

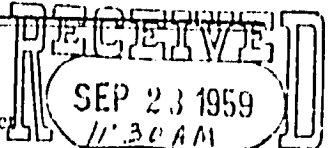
1. Considered 1-26, 1960 Appl. No. 556-2
2. Name of Applicant F. N. Fuhr
3. Post Office Address Spencer, Nebr
4. Amount of water claimed 2.46
5. Source of water supply Missouri River
6. Water to be used for irrigation
Acres to be irrigated 250
7. Water to be diverted and used in Gregory County about
_____ miles _____ of _____
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved ✓
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 534-2Water Division No. 2

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

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 ~~Frank Fahn~~ Transferred to Gerald R. Kirwin, Jr.
 Postoffice address ~~Source~~ Bristow County Boyd State Nebr.

I. If a corporation does not apply

- (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)
employment of others and direct labor
 (b) Cash on hand, \$ 8100.00 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work not named
 3. Amount of water claimed 1100 g.p.m. or 2.46 cubic feet per second
 4. Source of water supply Missouri River
 5. Location of point of diversion 112 rods east and 30 rods north of SW corner of 28-95-65
and 21 rods east of SE corner of 18-95-65.
 _____ on west bank Grogory County.
 6. Annual period or periods during which water is to be used Jan 1 to Dec. 31
 7. To be used for:

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

- (a) Number of acres to be irrigated 250 acres.
Lot 4 Sec. 21, Lot 5 Sec. 22, Lot 5 Sec. 27, N 1/2 NE 1/4 28-95-65

(b) Legal subdivisions to be irrigated 250 acres

(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.) _____

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 _____

MA# 534-2

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures -----

\$-----

Total, \$-----

9. Description of diversion works:

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

Pumping plant, Chrysler Industrial Engine, (propane)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

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

(c)* Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

*Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.

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

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

Enterprise, Bonesteel, S. Dak.

