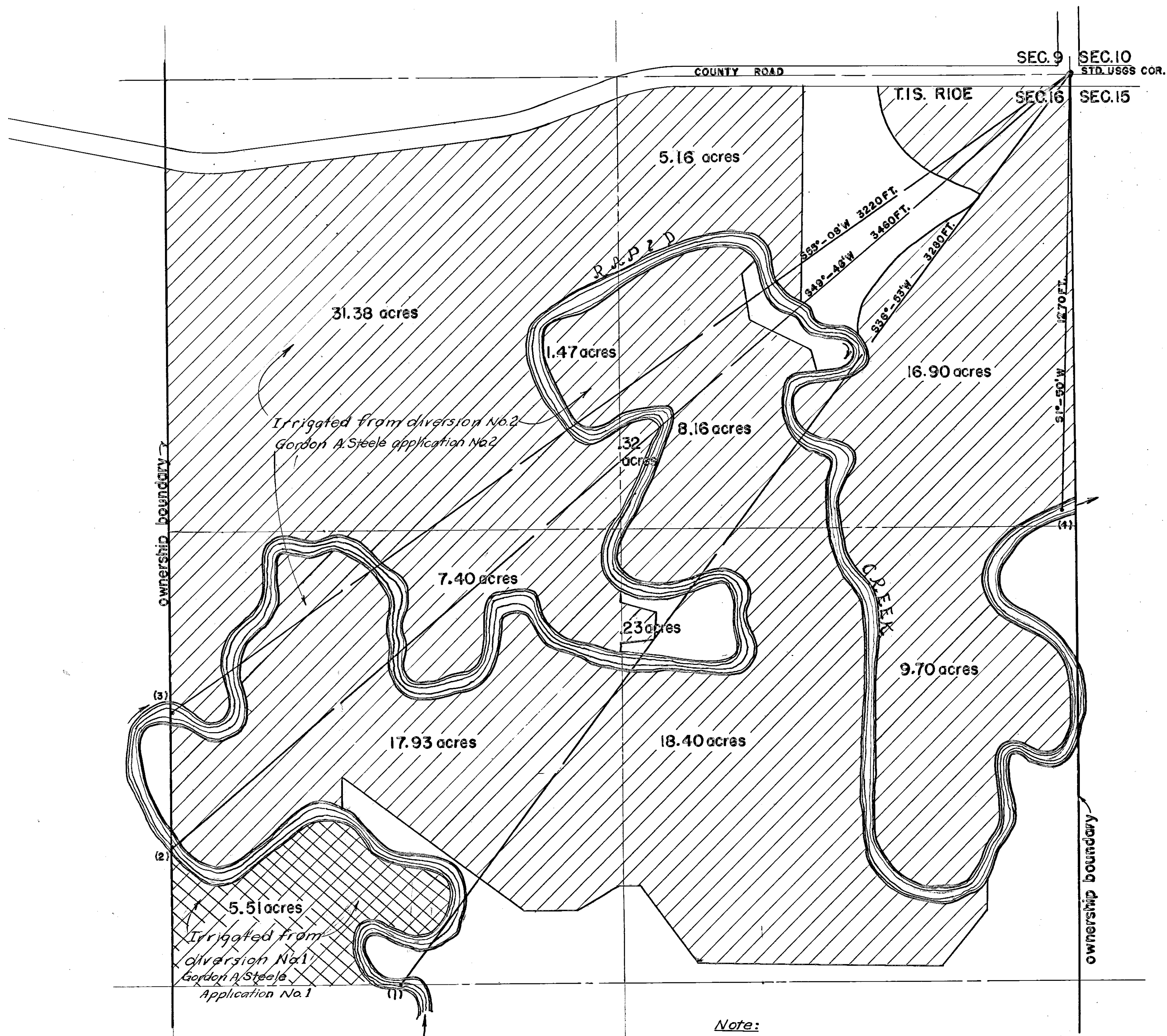
Signed

Gordon A. Steele

Subscribed and sworn to before me this **14th** day of **MARCH**, 1954

[Signature]

Notary Public (or other qualified officer.)



Scale: 1 in. = 200 ft.

