

No.

401-2

Office of State Engineer

DOCUMENT FILE

Gordon A. Steele

Box 249

Hot Springs, S.Dak.

Fall River County

Sec. 16-15-R. 10E

Rapid Creek District

Source: Rapid Creek

Engineer: Calvin Vandrey

1104 5th St.

Brookings, S.D.

Map # 429-2

No. 401-2

Division No. 2
Rapid Creek

District

PERMIT

to appropriate water from
Rapid Creek

FALL RIVER County, South Dakota

Name of applicant Gordon A. Steele

Name of diversion works
Gordon A. Steele Diversion #1Date of first receipt at office of State
Engineer March 17 19 54

Returned to applicant for Correction

Corrected application received

Date of water right
March 17th 19 54

Recorded in Book 3 Page 56

One-fifth of work to be completed
April 30 19 56Whole work to be completed
April 30 19 58Final proof of use of water
April 30 19 59

Approved April 30 19 54

State Engineer.

NO. 401-2Water Division No. 2 Rapid Creek Water
(Blanks to be filled by the State Engineer.)District **RECEIVED**9:00 A.M.
MAR 17 1954**APPLICATION FOR PERMIT**
To appropriate Water within the State of South DakotaOFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

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

TRANS-12-16-73

1. Name of applicant GORDON A. STEELE ART BRASSFIELD
CAPUTIA
 Postoffice address Box 149 Hot Springs, County Fall River, State South Dakota

I. If corporation

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

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) By Purchase and Direct Labor
 (b) Cash on hand, \$ 6,000.00 (c) Treasury stock \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ 25,000.00
2. Name of diversion work Gordon A. Steele Diversion No. 1
 3. Quantity of water claimed 0.01 cubic feet per second.
 4. Source of water supply Rapid Creek
 5. Location of point of diversion Between Points (1) 3280 ft. S36° - 53'W and (2) 3460 ft. S49° - 46'W From NE corner Section 16, T1S, R10E, The Black Hills Meridian
on _____ bank, _____ County.
 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 5.51 acres.
 (b) Legal subdivisions to be irrigated S1/2, 1/4 - 5.51 acres, Section 16, T1S, R10E
 (NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage, must be attached here, or may be appended as a part of this application. Same must also be shown on accompanying map.)
Black Hills Meridian
 (c) Statement as to domestic use (giving location, etc.) _____

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

- (a) Nature of use _____
 Name any of the above uses claimed
 (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 _____

Map No. 429-2

8. Estimated cost of work:

(a) Head-gate, \$----- (b) Pumping plant, \$-1,200.00
 (c) Fluming, \$----- (d) Canal earth, \$----- Rock, \$-----
 (e) Other structures - Pipe & Sprinklers \$4,000.00 Total, \$-5,200.00

9. Description of diversion works:

- I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
 6 pump, 650 cfm, 80 $\frac{1}{2}$ in²; 600ft 6" mainline pipe, 700' 5" lateral line,
 1000' 4" lateral line. 42 sprinklers to operate at 40 $\frac{1}{2}$ in²,
 II. Name 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 / T EACH.....FEET DEPTH AT OUTLET-ACRES	ACRE-Feet CAPACITY
Sprinklers to be used Rainbird #70 - 7/32 x 3/16		
Pressure		Discharge (gpm)
25		12.0
30		13.1
35		14.2
40		15.2
45		16.2

(c) Pressure gauge to be mounted on system. 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)

& purchase

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 DeWitt } ss.

I, Jordan H. 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this

15

day of

1954

Notary Public (or other qualified officer.)

Remarks by State Engineer:

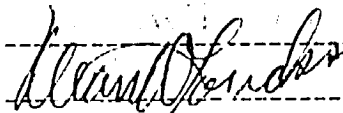
STATE OF SOUTH DAKOTA

County of Hughes

Pierre, South Dakota, 4-30

1954

This is to certify that the foregoing application was received at this office at 9:00 o'clock
A. m. upon the 17th 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 were
received


DEAN W. LOUCKS

State Engineer.

Number of permit 1-2

Date of first receipt of application March 17, 1954

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right March 17, 1954

Approved 4-30-54, 19____, Recorded in Book 3 Page 616

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 Apr. 30, 1956

2nd. The whole of said work is to be completed on or before Apr. 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 Da-
kota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed .07
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. to Nov. 1, inclusive

Witness my hand this 30th day of April, 1954


DEAN W. LOUCKS

State Engineer.