STATE OF SOUTH DAKOTA

County of GregoryI, E. H. Fuhr

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

E. H. FuhrSubscribed and sworn to before me this 21st day of September19 59

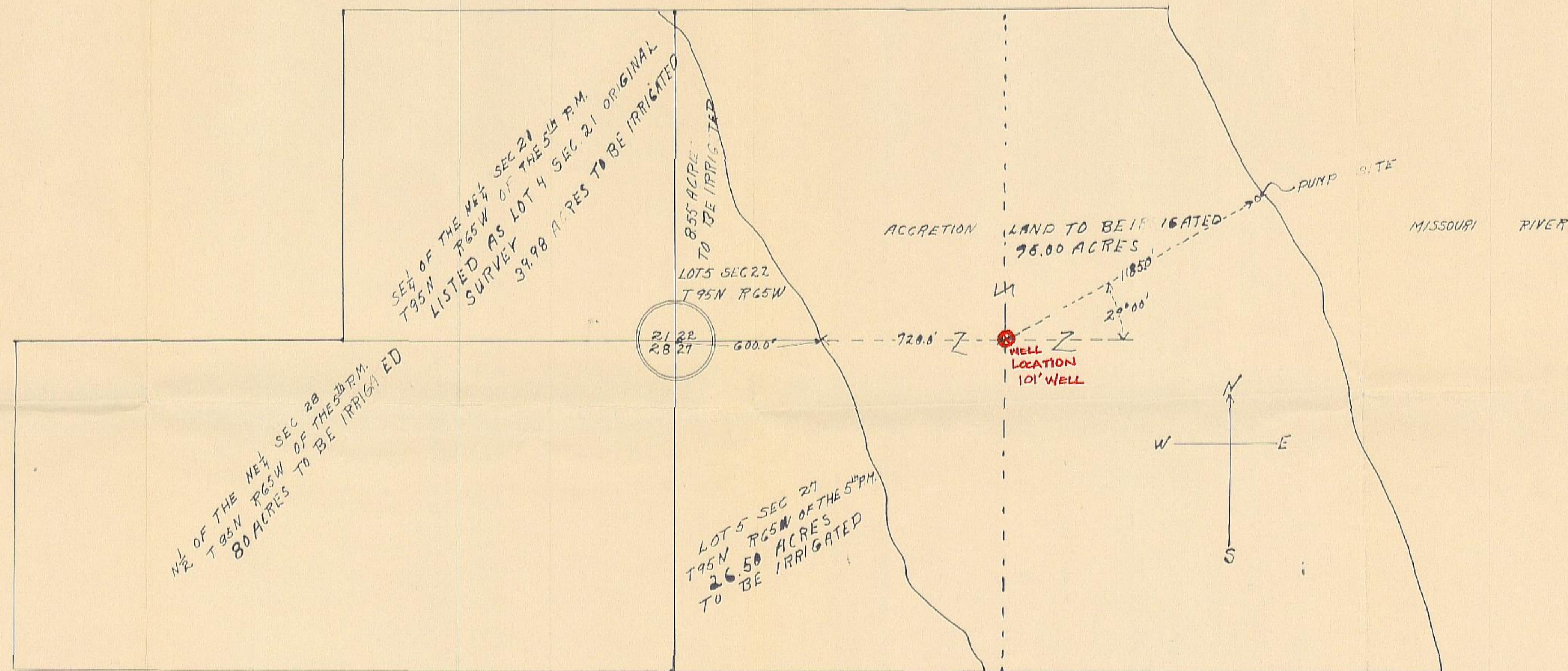
My commission expires

Notary Public (or other qualified officer.)

3-21-67

*Each diversion must have a headgate or measuring device.

IRRIGATION PROJECT
F N FUHR OWNER



I RAY C GILL A DULY REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE SURVEYED A TRACT OF LAND LOCATED IN SECTIONS 20, 22, 21 & 20 T95N R65W OF THE 5th PM AS SHOWN FOR IRRIGATION PURPOSES AS IS INDICATED ON MAP IN WITNESS WHEREOF I SET MY HAND AND SEAL THIS 22nd DAY OF OCTOBER IN THE YEAR OF 1959.

STATE OF SOUTH DAKOTA
COUNTY OF CHARLES MIX

ON THIS 22nd DAY OF OCTOBER IN THE YEAR OF 1959 BEFORE ME THE UNDERSIGNED A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED RAY C. GILL KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING CERTIFICATE AND DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES 6/29/60

Ray C. Gill

James J. Feeney
NOTARY PUBLIC

Map No. 556-2
Appl No. 556-2

SE 1/4 OF THE NE 1/4 SEC 20
T95N R65W OF THE 5th P.M.
LISTED AS LOT 4 SEC. 21 ORIGINAL
SURVEY 39.98 ACRES TO BE IRRIGATED

855 ACRES
TO BE IRRIGATED

LOTS SEC 22
T95N R65W

21 22
28 27

600.0'

720.0'

ACCRETION

LAND TO BE IRRIGATED
95.00 ACRES

11850'

29°00'

PUMP SITE

MISSOURI RIVER

1/2 OF THE NE 1/4 SEC 20
T95N R65W OF THE 5th P.M.
80 ACRES TO BE IRRIGATED

LOT 5 SEC 27
T95N R65W OF THE 5th P.M.
26.50 ACRES
TO BE IRRIGATED

N
W E
S

Ray C. Gill

MY COMMISSION EXPIRES 6/28/60

RECEIVED
OCT 16 1959
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Map N° 534-2
Appl N° 556-2)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre, South Dakota, January 28, 1960

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock
A m. upon the 23rd day of September, 1959

State Water Resources Commission

By: W. B. Brimmer
Chief Engineer, Executive Officer

Number of permit 556-2

Date of first receipt of application September 23, 1959

Date of return to applicant for correction, amendments or changes required as follows: October 20, 1959

Date of receipt of corrected application October 27, 1959

Date from which applicant may claim right September 23, 1959

Approved January 26, 1960, Recorded in Book 5 Page 299

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 limitations and conditions:

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

July 26, 1960

2nd. The whole of said work is to be completed on or before January 26, 1964

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is September 23, 1964 Extension approved 5-6-64

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 2.46 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 January 26, 1962; said water to be used during the following described annual period:

Continuously

Witness my hand this 25th day of January, 1960

State Water Resources Commission

By: W. B. Brimmer
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 2, 1967

Water License Issued JUNE 2, 1967

Remarks by the Applicant:

I am not certain if a map must be submitted for a sprinkler irrigation system!

Two volume guns

85 p.s.i., size $1 \frac{5}{8}$ inches, 550 g.p.m.

0.348 ac. in/hr.

