

No. 526-2Water Division No. 2

(Blanks to be filled by the Engineer for the W. R. C.)

VESTED

District

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant John F. McFarland, Dan J. Frick
 Postoffice address Rapid City, S.D. #3, County Pennington, State S. Dak.

I. If a corporation

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

Completed

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work John McFarland Ditch
 3. Amount of water claimed Six (6) 371 c.f.s. maximum cubic feet per second
 4. Source of water supply Box Elder Creek, Pennington County
 5. Location or point of diversion From SE corner of Sec. 2, North 33° 30' East 1370 Feet
on both banks Pennington County
 6. Annual period or periods during which water is to be used April to November (Inc.)
 7. To be used for:

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

- (a) Number of acres to be irrigated 260 acres.

- (b) Legal subdivisions to be irrigated See attachment and map

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

- (c) Statement as to domestic use (giving location, etc.) When water is run in the

ditches it builds up supply in underlying gravel for shallow wells

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 N^o 510-2

A. Estimated cost of work:

(a) Head Gates, \$ 500.00

(b) Pumping plant, \$

(c) Fluming, \$ (d) Canal-earth, \$ 600.00

Rock, \$

(e) Other structure, Dam & Culvert, \$ 2500.00

Total, \$ 3600.00

9. Description of diversion works:

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

Dam and Ditches

II. Dimensions of works:

(a) Dam: Height, Six (6) feet; length at bottom seventy-seven (77) feet; length at top 89 feet; thickness at bottom 2 1/2 feet; thickness at top 1 1/2 feet; slope at front water face vertical (concrete); slope at back face

material used in construction Concrete and old earth fill

(b) Reservoir: Capacity when filled No storage acre feet. Surface area at highwater mark No storage acres.

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

(c)* Head gate: Width each 5' (five feet) by feet; height five (5) feet; Material Concrete

(d) Canal: Total length 2 Miles East side, 3/4 miles west side of Creek

	LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
EAST DITCH	At 100' Mile	6 feet	4 feet	5 feet	12 feet
	At 1/4 Mile	4 feet	3 feet	4 feet	12 feet
	At 3/4 Mile	3 feet	2 feet	2 1/2 feet	12 feet
WEST DITCH	At 500' Mile	6 feet	4 feet	5 feet	9 feet
	At 1/4 Mile	3 feet	2 feet	2 1/2 feet	12 feet
	At 1/2 Mile	3 feet	2 feet	2 1/2 feet	12 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work completed years.

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

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

STATE OF SOUTH DAKOTA
County of Lawrence ss.

I, 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

day of

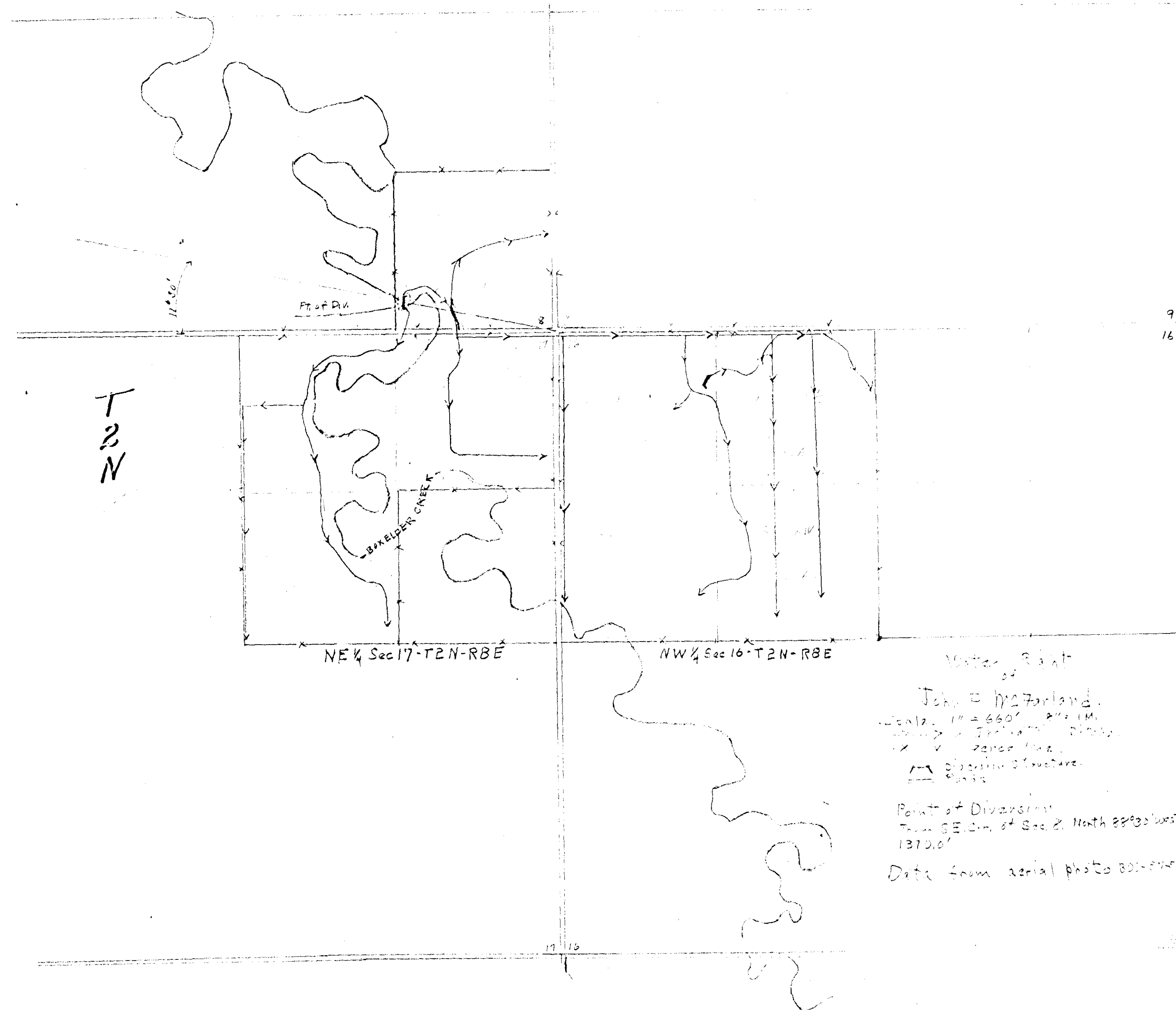
10.59

Notary Public (or other qualified officer.)

RBE

Fred & Dan McFarland.