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

SURVEYOR'S CERTIFICATE

State of South Dakota } ss
 County of Brookings }

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

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

Calvin Vaudrey
 Registered Land Surveyor

State of South Dakota } ss
 County of Brookings }

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

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

William J. Bibo
 Notary Public

My Commission Expires Dec. 12, 1954

(Water Right # - 400-2)

Map # - 429-2

M A P

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

Calvin Vaudrey - Surveyor

March 8, 1954

Note:
 Diversion No. 1 is between points 1 & 2
 Diversion No. 2 is between points 3 & 4

Remarks by State Engineer :

STATE OF SOUTH DAKOTA

County of Hughes

SS.

Pierre, South Dakota, 4-30, 1954

This is to certify that the foregoing application was received at this office at 1:23 o'clock A. m. upon the 16th day of March, 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. No objections received

Number of permit 400-2

DEAN W. LOUCKS

State Engineer.

Date of first receipt of application March 16, 1954

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right March 16, 1954

Approved 4-30-54, 19____, Recorded in Book 3 Page 65

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 April 30, 1956.

2nd. The whole of said work is to be completed on or before April 30, 1958

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is April 30, 1959.

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 Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.4 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 30, 1959; said water to be used during the following described annual period: Apr. 1 to Nov. 1, inclusive

Witness my hand this 30th day of April, 1954

DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued _____, 19____

Water License issued _____, 19____

STATE OF SOUTH DAKOTA

WATER LICENSE No. 400-2

WHEREAS, On the 15th day of March A. D. 1954

Gordon A. Steele

of Hot Springs County of Fall River and State of
South Dakota duly made application (No. 400-2) to us for a permit to use 1.38

cubic feet per second of the waters of Rapid Creek

County of Pennington, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 30th day of April A. D. 1954

Permit No. 400-2 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 30th day of

April

A. D. 1958 and for the application to beneficial use of said

water on or before the 30th day of April A. D. 1959

and,

WHEREAS, On the 15th day of March A. D. 1958

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.38

cubic feet per second of said waters, as evidenced by our Certificate No. 400-2

dated March 15, 1958 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 1.38 cubic feet per second of water, with date of

priority of March 16, 1954 and,

WHEREAS, On the 15th day of March A. D. 1958

proof was duly made of the application to beneficial use of 1.38 cubic feet per second of said water;

on 117.05 acres located in the NE 1/4, Sec. 16, T 1 S, R 10 E and more

specifically described in the Certificate of Completion of Works No.

400-2.

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 Gordon A. Steele
of Hot Springs, South Dakota the holder and owner of said permit No. 400-2
a water right, dating from March 16, 1954 to the use of 1.38
cubic feet per second of the waters of Rapid Creek
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at between points (3) 3220 feet,
S 55°08'W and (4) 1270 feet, S 1° 50'W from the NE Cor., Sec. 16, T.1 S, R10E
and conducted to and upon the NE 1/4, Sec. 16, T 1 S, R 10 E and more specifically
described in Certificate of Completion of Works No. 400-2.

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 15th day of March A. D. Nineteen
Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 400-2Water Division No. 2 Rapid Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Gordon A. Steele

of Hot Springs, County of Fall River, and State of South Dakota, the holder of Permit No. 400-2 issued upon Application No. 400-2, bearing date of priority of March 16, 1954, authorizing the diversion of 1.38 cu. ft. per second of the waters of Rapid Creek County of Pennington, State of South Dakota, at between points (3) 3220 feet, S 55° 08'W and (4) 1270 feet, S 1° 50'W from the NE Cor., Sec. 16, T 1 S, R 10 E for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.38 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: <u>NE 1/4 NE 1/4</u>)	<u>30.54 acres</u>
<u>NW 1/4 NE 1/4</u>) all in Sec. 16,	<u>32.85 acres</u>
<u>SW 1/4 NE 1/4</u>) T 1 S, R 10 E	<u>25.33 acres</u>
<u>SE 1/4 NE 1/4</u>)	<u>28.33 acres</u>
Total	117.05 acres

Witness my hand this 15th day of March A. D. 1954

State Water Resources Commission

By:

J. V. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA:
: SS
COUNTY OF FALL RIVER :

RETENTION OF WATER RIGHTS HERETOFORE ACQUIRED

Gordon A. Steele, Hot Springs, South Dakota, being first duly sworn on his oath, deposes and says: that he is the owner of the following described real property (and other lands) situated in Pennington County, South Dakota, to-wit:

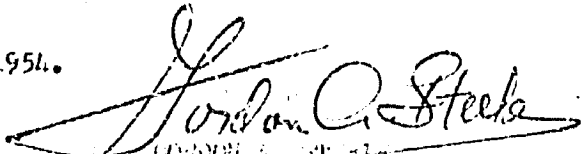
Northeast Quarter (NE $\frac{1}{4}$) of
Section Sixteen (16) in
Township One (1) South,
Range Ten (10), East of the Black Hills Meridian.

That he is making application for a permit to appropriate water within the State of South Dakota to be used for irrigation and domestic purposes by overhead sprinkling system to irrigate 122.56 acres in the above described premises, said application being dated March 4, 1954.

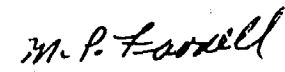
That in making said application, he does not, and it is his intention not to surrender, vacate, give-up, make void or detract from any water right now existing pertaining to said premises, which rights exist by virtue of a water right dated on or about May 28, 1890, and more fully described in the Office of the State Engineer, State of South Dakota, Pierre, South Dakota, in file # 0512-2 therein under the name of Charles Hamm, John Peterson and Peter Hamnerquist, claiming 2500 miners inches.

That in making said application dated March 4, 1954, he does not waive or abandon any previous water right, whenever obtained and where ever described.

Signed this 4th day of March 1954.


GORDON A. STEELE

Subscribed and sworn to before me this 4th day of March 1954.


M. P. FARRELL
Notary Public
Fall River County, South Dakota

My commission expires April 4, 1954

March 27 April 3, 10, 17
APPROPRIATION OF WATER
 Office of State Engineer,
 Pierre, S. Dak., March 22, 1954
 Notice is hereby given that Gordon A. Steiner, whose postoffice address is Rapid City, S. Dak., has made application in accordance with the regulations of the water law of the State of South Dakota for a permit to appropriate water per second from the Rapid Creek drainage area, in Steele Division No. 2, the location of which is to be located between points (2) 2220' South of Dec. 8 Min. West and (4) 1170' South 1 Deg. 40 Min. West from the N.E. corner of Section 16, Twp. 18 Range 101, Pennington County, S. Dak. water to be used for the purpose of providing sprinkler irrigation within the following described land: N1/4 of Sec. 16 T 18 R 10E—117.03 Acres.
 This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 26th 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 as a person for the purpose of being heard further.
 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. LOUGHS
 State Engineer

Proof
OK. p. 51
7-26-54

RECEIVED

APR 24 1954

OFFICE OF STATE ENGINEER
 PIERRE, SOUTH DAKOTA

Affidavit of Publication

STATE OF SOUTH DAKOTA }
 County of Pennington } ss.

E. H. LIGHTER, of Rapid City, in said County, being first duly sworn, upon his oath says: That he is now and was at all times hereinafter mentioned, the agent of the publisher named, designated and appointed as such for the purposes herein set forth, by resolution and action of its Board of Directors, of The JOURNAL PUBLISHING CO. of Rapid City, a corporation, of Rapid City, South Dakota, the owner and publisher of the RAPID CITY DAILY JOURNAL, a legal and daily newspaper printed and published in Rapid City, in said County of Pennington, and has full and personal knowledge of all the facts herein stated; that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide circulation of at least Two Hundred copies daily, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Rapid City, in said Pennington County, for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said RAPID CITY DAILY JOURNAL, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said newspaper once each week for four successive weeks, the first publication thereof being on the 27 day of March 1954, and the last publication thereof being on the 17 day of April 1954, that the fees charged for the publication thereof are 11 Dollars and 10 cents.

E. H. Lighter

Subscribed and sworn to before me this 17 day of April 1954.