Certificate of Construction issued Apr 3, 1954

Water License issued _____, 19____

STATE OF SOUTH DAKOTA

WATER LICENSE No. 401-2

WHEREAS, On the 17th 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. 401-2) to us for a permit to use 0.07 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. 401-2 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 27th day of October A. D. 1955

the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.07 cubic feet per second of said waters, as evidenced by our Certificate No. 401-2 dated January 3, 1956 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.07 cubic feet per second of water, with date of priority of March 17, 1954 and,

WHEREAS, On the 11th day of March A. D. 1958

proof was duly made of the application to beneficial use of 0.07 cubic feet per second of said water; on 5.51 acres located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 16, T-1S, R-10E

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. Stevie
of Hot Springs the holder and owner of said permit No. 101-2
a water right, dating from March 17, 1954 to the use of 0.07
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 (1) 3280 feet
S 36° 53' W and (2) 3460 feet, S 49° 46' W, From the NE Cor., Sec.
16, T 1S, R 10E
and conducted to and upon

SW 1/4 NE 1/4, Sec. 16, T 1S, R 10E

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 14th 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. 401-2Water 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. Steeleof Hot Springs, County of Fall River, and State ofSouth Dakota, the holder of Permit No. 401-2, issued upon ApplicationNo. 401-2, bearing date of priority of March 17, 1954, authorizing the diversion of0.07 cu. ft. per second of the waters of Rapid CreekCounty of Pennington, State of South Dakota, at between point (1)S. 36° 53' W., 3290 feet and point (2) S. 49° 46' W., 3460 feet from the NECorner, Sec. 16, T 1S, R 10E for sprinkler 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 0.07 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: SW 1/4, NE 1/4 Sec. 16, T 1S, R 10E - 5.51 acresWitness my hand this 3rd day of January A. D. 1956.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

(First Publication _____, 19____)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, S. Dak., March 22, 1954

Notice is hereby given that Gordon A. Steele 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 0.07 cubic feet of water per second of time from the Rapid Creek through the Gordon A. Steele Diversion # 1, the point of diversion of which is to be located on the between points (1) 3280' South 36° 53Min. West and (2) 3460' South 49° 46Min. West from the N.E. corner of bank of said stream in the Section 16 of the Pennington County Twp. 1 S Range 10 E Said water to be used for the purpose of providing sprinkler irrigation on within the following described land:

SW 1/4 NE 1/4 SEC. 16 T 1 S R 10 E - 5.51 Acres

and for purposes.

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 M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

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

DEAN W. LOUCKS
State Engineer

CC: Calvin Vaudrey

March 27 April 2, 1954

APPROPRIATION OF WATER
Office of State Engineer,
Pierre, S. Dak., March 22, 1954
Notice is hereby given that Gordon A. Steele whose postoffice address is Box 745, 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, 402 cubic feet of water per second, for time from Rapid Creek through the Gordon A. Steele Diversion No. 11, the diversion of which is to be located between points (1) 2200' South 26' Deg. 53 Min. West and (2) 2400' South 42 Deg. 46 Min. West from the N.E. corner of Section 16 Twp. 23 Range 10E Pennington County, said water to be used for the purpose of providing irrigation within the following described land:
SW 1/4 Sec. 16 T. 23. R. 10E - S. 51 Acres.

The application will be taken up by the State Engineer at his office at Pierre, for consideration upon the 15th day of April, 1954, at 2:00 P.M. All persons who believe that their legal rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented. Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS
State Engineer

Pro-f-54
11-30-54
ok f.p.
RECEIVED

APR 29 1954

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

Affidavit of Publication

STATE OF SOUTH DAKOTA } 88.
County of Pennington

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 , the first publication thereof being on the 27th day of March 19. 54, and the last publication thereof being on the 17th day of ... April 19. 54, that the fees charged for the publication thereof are Fourteen Dollars and 10 cents.

E. H. Lighter

Subscribed and sworn to before me this 17th day of

.... April 19. 54..

Notary Public.

Permit No.

Water Division No.

Water District.