Map No. 510-2
(App 1. No 526-2)

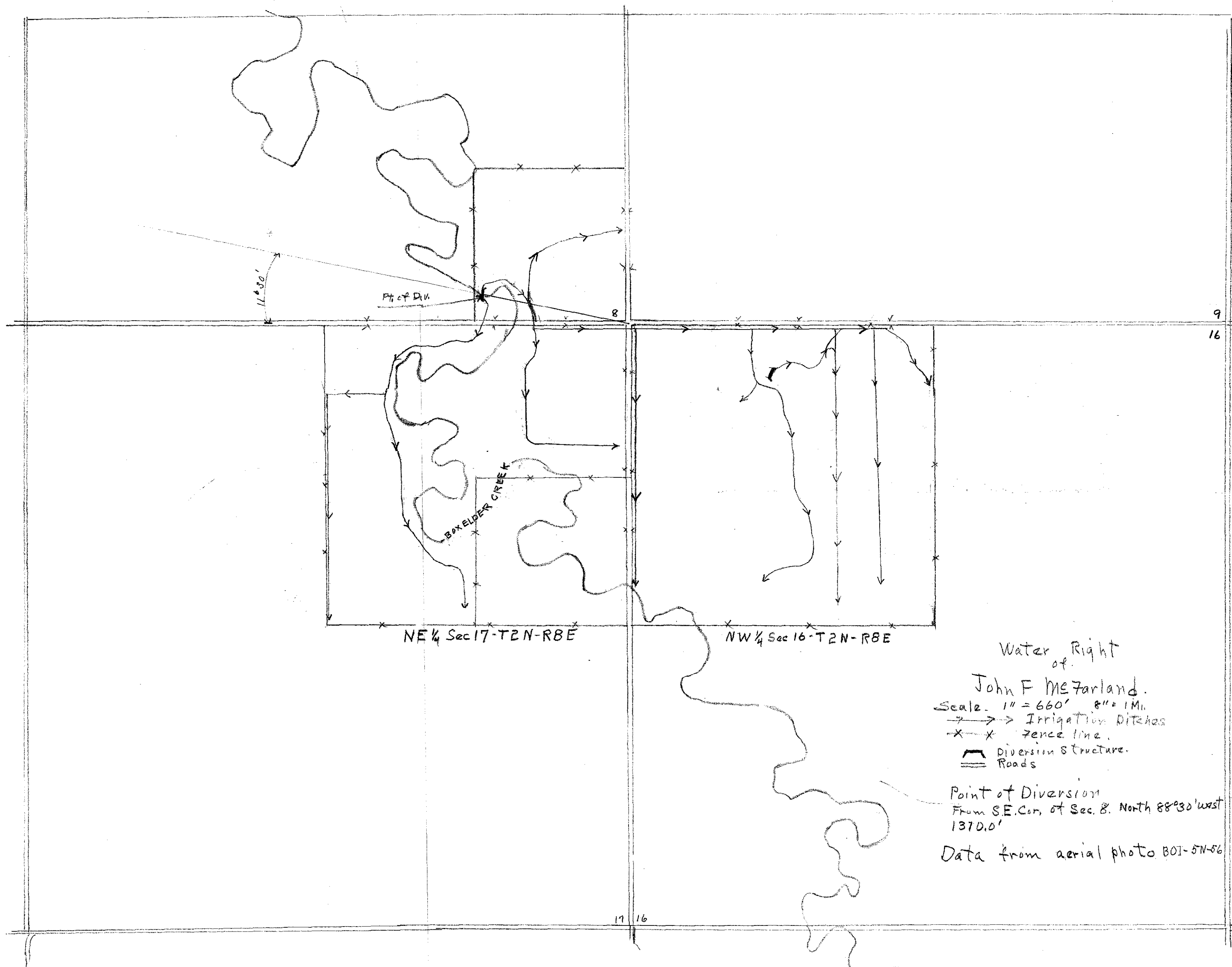


Water Right
John D. McFarland.
Acres 1.1" = 660' 2" = 1 M.
Surveyed by Fred & Dan McFarland.
Point of Div.
From SE cor. of Sec. 2, North 88°30' West
1370.0'
Data from aerial photo 801-510-2

Fences	
Description	Irrigable Acres
SE 1/4 Sec 17	15 " "
NE 1/4 Sec 17	35 "
NW 1/4 Sec 17	25 "
SW 1/4 Sec 17	35 "
SE 1/4 Sec 16	0 "
NW 1/4 Sec 16	38 "
SW 1/4 Sec 16	36 "
SE 1/4 Sec 16	40 "
NW 1/4 Sec 16	36 "
Total	260 "

App 4 526-2

Map No. ~~111~~
(App'l. No. 5-26-2)



Water Right

John F. McFarland.

Scale: 1" = 660' 8" = 1 Mi.

→ → → Irrigation Ditches

-x-x- Fence line.

≡ Diversion Structure.

== Roads

Point of Diversion

From S.E. Cor. of Sec. 8. North 88° 30' West
1370.0'

Data from aerial photo BOI-5N-56

Acres.

Description	Irrigable Acres
SE 1/4 SE 1/4 8-T2N-R8E	15 Acres
NE 1/4 NE 1/4 17 "	35 "
NW 1/4 NE 1/4 17 "	35 "
SW 1/4 NE 1/4 17 "	35 "
SE 1/4 NE 1/4 17 "	0 "
NW 1/4 NW 1/4 16 "	38 "
SW 1/4 NW 1/4 16 "	36 "
SE 1/4 NW 1/4 16 "	40 "
NE 1/4 NW 1/4 16 "	36 "
Total	260 "

Remarks by State Water Resource Commission:

"Vested Right" claimed
This Vested Right is a current record of
irrigated land developed under Water Right
filing No. 0575-1 and Dry Draw filing No. 607-2.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, March 27, 1959

This is to certify that the foregoing application was received by the Commission at 3:15 o'clock
p.m. upon the 19 day of March, 1959

State Water Resources Commission

By:

W. H. Brimer
Chief Engineer, Executive Officer

Vested Right
Number of permit 526-2

Date of first receipt of application March 19, 1959

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1.57 c.f.s. From January 18, 1887
2.14 c.f.s. From 1933

Approved March 27, 1959 Recorded in Book Vested Right Page 121

This is to certify that we have examined the foregoing application for a permit to appropriate water of the
State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limita-
tions and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____

Completed, 19____

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

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

Completed, 19____

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

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

6th. The amount of the appropriation herein granted shall not exceed 3.71
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 Completed, 19____; said water to be used
during the following described annual period:

April to October inclusive

Witness my hand this 27 day of March, 1959

State Water Resources Commission

By:

W. H. Brimer
Chief Engineer, Executive Officer

Certificate of Construction Issued March 27, 1959

Water License Issued March 27, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 526-2

WHEREAS, On the 19th day of March A. D. 1959
Jno. F. McFarland

of Rt. #3, Rapid City County of Pennington and State of
South Dakota duly made application (No. 526-2) to us for a Vested Right 6.0
cubic feet per second of the waters of Box Elder Creek
 County of Pennington, State of South Dakota, for Irrigation
 purposes; and

WHEREAS, On the 27th day of March A. D. 1959
Vested Right of 3.71 cubic feet per second
 Permit No. 526-2 was issued to said applicant for the diversion of said water, and ~~recognizing~~
 completion of the works of diversion therein described on or before the 18th day of
January 1887 and in 1933
 A. D. ~~1933~~ and for the application to beneficial use of said
 water on or before the 18th day of January A. D. 1887
 and, in 1933 and

WHEREAS, On the 19th day of March A. D. 1959
Vested Right
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.71
cubic feet per second of said waters, as evidenced by our Certificate No. 526-2
 dated March 27, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 3.71 cubic feet per second of water, with date of
 priority of January 18, 1887 for 1.57 c.f.s. and 1933 for 2.14 c.f.s.

WHEREAS, On the 19th day of March A. D. 1959
 proof was duly made of the application to beneficial use of 3.71 cubic feet per second of said water
 on 260 acres located in parts of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8; W $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$,
 Sec. 17; NW $\frac{1}{4}$, Sec. 16; all in T 2 N, R 8 E more particularly described
 in Certificate of Completion of Works No. 526-2.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Jno. F. McFarland

of Rt. #3, Rapid City, South Dakota the holder and owner of said Vested Right Permit No. 526-2

a water right, dating from January 18, 1887 for 1.57 c.f.s to the use of 3.71
and 1933 for 2.14 c.f.s.
cubic feet per second of the waters of Box Elder Creek

In the County of Pennington and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at from the SE corner of Sec. 8,
T 2 N, R 8 E, 1370 feet, N 88° 30' W

and conducted to and upon the SW 1/4 Sec. 8; W 1/4 NE 1/4 and SE 1/4 NE 1/4, Sec. 17;

NW 1/4, Sec. 16; all in T 2 N, R 8 E more particularly described in

Certificate of Completion of Works No. 526-2

for the purpose of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 27th day of March A. D. Nineteen
Hundred and Fifty-nine.

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. 526-2Water Division No. 2 Rapid
Creek Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Jno. F. McFarland

of Rt. #3, Rapid City, County of Pennington, and State of
South Dakota, the holder of Vested Right
No. 526-2 bearing date of priority of January 18, 1887 for 1.57 c.f.s. and
1933 for 2.14 c.f.s., authorizing the diversion of
3.71 cu. ft. per second of the waters of Box Elder Creek

County of Pennington, State of South Dakota, ~~xxx~~ from the
SE Corner of Sec. 8, T 2 N, R 8 E, 1370 feet N 88° 30' W
for irrigation

purposes, has 8 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 3.71 cu. ft.
per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: <u>SE 1/4 Sec. 8)</u>	<u>15 acres</u>
<u>NE 1/4 Sec. 17)</u>	<u>35 acres</u>
<u>NW 1/4 Sec. 17)</u>	<u>25 acres</u>
<u>SW 1/4 Sec. 17) All in</u>	<u>35 acres</u>
<u>NW 1/4 Sec. 16) T 2 N, R 8 E</u>	<u>38 acres</u>
<u>SW 1/4 Sec. 16)</u>	<u>36 acres</u>
<u>SE 1/4 Sec. 16)</u>	<u>40 acres</u>
<u>NW 1/4 Sec. 16)</u>	<u>36 acres</u>
	<u>260 acres</u>

Witness my Hand this 27th day of March A. D. 1959

State Water Resources Commission

By:

J. W. CRYMES,

Chief Engineer, Executive Officer

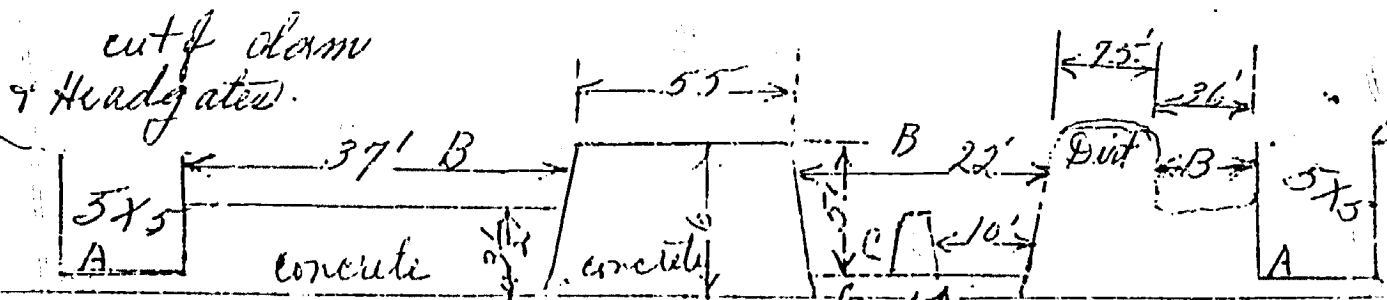
PRIORITY BREAKDOWN OF
WATER RIGHT OF JOHN F. McFARLAND ON
BOX ELDER CREEK

ACREAGES

Description	Irrigable Acres
SE 1/4 SE 1/4 8-2N-3E	15 Acres
NE 1/4 NE 1/4 17-2N-3E	35 Acres
NW 1/4 NE 1/4 17-2N-3E	25 Acres
S 1/4 NE 1/4 17-2N-3E	35 Acres
SE 1/4 NE 1/4 17-2N-3E	40 Acres
NW 1/4 NW 1/4 16-2N-8E	38 Acres
SW 1/4 NW 1/4 16-2N-8E	36 Acres
SE 1/4 NW 1/4 16-2N-8E	40 Acres
NE 1/4 NW 1/4 16-2N-8E	36 Acres
TOTAL	260 Acres

Water Right Location Certificate Notice #13324 dated the 18th day of January, 1887 and filed for record by J. S. Gantz, Register of Deeds on January 22, 1887

I purchased this school section quarter in the spring of 1930. I have a receipt from the Sioux Falls Metal Culvert Co. dated June 15, 1933 for culvert to carry water from this diversion, and irrigated whenever there was water available and was practical to irrigate.