Notary Public

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., March 22, 1954

Gordon A. Steele

Notice is hereby given that _____ whose postoffice
address is Box 749, Hot Springs, _____ 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 1.38

cubic feet of water per second of time from the Lapid Creek _____ through the

Gordon A. Steele Diversion #2 the point of diversion of which is to be located between points (3)
3220' South 55° 84in. West and (4) 1270' South 1° 50min. East from the N.E. corner of
bank of said stream in the _____ of the _____ of Section 16

Twp. J. S. Range 10E Pennington County _____ sprinkler
Said water to be used for the purpose of providing/irrigation or within

the following described land:

NE $\frac{1}{4}$ of Sec. 16 T 1S R 10E - 117.05 Acres

and for _____ purposes.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the
26th April 54 2:00
day of _____, 19____, at _____ 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 consider-
ation of any or all information presented.

DEAN W. LOUCKS
State Engineer

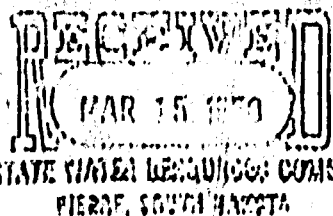
cc: Calvin Vaudrey

pjs

Permit No. 400-2

Water Division No. 2

Rapid Creek 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 March 7, 1958, I have this day made a thorough examination of the diversion works constructed by Gordon A. Steala, of Hot Springs, South Dakota, Fall River County, South Dakota, holder of Permit No. 400-2, issued upon Application No. 400-2, bearing date of priority of March 18, 1954, authorizing the diversion of 1.38 cu. ft. per second of the waters of Rapid Creek for beneficial purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 29 HP Wisconsin Engine powered pump sprinkler system consisting of 380 ft. of main line pipe, 1020 ft. of 3" lateral with 34 Rainbird #40 sprinkler heads 6/32 x 1 1/4 inch with pressure gauge. Sprinkler heads are rated at 15.2 gpm at 40 pounds per square inch pressure.

and the system is in the following condition: 4 years old in good condition and operating efficiently.

The point of diversion is located between points (3) 3220 ft. S55°-08' W and (4) 1270 ft. S10°-50' E from NE Corner Sec. 16, T18, R10E of BHM, in Formington County

The works are capable of diverting and conveying to the place of use 1.38 cu. ft. per second of water, which is to be used for Irrigation (overhead sprinkler)

The legal sub-divisions to be irrigated are: NE 1/4, NE 1/4-30, 54 acres; NE 1/4, NE 1/4-32, 85 acres; SW 1/4, NE 1/4- 25.33 acres and SE 1/4, NE 1/4-28.33 acres, all in Section 16, T18, R10E of BHM.

comprising a total of 117.05 acres of land. The domestic use intended comprises none

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

Witness my hand, this 14th day of

March

A. D. 1958

—SEAL—

Calvin Vaudrey

Examining Engineer.

RECEIVED
JUL 6 1973

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Dear Sirs,
I am writing to you regarding the
1973-74 water year report and the
priority for water.

Arland Melvin Brassfield
Caputa
South Dakota

57725

Water Resource Commission
Pierre
South Dakota
57501

343-5929

Dear Sirs,

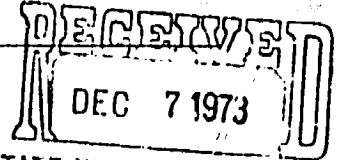
We have had a problem
here in Rapid Creek for the past eight
years, that I know of. I would like to
know how the priorities are from the
top of the creek to the bottom of the creek
and the laws and by-laws of the Water
Conservation Rules and Regulations, because
nobody around here seems to know what
priority is or what normal creek flow is.
The creek is dry and will be dry until
somebody buys water and then I will
have to make creek flow. To get boughten
water is quite expensive to purchase.
Is not the creek suppose to flow 10

second feet to the Cheyenne River
to float boughten water on. Right
now it is flowing no water. The ditch
rider we have at the present, we
have had troubles with on the lower
end of the creek, both with free
water and water we have purchased for
the dry years 1971 and 1973. We
can talk to the Directors of the Board
and no one seems to want to do
anything for the lower end of the
creek. If we would like to meet
with you on a certain set date
at your office in Pierre or at our
place in Laputa to get this back
in to hands as soon as possible.
So when we have water we do not
have to fill all the dry holes with
our boughten water. And that will
be soon because we have no water.