CERTIFICATE OF EXAMINATION OF WORKS

Report of Examining Engineer

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated June 7
 1955, I have this day made a thorough examination of the diversion works constructed by Gordon A. Steele
 of _____
 _____ County, South Dakota, holder of Permit No. 401-2, issued
 upon Application No. 401-2, bearing date of priority of _____, 19____, authorizing the
 diversion of 0.07 second feet 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 H.P. Wisconsin Engine powered pump
Sprinkler system consisting of 390 ft main line
pipe, 1020 ft of 3" lateral with 34 Rainbird #40
Sprinkler heads 5/32" x 1 1/4" with pressure gage
Sprinkler heads rated at 15.2 gpm @ 40# pressure
 and the system is in the following condition: New

The point of diversion is located Between points (1) 3280' S36°53'W and
(2) 3460' S49°46'W from NE Cor. Sect 16, T15, R10E

The works are capable of diverting and conveying to the place of use 1.15 second-feet of water,
 which is to be used for irrigation (Sprinkler)

The legal sub-divisions to be irrigated are: SW 1/4, NE 1/4 Sec 16, T15, R10E
B.H.M. -

_____ comprising a total of 5.51 acres of land.
 The domestic use intended comprises _____

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

Witness my hand, this 27th day of October, A. D. 1955

Calvin Claudrey

Examining Engineer.

STATE OF SOUTH DAKOTA
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:

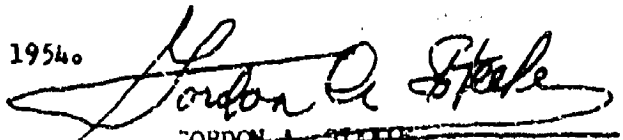
Northeast Quarter (NE $\frac{1}{4}$) of
Section Sixteen (16) in
Township One (1) South,
Range Ten (10), East of the Black Hills Meridian.

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.

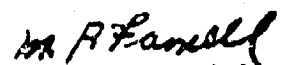
That in making said application, he does not, and it is his intention not to surrender, vacate, give-up, make void or detract from any water right now existing pertaining to said premises, which rights exist by virtue of a water right dated on or about May 28, 1892, and more fully described in the Office of the State Engineer, State of South Dakota, Pierre, South Dakota, in file # 0512-2 therein under the name of Charles Hamza, John Peterson and Peter Hammerquist, claiming 2500 miners inches.

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

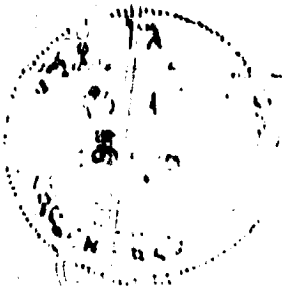
Signed this 4th day of March 1954.


GORDON A. STEELE

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

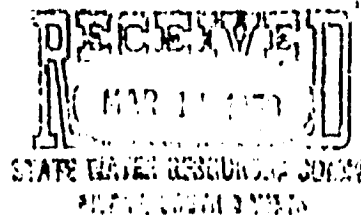

H. P. FARNELL
Notary Public
Fall River County, South Dakota

My commission expires April 4, 1954.



Location No. 401-2
Papid
Creek

Water Division No. 2 Water District



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Gordon A. Steele

Box 745, Hot Springs, South Dakota

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

Ans. _____

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

Ans. Application filed March 17, 1954

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

Ans. Between a point 3280', S 36° 53' W and a point 3460', S 49° 16' W
of the NE Corner Sec. 16, T 15, R 10E

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

Ans. 29 Hp Wisconsin Engine powered pump. Sprinkler system consisting
of 390 ft. main line and 1020 ft. of Lateral w/ 34 Model 40 Rainbird
5/32 x 13/16 nozzles and a pressure gauge.

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

Ans. Irrigation of 5.51 acres in the SW 1/4 NE 1/4, Sec. 16, T 15, R 10E

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

Ans. _____

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

Ans. 31.5 gpm

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

Ans. _____

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

Ans. Began using water in May 1956 on 5.51 acres at a minimum rate of 32 gpm. Field is irrigated by a sprinkler system.

(Sign) Gordon A. Steele
Gordon A. Steele

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Permi County of Hughes State of South Dakota, on this 11th day of March A. D. 1958

Witnesses.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

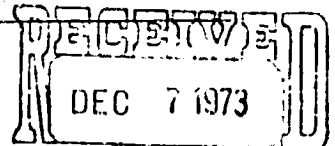
County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



NOTICE OF TRANSFER OF WATER PERMIT

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

STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

Date November 13, 1973

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

A portion (5.51 acres) in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 16, T1S, R10E

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. 401-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

WATER RIGHTS COMMISSION

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 Fennington) 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.

Ruby G. Gentry
(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, 1985

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.

Water Rights Division - DWR

File No. 400-2
401-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Melvin Brassfield

ADDRESS: Box 24, Caputa, SD COUNTY Penn.