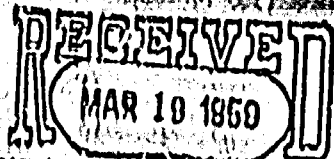
A-A 5' x 5' Headgates

B-B-B 37' - 22' - 36' High water spillway

C 20' normal flow spillway

D about 12 to 16 inches rise of water level over gravel riffle to bottom of normal spillway then 3 1/2 feet over normal spillway to bottom of high water or flood spillways 95' total.

John F. McFarland

Location No. 526-2Water Division No. 2STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

IDENTIFICATION OF HOLDER

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

Ans. Wm. E. Hill, 414 1st St. Route 2, Box 38
Reynolds, S.D. Postal in 1924

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. Mar. 13 1924 & Jan. 18, 1957

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

Ans. Box Elder Creek. Point of diversion
from S.E. corner Sec. 8 North 88° 30' west
1370.0'

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. I do not know exact date of completion
of first dam and ditch. But have
affidavits that water was used in the
state waters and early mills and for
irrigation.

Ques. 6. State for what purpose water is used and describe the 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. For irrigating 260 acres in Section
8, 16 and 27 in Twp 2 N Range 8 E
mostly in Bon. Co. See aerial map
BOH-3N-56 and tracing

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

Ans. none

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

Ans. _____

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. My grandfather, Arch. J. McFarland was an
original locator. Then I purchased the land.
the dam was repaired a number of times and
I repaired the dam by putting in a
cement dam and cement headgate in 1931

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

Ans. I have used this diversion to water nearly all the land it covers whenever irrigation was advantageous and there was water available.

110 acres irrigated since 1887
120 acres irrigated since 1933.

(Sign)

W. F. McHardy

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 Sturgis, County of Meade

State of South Dakota, on this 18 day of February, A. D. 1939

Witnesses.

W. F. McHardy

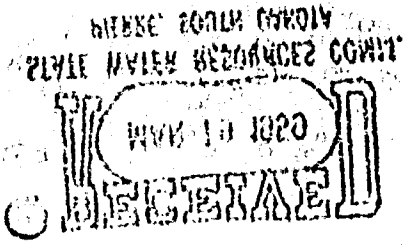
Walter C. Miller Jr.
Notary Public

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.

Carl T. Johnson
Chas. A. Minnicks

Location No.	PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	PETITION OF HOLDER	Amount of Water	Source	County	Purpose	Place of Use	Date of recording	Received and filed
			c. f. s.						

Box 110
Clark



NO. 562-3
526-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Jan 26, 1982

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

.260 acres - SE 1/4 SE 1/4 Section 8; W 1/2 NE 1/4 & SE 1/4 NE 1/4 Section 17;

NW 1/4 Section 16, T2N, R8E

formerly owned by John McFarland, Rapid City SD
has been transferred to Fred & Dan McFarland, RR 3, Box 37H, Rapid City SD 57701
together with any rights in the beneficial use of water thereon as evidenced by
Water Right Permit No. 562-3 526-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

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

I, Fred McFarland, 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 infor-
mation herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 27 Day of January, 1982

[Signature]
(Notary Public)
JERRY CHAFFIN, Notary Public
My Commission expires December 16, 1984



WRR-820-7/79
Notice of Transfer of Water Permit

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No. 4 3678

January 28

19 82

PIERRE,

RECEIVED OF Fred McFarland, P.O. Box 593, Sturgis, SD 57785 (Box 157, Rapid City, SD 57701)

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

Fee for Application for Perm't to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing Transfer WH#562-5 5210-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John H. Smith
Chief Engineer, Executive Officer

JOHN H. SMITH

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 605 773-3352

April 9, 1982

526-2

NOTICE

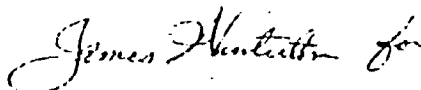
Dan & Fred McFarland
Box 37H, RR #3
Rapid City SD 57701

Dear Sir:

The existing conditions on Box Elder Creek will not allow pumping for irrigation. The flows on Box Elder Creek have not been sufficient to recharge the gravel beds downstream nor produce sufficient flows further downstream for domestic purposes. Therefore, by this letter you are ordered not to divert water from Box Elder Creek for irrigation purposes until further notice. This office will monitor the situation, if the quantity of water becomes sufficient to allow irrigation, you will be informed.

Please advise this office if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:JW:ks



Department of Water & Natural Resources

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

March 23, 1987

FRED & DAN MCFARLAND
RR 12 BOX 450
RAPID CITY, SD 57701

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 526-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

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

(over)

May 4, 1987



526-2

Dear Mr. Hatch.

In regard to the Centerville
I don't recall ever getting one.

We had sufficient water
in Box Elder Creek to run
some water down the ditch
for a week or 10 days but
now a big enough flow to
flood irrigate.

If you have any questions
please contact me.

They have changed our
address again. This time

To Box 3, Box 2450!

South Dakota
Department of
Water & Natural Resources

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

May 11, 1987

526-2

Fred & Dan McFarland
RR #3 Box 2450
Rapid City, SD 57701

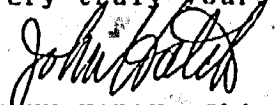
Dear Mr. McFarland:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Right No. 526-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Your questionnaire was received prior to the May 6, 1987 Water Management Board Meeting and was no longer considered to be in violation. Your name was deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

SOUTH DAKOTA Department of
Water & Natural Resources

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

January 29, 1988

FRED & DAN MCFARLAND
RR 3 BOX 2450
RAPID CITY, SD 57701

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 526-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

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

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

February 16, 1988

526-2

Fred & Dan McFarland
PO Box 2110
Rapid City SD 57709

Dear Sirs:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 27, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 526-2 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

 **Department of
Water & Natural Resources**

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

September 21, 1988

NOTICE

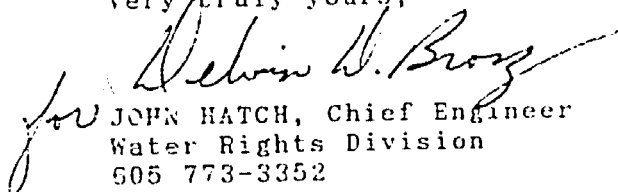
Fred & Dan McFarland
RR 3, Box 2450
Rapid City SD 57701

Dear Sirs:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s) 526-8, until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division
505 773-3352



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

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

December 1, 1988

Vested Water Right
Claim No. 526-2

Fred & Dan McFarland
RR 3, Box 2450
Rapid City SD 57701

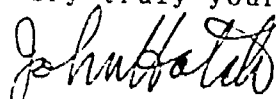
Dear Sirs:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



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

cc: Bruce Laymon, Bureau of Reclamation



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

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

May 26, 1988



Fred & Dan McFarland
PO Box 2110
Rapid City, SD 57709

Dear Mr. McFarland:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 526-2.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,

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

June 16, 1988

*The only reason we have not used
the water is that there has not been
adequate flow for the past 5 years.
Stated in the questionnaire.*



 **Department of
Water & Natural Resources**

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

February 8, 1989

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY, SD 57709

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 526-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, 1-90 at LaCrosse, Rapid City SD.