Yours truly,
Art and Melvin Brassfield
Melvin Brassfield

Form 20.

400-2



NOTICE OF TRANSFER OF WATER PERMIT

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

TO: **WATER RIGHTS COMMISSION**
State Office Building No. 2
Pierre, South Dakota 57501

Date November 13, 1973

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

Portions of the NE $\frac{1}{4}$, Section 16, T1S, R10E, lying North of Rapid Creek
as shown on Water Right Map No. 429-2.

formerly owned by Gordon A. Steele, Hot Springs, S.D.

has been transferred to Art Brassfield, Farmingdale, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 400-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

STATE OF SOUTH DAKOTA)
County of Pennington) ss.

I, Art Brassfield 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.

Art Brassfield
(Signed)

Suscribed and sworn to before me this 3rd day of December, 1973.

My commission expires February 7, 1975.

Robert Emery
(Notary Public)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

400-2

401-2

No. _____

December 12, 1983

Malvin Brassfield
Box 24
Caputa, South Dakota 57725

Dear Mr. Brassfield:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$5.00.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83

Water Rights Division - DWR

400-2.
File No. 401-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Melvin BrassfieldADDRESS: Box 24, Caputa, SD COUNTY Penn.DATE: Dec 12, 1983 TELEPHONE 343-5429RE: ownership of land for permits listed under Art Brassfield

COMMENTS:

On 1983 Irrigation Questionnaires for Water Right
Nos. 400-2 & 401-2, Art Brassfield indicated land
was being sold on a contract for deed to Melvin Brassfield.

Melvin Brassfield indicated during a phone conversation
that he would not actually own the land for 15-20
years, but to go ahead and have water rights
transferred since his father no longer operated
the systems.

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.

4/82

NAME: Henry McMath

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

117.05 Acres NE $\frac{1}{4}$ Section 16, T1S, R10E

formerly owned by Art Brassfield

has been transferred to Melvin Brassfield, Box 24, Caputa, SD 57725

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 400-2 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 _____) ss.

I, Art Brassfield 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.

Art Brassfield
(Signed)

Subscribed and sworn to before me this 20 Day of January, 1984.

Jeri Lynne
(Notary Public)
Com. Expires 7-13-86



RECEIPT

Division of Water Rights

No 4 3312

South Dakota Department of Water and Natural Resources

Pierre, January 23, 1984

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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 for WR# 300-2	2	50
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

By John Hatch
Chief Engineer JOHN HATCH (ms)



Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

February 10, 1984

No. _____

400-2
401-2

Melvin Brassfield
Box 24
Caputa, South Dakota 57725

Dear Mr. Brassfield:

Enclosed is receipt No. 4-9511 & 4-9512 in the amount of \$ 2.50 each, which you paid for transfer of Water Right No. 400-2 & 401-2.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

WNR-821-7/79

Receipt & Notice of Filing of Transfer of Water Right



400-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

MELVIN E BRASSFIELD
BOX 24
CAPOTA SD 57725

NOTICE

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

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

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

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

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

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

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

Very truly yours,

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



400-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1994

NOTICE

TO: MELVIN E BRASSFIELD
BOX 24
CAPUTA, SD 57725

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

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

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

The hearing is now scheduled as follows:

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

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

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

CERTIFICATION

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

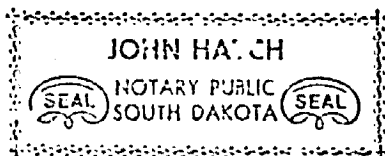
- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
 792-1: David L. & Mary Lou Mollman, HC 63, Box 62, Ludlow, SD 57755.
 4093-3: Dell Rapids Golf & Rec Assoc, Mike Solem, Box 165, Dell Rapids, SD 57022.
 2394-3 & 2395-3: Dennis Jones, RR 1, Box 55, Bath, SD 57427.
 1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
 1556-3: Ed & Dale Fawcett, Inc., Box 3D, Ree Heights, SD 57371.
 1555-3: Ed & Dale Fawcett, Inc., HCR 64, Box 155, Miller, SD 57362.
 2622-3: Evelyn Bernard, RR 1, Box 35, Jefferson, SD 57038.
 526-2: Fred & Dan McFarland, P.O. Box 2110, Rapid City, SD 57709.
 1390A-1: Fred W. Carlson, 716 10th Ave., Belle Fourche, SD 57717.
 3026-3: G. Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.
 1291-3 & 2474-3: Gary Hanson, Operator, RR 2, Box 224, Elk Point, SD 57025.
 407-2, 408-2 & 409-2: Gerrit DeJong, HCR 81, Box 50, Kennebec, SD 57544-9503.
 4209-3: Harold Nelson & Son, RR 2, Box 156, Yankton, SD 57078.
 5315-3: Hillcrest Golf/Country Club, T. Cihak, President, 2206 Mulberry, Yankton, SD 57078.
 2595-3 & 4379-3: James B. Zell, Rt 1, Box 350, Cavour, SD 57324.
 4587-3A & 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.