DATE: Dec 12, 1983 TELEPHONE 343-5429

RE: 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.

NAME: Garry 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:

5.5 Acres - SW $\frac{1}{4}$ NE $\frac{1}{4}$ of 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. 401-2 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.

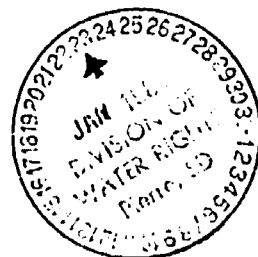
STATE OF SOUTH DAKOTA)
) ss.
County of _____)

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

Art Brassfield
(Signed)

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

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



RECEIPT

Division of Water Rights

No 4 0511-

South Dakota Department of Water and Natural Resources

Pierre, January 23, 1984, 19__

RECEIVED OF Melvin Brassfield, Box 24, Capute, 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#401-2		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

No. _____

400-2
401-2



Department of Water & Natural Resources

Joe Foss Building

Water Rights Division

Pierre, South Dakota 57501

Phone (605) 773-3352

February 10, 1984

Melvin Brassfield
Box 24
Caputa, South Dakota 57725

Dear Mr. Brassfield:

Enclosed is receipt No^s 4-9511 & 4-9512 in the amount of \$ 2.50 each which you paid for transfer of Water Right No^s 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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to: 401-2

MELVIN E BRASSFIELD
BOX 24
CAPUTA SD 57725

Melvin E. Susan Brassfield
5. Signature (Addressee)

6. Signature (Agent)

Helen Lois Caputa

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

1. ☒ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

837 692 576

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

12/18/94

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

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

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



February 16, 1994

MELVIN E BRASSFIELD
BOX 24
CAPOTA SD 57725

401-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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



401-2

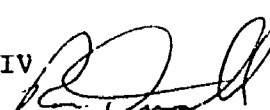
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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: E. 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.
 4687-3A & 4687-3B: James L. Sutton, Box 33, Onida, SD 57564.
 5203-3: Jeffery O. & Sally J. Nelson, RR 2, Box 2080, Brandon, SD 57005-9606.
 475-2 & 1114-2: John Pitkin, Rex Ranch, Box 92, Nenzel, SD 69219.
 961-3, 1050-3, 1120-3 & 1223-3: Kevin Dettler, HC 71, Box 29, Doland, SD 57436.

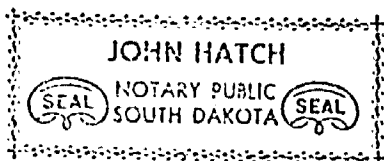
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box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

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

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



John Hatch
Notary Public

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



461-2

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,

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



401-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

MELVINE BRASSFIELD
BOX 24
CAPOTA S.D. 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 7, 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



401-2

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

February 15, 1995

400-2

401-2

2063-2

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

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.

401-2



**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) 773-3352



January 22, 1999

401-2
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.



401-2
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

Delvin 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

401-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: MELVIN E BRASSFIELD, BOX 24, CAPOTA, 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 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 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.



401-2
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



January 14, 2004

401-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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."

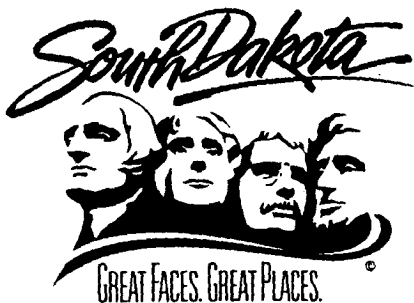
The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to 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.



401-2
**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 26, 2004

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

Melvin E Brassfield
Box 24
Caputa SD 57725

Dear Mr. Brassfield:

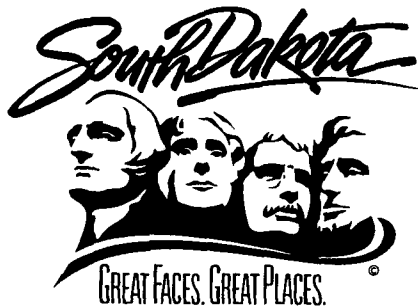
I am writing to acknowledge receipt of your 2003 irrigation questionnaires. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right Nos. 400-2, 401-2, 1714-2 and 2063-2.

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



401-2
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.



401-2
**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



401-2

Track & Confirm

Current Status

You entered 2301 0370 0000 7541 4753

Your item was delivered at 5:58 am on March 14, 2005 in PIERRE, SD 57501 to CENTRAL MAIL SERVICE. The item was signed for by B KELLY.