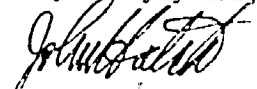
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



Feb 24 1989

526-2

John Hatch, Chief Engineer
Water Right Division
50 Dept of Natural Resources
Joe Ross Bldg.
1525 East Capitol
Pierre, S.D. 57501-2161



Dear John,

According to our records we did not receive a 1988 questionnaire.

However, they have not been adequate flow in Box Elder Creek since the 1988 season to do any irrigating or for quite a few years prior.

In fact Box Elder creek haspit flowed through from the main Black Hills and across Interstate 90 since the middle 1970's. Without flow coming out of the hills & connecting up with the spring water east of I-90 there just isn't adequate flow to irrigate. Hopefully this will change.

Sincerely

Paul M. Jarman

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 7, 1989

526-2

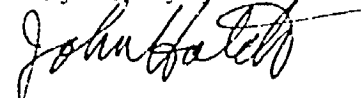
Fred & Dan McFarland
PO Box 2110
Rapid City, SD 57709

Dear Sirs:

I am writing to acknowledge receipt of your 1988 irrigation questionnaire for Water Permit No. 526-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY SD 57709

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 526-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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



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

March 5, 1992

526-2

Fred & Dan McFarland
PO Box 2110
Rapid City, SD 57709-2110

Dear Sirs:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 526-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER:

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

3. Article Addressed to:

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY, SD 57709

5. Signature (Addressee)

6. Signature (Agent)

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

1. ☐ Addressee's Address2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

P906-557651

4b. Service Type

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

7. Date of Delivery

1-29-92

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

PS Form 3811, November 1990 U.S. GPO: 1991-257-066

DOMESTIC RETURN RECEIPT



526-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501 3181

January 29, 1993

NOTICE

TO: FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY SD 57709

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 526-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

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

1. Amend Permit No(s) 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to: 526-2

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY SD 57709

4a. Article Number P 906 560 0106

4b. Service Type
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery 2-1-93

5. Signature (Addressee)
6. Signature (Agent)

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

Thank you for using Return Receipt Service.



526-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1993

526-2

Fred & Dan McFarland
PO Box 2110
Rapid City, SD 57709

Dear Sirs:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Vested Water Right No. 526-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

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

If you have any questions, please contact me.

Sincerely,

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



United States Department of the Interior

BUREAU OF RECLAMATION

Great Plains Region

Belle Fourche Projects Office

P.O. Box 226

Newell, South Dakota 57760-0226

WIR 4.10

BP-420

AUG 18 1993



Mr. John Hatch, Chief Engineer
Water Rights Division
South Dakota Department of Water and Natural Resources
523 E. Capitol
Pierre SD 57501-3181

Subject: Vested Water Right Claims in Western South Dakota (Your Letter
Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon
Bruce M. Laymon
Project Manager

cc: Mr. Joe Kramer, Manager
Angostura Irrigation District
PO Box 346
Oral SD 57766

Mr. James E. Winterton, Project Manager
Belle Fourche Irrigation District
PO Box 225
Newell SD 57760

Water Rights Division - DWR

File No. 526-2

Conversation or File Documentation

NAME OF PERSON OR FILE: Dan & Fred McFarlandADDRESS: P.O. Box 2110, Rapid City, SD 57709 COUNTY PenningtonDATE: 10-4-90 TELEPHONE 343-1541RE: vested right claim inspection

COMMENTS:

On August 16, 1990, I inspected the land claimed under VR # 526-2. The land seemed to be the same ^{as} on license No. 526-2 and Certificate of Completion. Works according to Mr. Dan McFarland, the creek had not been flowing for a long period of time and he had not been able to irrigate for a sometime. The land looked to have been developed and been farmed.

* Recommend validation

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.



526-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1994

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY SD 57709

NOTICE

RE: Violation of Requirement to Submit 1993 Irrigation Questionnaire

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 526-2. The request for the Questionnaire 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 hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Ave, Lead, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before April 1, 1994, your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to: 526-2

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY SD 57709

5. Signature (Addressee)

6. Signature (Agent)

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

P 837 692 507

4b. Service Type

☐ Registered ☐ Insured

☒ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

7/17/94

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.

526-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 1994

NOTICE

TO: FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY, SD 57709

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: , 526-2

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

The hearing is now scheduled as follows:

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

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

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

CERTIFICATION

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

- 2709-3: Alex A./Ann L. Falk, 1301 N. 4th St., Aberdeen, SD 57401.
 2763-3 & 4281-3: Alfred LaCroix, Jr., RR 1, Box 350, Jefferson, SD 57038.
 5238-3 & 2520-3: B. Deloris Jensen, RR 2, Box 107, Beresford, SD 57004-9578.
 2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
 1677A-3: Burnett Quam, RR 1, Box 222, Elk Point, SD 57025.
 1814-3: Caroline & Garry S. Kerkvliet, RFD 2, Box 145, Castlewood, SD 57223.
 4773-3 & 1880-3: City of Brookings, Theodore Kryger, F.O., P.O. Box 270, Brookings, SD 57006-0270.
 180-3 & 291-3: Craig Flyger, RR 1, Box 22, Parker, SD 57053.
 1076-2, 1236-2 & 2167-2: Dale Heese, HCR 88, Box 36, Millboro, SD 57580-7417.
 1488-2: Dan Donelan, HCR 33, Box 23, Mission Ridge, SD 57532.
 417-1A & 417-1B: Darrell C. Anderson, 1700 Kings Rd., Rapid City, SD 57702.
 540-2: Darrell E. Heldman, Box 402, Edgemont, SD 57735.
 1503-2: Dave Hemmingson, HCR 3, Box 11, Philip, SD 57567.
 792-1: David L. & Mary Lou Moliman, 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.