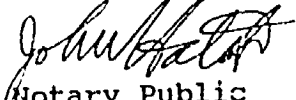
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 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 Penner, 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
 Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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




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

400-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1994

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

Melvin E Brassfield
Box 24
Caputa, SD 57725

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



400-2

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

February 7, 1995

MELVINE BRASSFIELD
BOX 24
CAPUTA SD 57725

NOTICE

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

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

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

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

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

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

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

Very truly yours,

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



100-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 15, 1995

400-2
401-2
2003-2

Melvin Brassfield
Box 24
Caputa, SD 57725

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

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

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

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

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

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

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

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



470-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1998

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

Melvin E Brassfield
Box 24
Caputa, SD 57735

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3252



January 22, 1999

400-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

NOTICE

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

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

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

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

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

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

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

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

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

400-2

Is your RETURN ADDRESS completed or: the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

MELVIN E. BRASSFIELD
BOX 24
CAPUTA SD 57735

4a. Article Number

P378 080 723

4b. Service Type

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

7. Date of Delivery

2/6/99

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Melvin Brassfield*

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

PS Form 3811, December 1994

102595-95-D-0229

Domestic Return Receipt

Thank you for using Return Receipt Service.



400-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 1999

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

Melvin E Brassfield
Box 24
Caputa, SD 57725

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



January 16, 2002

NOTICE

400-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

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

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

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

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

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

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

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



400-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 14, 2002

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

Melvin E Brassfield
Box 24
Caputa, SD 57725

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



400-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

January 14, 2004

NOTICE

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

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaires

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

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

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

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

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

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

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



400-2
**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

February 26, 2004

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

Melvin E Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



400-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

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

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

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

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

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

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

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

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

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



400-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2005

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

Melvin Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



January 26, 2007

NOTICE

400-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaires

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

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2007

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATION

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

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

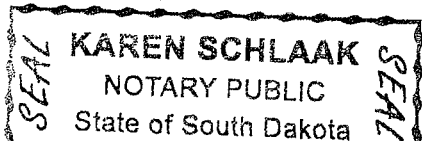
L. P. Jackson

Gail Jacobson
Water Rights Program

[illegible]

Sworn to, before me, this 12th day of March, 2007.

Karen Achniak
Notary Public



My Commission Expires
April 1, 2007

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

RECEIVED

MAR 13 2007

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2008

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

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

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

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

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

enclosures

400-2

CERTIFICATION

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

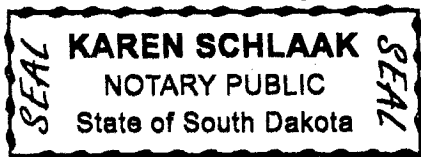
Melvin Brassfield, PO Box 24, Caputa SD 57725


Gail Jacobson
Secretary
Water Rights

[illegible]

Sworn to, before me, this 27th day of February, 2008.

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





400-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 2008

NOTICE OF ONE YEAR SUSPENSION

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

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

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

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

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

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2010

Melvin Brassfield
Box 24
Caputa SD 57725

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

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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

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



400-2
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, 2014

NOTICE

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

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

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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.

400-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2014

Melvin Brassfield
Box 24
Caputa SD 57725

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

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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

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



400-2
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 16, 2015

NOTICE

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

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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.