[Shipment Details >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4753

MELVIN E BRASSFIELD
BOX 24
CAPUTA SD 57725

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

☐

Priority Mail

☐

Package Services

(See Reverse)

PS Form 153, February 2001



January 26, 2007

NOTICE

401-2
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.



401-2

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 7092
Status: Delivered

Your item was delivered at 10:24 AM on January 27, 2007 in CAPUTA, SD 57725. The item was signed for by S BQASSFIDLD.

[Additional Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail. [Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)

Copyright © 1999-2004 USPS. All Rights Reserved. Terms of Use Privacy Policy

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7092

MELVIN E BRASSFIELD
BOX 24
CAPUTA SD 57725

Waiver of Signature ☐ YES ☐ NO

Postmark Here

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail[®] Service
☐ First-Class Mail[®] parcel
☐ Package Services parcel

PS Form 153, May 2002 (See Reverse)



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	

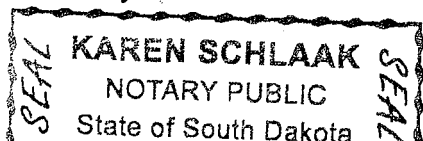
L. F. Johnson

Gail Jacobson
Water Rights Program

[illegible]

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

Karen A. Meach
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 these to
be with her and I
had it ready and forget
to mail it out.

RECEIVED

MAR 13 2007

WATER RIGHTS
PROGRAM



401-2

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 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.



401-2
**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 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

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

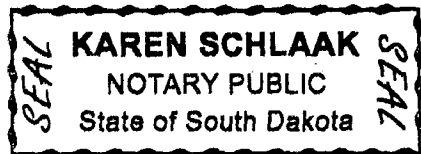

Gail Jacobson
Secretary

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





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.



401-2

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 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."

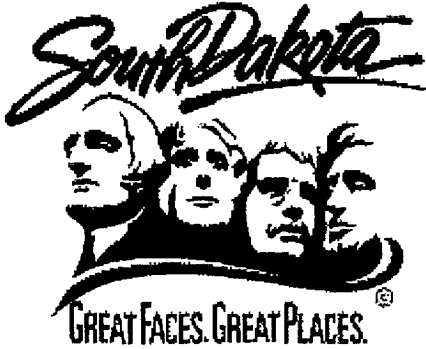
The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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 black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



401-2
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.



401-2

**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



401-2

**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.

401-2



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.

401-2



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.

401-2



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 black ink that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program



401-2
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,

A handwritten signature in black ink that reads "Genny McMath".

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



401-2
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.



401-2
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



401-2
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.

401-2



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

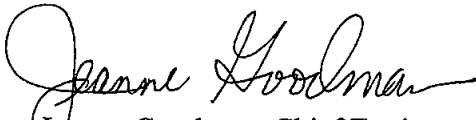
Dear Mr. Brassfield:

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



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

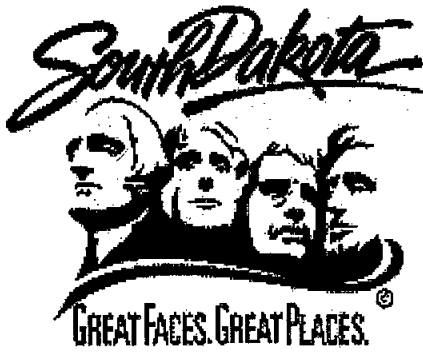
Melvin has passed
away in Dec
Thank you

if need question ^{Susan} call me
— 605-381-4448

TOUCHSTONEENERGY.COM

(sorry this late) Melvin really
sick

401-2



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,

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

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

enclosures

PAID

MAY 10 2019

Ck# 21661

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

MAY 10 2019

WATER RIGHTS
PROGRAM

No. 401-2

Date: 4-10-19

I/We request that Water Right No. 401-2

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:

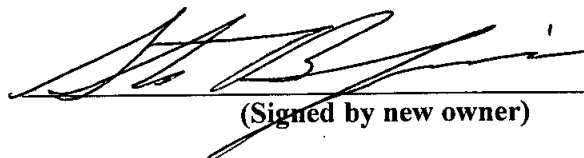
5.51 acres - SW ¼ NE ¼ Section 16, T1S, R10E

I/We understand that the validity of Water Right No. 401-2 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.

O/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

, 2019

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>401-2</u>		
Fee for _____	50	00
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **09139**

By

Jeanne Goodman
Chief Engineer
JM

401-2



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

401-2



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.

401-2



**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