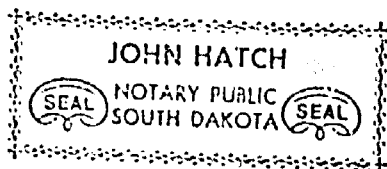
4524-3 & 4524-3A: Leon Lengkeek, 1605 Buffalo TR, Brookings, SD 57006.
 4443-3: Lonnie H. Nelson, RR 2, Box 156, Yankton, SD 57078.
 5010-3: Loren & Joyce Forrest, RR 1, Box 213, Laverne, MN 56156.
 156-3, 157-3, 164-3 & 1878-3: Marene Flyger, Box 362, Hurley, SD 57036.
 2242-3: Mark Quam, RR 2, Box 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 & 2053-2, 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.
 359-2: 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

526-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 23, 1994

526-2

Fred & Dan McFarland
PO Box 2110
Rapid City, SD 57709

Dear Sirs:

I am writing to acknowledge receipt of your 1993 irrigation questionnaire. A questionnaire was completed for you following your telephone conversation with Ron Duvall. You may disregard the February 16, 1994. **Notice of Violation of the Requirement to Submit the 1993 Irrigation Questionnaire.**

The questionnaire was completed and on file 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

SOUTH DAKOTA

VESTED WATER RIGHT NO. 526-2 FOR IRRIGATION

Date of Receipt of Claim March 19, 1959.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 526-2 for irrigation purposes for Dan and Fred McFarland, P.O. Box 2110, Rapid City SD, 57709 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 526-2 appropriates 3.71 cubic feet per second of water from Box Elder Creek to irrigate 260 acres. The point of diversion is located in the SW1/4 SE1/4 Section 8, T2N, R8E. The irrigated lands are located in the SE1/4 SE1/4 Section 8; N1/2 NE1/4, SW1/4 NE1/4 Section 17 and the NW1/4 Section 16; all in T2N, R8E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 to November 30.
3. The priority dates of the Vested Water Right are:
January 18, 1887 - 1.57 cfs
January 1, 1933 - 2.14 cfs
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

This Vested Right is a current record of irrigated land developed under Water Right Filing No. 0575-1 and Dry Draw Filing No. 607-2.

WATER MANAGEMENT BOARD

By: _____

John H. Bates
Chief Engineer

MAR 14, 1994

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

REISSUED VESTED RIGHT WATER LICENSE NO. 526-2 FOR IRRIGATION

(1) Dan and Fred McFarland of PO Box 2110, Rapid City, SD 57709, made Application No. 526-2, March 19, 1959 for validation of a vested right claim to appropriate 3.71 cubic feet of water per second (cfs) from Box Elder Creek, Pennington, County, South Dakota, for irrigation purposes. Vested Water Right No. 526-2 was validated September 30, 1992 with priority dates of January 18, 1887 (1.57 cfs) and January 1, 1933 (2.14 cfs). Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The original license contained an error in the legal description of a portion of the irrigated acres. The land described as being in the SE¼ NE¼ Section 17 should have been described as the NE¼ NE¼ Section 17. The Certificate of Completion of Works correctly described the 260 acres being irrigated. The license is being reissued to correct the error.

(2) The vested right owner is entitled to divert 3.71 cubic feet of water per second for beneficial use. The location of the diversion point is: 1370 feet N88° 30'W from the SE corner of Section 8, T2N, R8E (SW¼ SE¼)

The location of the irrigated acreage is: all in T2N, R8E

SECTION 8 SE¼ SE¼ 15 acres SECTION 17 NE¼ NE¼ 35 acres NW¼ NE¼ 25 acres SW¼ NE¼ 35 acres	SECTION 16 NW¼ NW¼ 38 acres SW¼ NW¼ 36 acres SE¼ NW¼ 40 acres NE¼ NW¼ 36 acres TOTAL 260 acres
---	---

(3) Pursuant to Section 46-5-30.1 Dan and Fred McFarland of PO Box 2110, Rapid City, SD 57709 the holder and/or owner of Vested Water Right No. 526-2 is issued a license to appropriate 3.71 cubic feet of water per second from Box Elder Creek with priority dates of January 18, 1887 (1.57 cfs) and January 1, 1933 (2.14 cfs) from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 526-2 and subject to South Dakota State Law.



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

MAR 14 1994

date

526-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

Dan and Fred McFarland
PO Box 2110
Rapid City SD 57709

Dear Sirs:

The Water Management Board has validated the enclosed Vested Water Right No. 526-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the correct location of the lands irrigated.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read 'John Hatch', is written over a horizontal line.

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

enclosure

526-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY SD 57709

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 526-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 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. Following the hearing, the Water Management Board can:

1. Amend Permit No 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 526-2

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY, SD 57709

4a. Article Number
P837692730

4b. Service Type
☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery
2-9-95

5. Signature (Addressee)
[Signature]

6. Signature (Agent)
[Signature]

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

Thank you for using Return Receipt Service.

524-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 3, 1995

526-2

Fred & Dan McFarland
PO Box 2110
Rapid City, SD 57709

Dear Sirs:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.

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

If you have any questions, please contact me

Sincerely,

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

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



January 30, 1996

506-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: FRED & DAN MCFARLAND, PO BOX 2110, RAPID CITY, SD 57709

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

SUBJECT: Violation of Requirement to Submit 1995 Irrigation Questionnaire

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 526-2. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:45 am, March 6, 1996, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 526-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996 your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

3. Article Addressed to:

FRED & DAN MCFARLAND
PO BOX 2110
RAPID CITY SD 57709

4a. Article Number

2 348 318 873

4b. Service Type

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

7. Date of Delivery

1/21/96

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

5. Received By: (Print Name)

6. Signatory (Address and Agent)

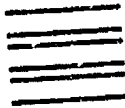
X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

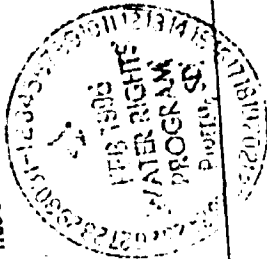
- Print your name, address, and ZIP Code in this box ●

DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES

WATER RIGHTS PROGRAM

STATE CAPITOL JOE FOSS BLDG.

SIOUX FALLS, SOUTH DAKOTA 57101



526-2

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Dan McFarland

ADDRESS: PO Box 2110, Rapid City, SD 57709

COUNTY: Pennington

DATE: May 29, 1996

TELEPHONE: 343-1541

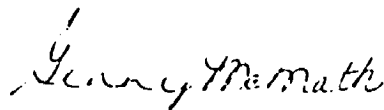
RE: irrigation system used under No. 526-2

COMMENTS:

In reviewing the Vested Right No. 526-2, I noted that the irrigation system being used was probably a spreader type system. Several notices had been sent to Dan McFarland over the past few years regarding submission of irrigation questionnaires. If the system being used is a spreader system, he should not be receiving questionnaires.