400-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 13, 2015

NOTICE

TO: Melvin Brassfield, Box 24, Caputa SD 57725

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

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

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

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

400-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

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

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

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

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

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

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

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

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

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

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



460-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 26, 2015

Melvin Brassfield
Box 24
Caputa SD 57725

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

Dear Mr. Brassfield:

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program



400-2

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 15, 2016

NOTICE

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

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 9, 2016

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

Melvin E Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



400-2

**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 20, 2017

NOTICE

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

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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.



400-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 15, 2017

Melvin Brassfield
PO Box 24
Caputa SD 57725

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

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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



400-2
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 26, 2018

NOTICE

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

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

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

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

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

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

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. 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.

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 70171000000032518364

Remove X

Your item was picked up at the post office at 8:12 am on January 31, 2018 in CAPUTA, SD 57725.

 Delivered

January 31, 2018 at 8:12 am
Delivered, Individual Picked Up at Post Office
CAPUTA, SD 57725

Get Updates ▼

Text & Email Updates

Tracking History

Product Information

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee \$	1-31-18 Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy) \$	
☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
MELVIN E BRASSFIELD BOX 24 CAPUTA SD 57725	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions. **How can I help you?**



400-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 14, 2018

Melvin Brassfield
PO Box 24
Caputa SD 57725

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

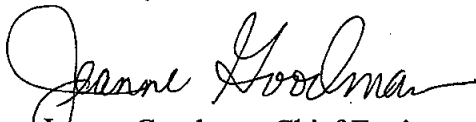
Dear Mr. Brassfield:

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

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

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

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

400-2



Touchstone Energy* Cooperatives
The power of human connections*

We need to put these
irrigation papers in
Brassfield Ranch LLC
Box 24
Caputa, So. Dak
57725

Melvin has passed
away in Dec
Thank you
Susan, call me
if need question — 605-381-4448

TOUCHSTONEENERGY.COM

(sorry this late) Melvin really sick



400-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 10, 2019

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

Brassfield Ranch LLC
Box 24
Caputa SD 57725

Dear Sirs:

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

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

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

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

MAY 10 2019

Ck# 2661

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

RECEIVED

MAY 10 2019

WATER RIGHTS
PROGRAM

No. 400-2

Date: 4-10-19

I/We request that Water Right No. 400-2

formerly owned by: Melvin Brassfield

be transferred to: (name & address)

Steven Brassfield - Brassfield Ranch LLC
Box 43
Caputa SD 57725

Telephone No. 605-391-1331

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

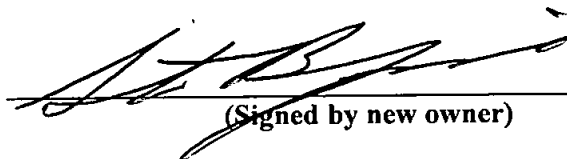
117.05 acres - NE 1/4 Section 16, T1S, R10E

I/We understand that the validity of Water Right No. 400-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 10, 20 19

RECEIVED OF ~~Steven Brassfield-Brassfield Ranch LLC Box 43 Caputa SD 57725~~

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>400-2</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **09138**

By Jeanne Goodman
Chief Engineer *VM*



400-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 13, 2019

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

Steven Brassfield
Brassfield Ranch LLC
Box 43
Caputa SD 57725

Dear Mr. Brassfield:

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

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

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

Sincerely,

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

enclosures

400-2



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

January 20, 2022

NOTICE

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

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

400-2



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

March 1, 2022

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

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

Dear Mr. Brassfield:

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

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

If you have any questions, please contact me.

Sincerely,

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

Dewell, Amanda

From: Dewell, Amanda
Sent: Thursday, April 2, 2026 2:42 PM
To: rancherlee123@outlook.com
Cc: Rodriguez, Rachel
Subject: Irrigation Applications_Amend
Attachments: Brassfield_Amendment Apps.pdf

Lee –

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

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

Thank you,

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



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

NAME: Brassfield Ranch LLC c/o Lee Brassfield

DATE: April 08, 2026

PHONE: 605-391-2091

RE: Pumping irrigation water prior to permitted start date.

COMMENTS:

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

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

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



Adam Mathiowetz

Acting Chief Engineer

DANR-Water Rights Program