I called and spoke with Dan McFarland. He said they irrigate from Box Elder Creek via a gravity or spreader type system. They often can not irrigate due to the low flows in the Creek. I told Mr. McFarland that I would take his name off of the list of irrigators receiving annual irrigation questionnaires. I explained that this would not jeopardize his water right.

I told him that if sometime in the future there were changes such as ownership or the type of system being used, he should contact us. He understood and agreed to do this.



Genny McMath
Environmental Scientist



2-8

SL
1841
975

9

SL
1841
975

2.5

6.7

10.5

10.0

11.4

23 L

25

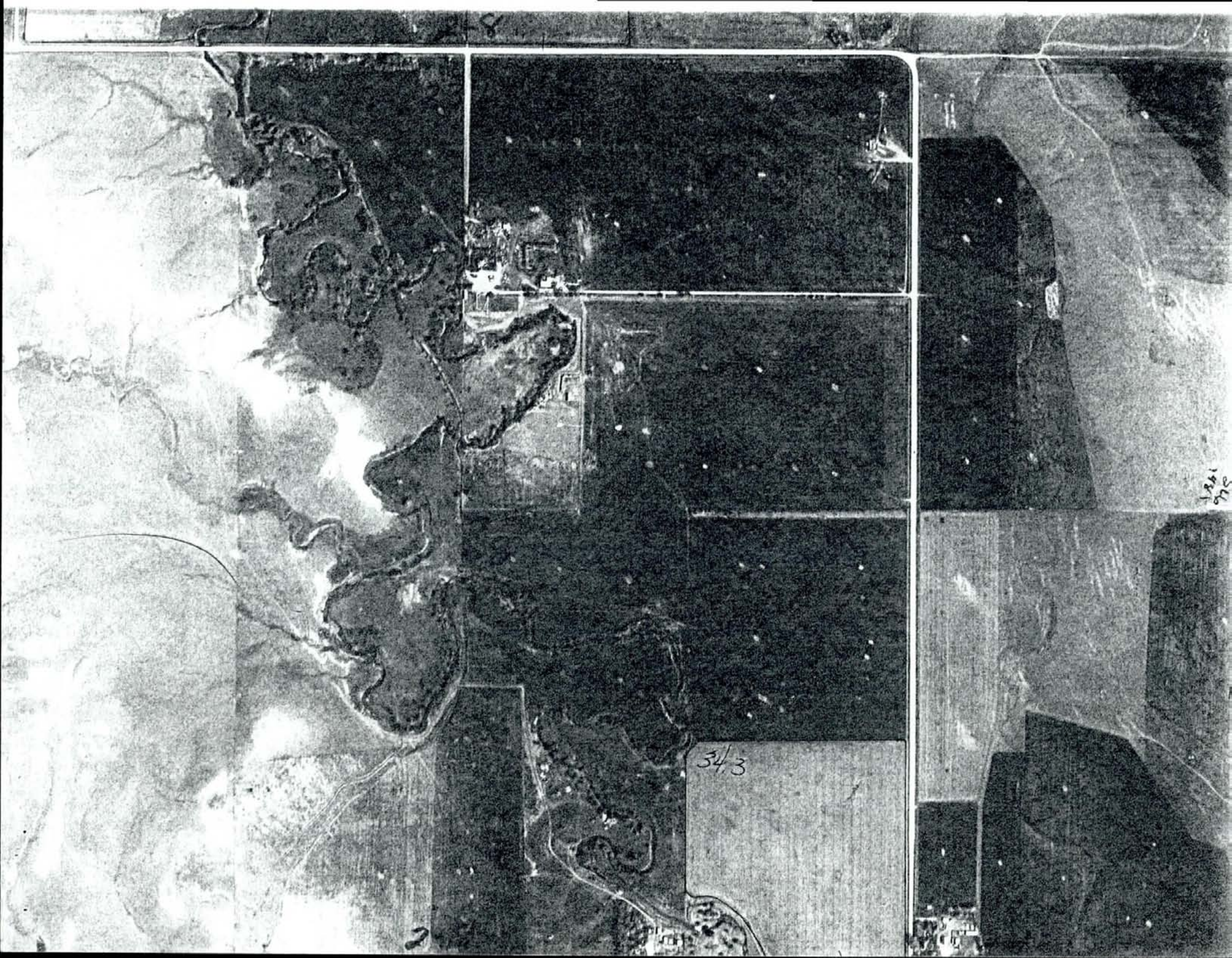
+

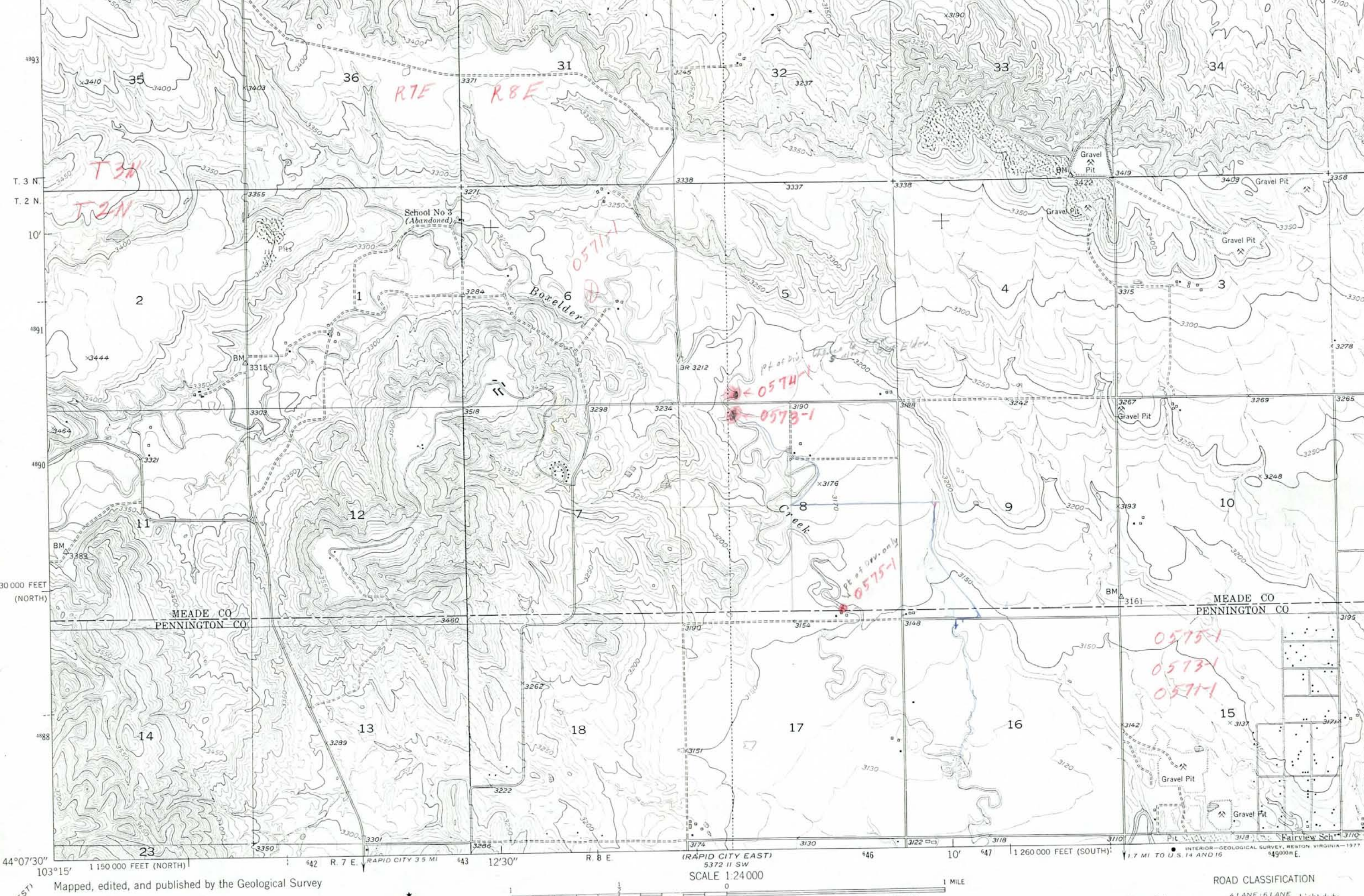
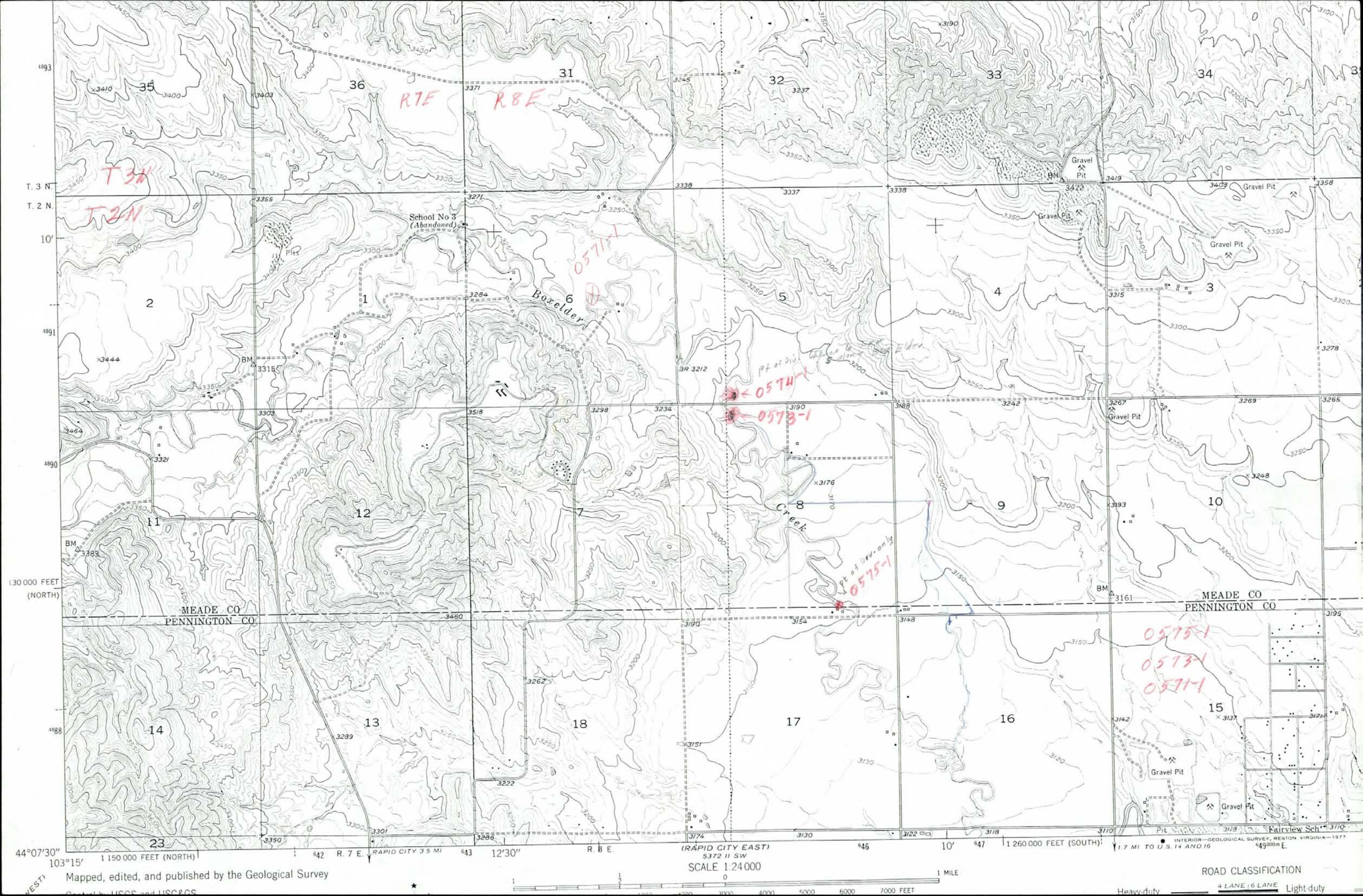
5

32.0

2-8

Handwritten notes:
C. J. ...
...
...





44°07'30" 103°15' 1 150 000 FEET (NORTH) 642 R. 7 E. RAPID CITY 35 MI 643 12'30" R. 8 E. (RAPID CITY EAST) 5372 II SW SCALE 1:24000 646 10' 647 1 260 000 FEET (SOUTH) 1.7 MI TO U.S. 14 AND 16 649000 E.

MEADE CO PENNINGTON CO

ROAD CLASSIFICATION

4 LANE 16 LANE Light-duty