8 in. and 6 in. irrigation pipe

STATE OF SOUTH DAKOTA

WATER LICENSE No. 556-2

WHEREAS, On the 23rd day of September A. D. 1959

F. N. Fuhr

of Spencer County of Boyd and State of

Nebraska duly made application (No. 556-2) to us for a permit to use 2.46

cubic feet per second of the waters of the Missouri River *

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

WHEREAS, On the 28th day of January A. D. 1960

Permit No. 556-2 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 26th day of January A. D. 1964 and for the application to beneficial use of said

water on or before the 23rd day of September A. D. 1964 and,

WHEREAS, the permit was transferred to Gerald R. Kirwin of Bristow, Nebraska; and

WHEREAS, On the 15th day of June A. D. 1966

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.46 cubic feet per second of said waters, as evidenced by our Certificate No. 556-2 dated June 2, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.46 cubic feet per second of water, with date of priority of September 23, 1959 and,

WHEREAS, On the 15th day of June A. D. 1966

proof was duly made of the application to beneficial use of 2.46 cubic feet per second of said water; for irrigation of 250 acres in portions of Sections 21, 22, 27, and 28, T95N, R65W

* The permit was issued for diversion of water from the Missouri River. The Water Resources Commission specified that diversion from a well could be used instead.

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 Gerald R. Kirwin
 of Bristow, Nebraska the holder... and owner... of said permit No. 556-2
 a water right, dating from September 23, 1959 to the use of 2.46
 cubic feet per second of the waters of ground water
 in the County of Gregory and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a point 1320'E of the SE corner,
Section 22, T95N, R65W
 and conducted to and upon portions of Sections 21, 22, 27, and 28, T95N, R65W, more
specifically described in the Certificate of Completion of Works
 for the purpose... of irrigation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 2nd day of June A. D. Nineteen
 Hundred and Sixty-Seven

State Water Resources Commission

By:

J. W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. -----

To -----

Source of Supply -----

County -----

Ac't ----- c. f. s.

Point of Diversion -----

Place of Use -----

Purpose -----

Date of Priority -----

Recorded -----

In Book ----- of ----- Page -----

Permit No. 556-2Water Division No. 2 White River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Gerald Kirvin

of Bristow, County of Boyd, and State of Nebraska, the holder of Permit No. 556-2, Issued upon Application No. 556-2, bearing date of priority of September 23, 1959, authorizing the diversion of 2.46 cu. ft. per second of the waters of ground water

County of Gregory, State of South Dakota, at a point 1320'E of the SE corner, Section 22, T95N, R65W

for irrigation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.46 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in T95N, R65W

Section 21	Lot 4	39.98 acres
Section 22	Lot 5	8.55 "
Section 27	Lot 5	26.50 "
Section 28	N $\frac{1}{2}$ NE $\frac{1}{4}$	80.00 "
Accretion land to		
Sections 22 & 27		95.00 "
Total	-	250.03 "

Witness my hand this 2nd day of June A. D. 19 67

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

(First Publication on or before January 1960.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., ~~December 5~~, 1959

Notice is hereby given that F. J. Nahr whose postoffice address is Spencer, Nebraska 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 2.46 cubic feet of water per second of time from the Missouri River through the ~~xxx~~ his irrigation project, the point of diversion of which is to be located on the West bank of said stream in the ~~the~~ North ~~Lot 5~~ of Section 22 Twp. 95N Range 65W. Said water to be used for the purpose of providing irrigation of ~~the fol-~~ portions of lowing described land:

N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec 28; Lot 1, Sec 21; Lot 5, Sec 22; Lot 5, Sec 27; all in T 95N R 65W
plus accretion lands not listed in original survey.

and/or ~~the~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 26th day of January, 1960, at 2 p.M. All interested persons may appear and be heard.

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

CC: Joseph E. Dvorak-Publisher
 Bonesteel Enterprise
 Bonesteel, South Dakota

State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~
~~XXXXXXXXXXXXXXXXXXXX~~
 Burton F. Jones,
 Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Gregory } ss.J. E. Krawak being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Bonesteel Enterprise a newspaper which during the whole itme of publication of said notice herein aiter stated, has been and is printed and published in theCity of Bonesteel County of Gregory and State of South Dakota; that the said notice was published in said newspaper on the following dates:Dec. 10, 1959
" 17, 1959
" 24, 1959
" 31, 1959in each and every issue of the full number thereof, the first publication being made on the 10th day of December 1959 and the last publication on the 31st day of December 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was ----- the printer and publisher of the said newspaper.Subscribed and sworn to before me this 4th day of January A. D. 1960M. M. Williams
Notary Public Gregory County, S. D.

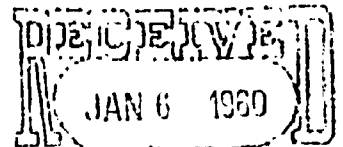
APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., December 5, 1959.

Notice is hereby given that F. N. Fuhr whose postoffice address is Spencer, Nebraska, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.48 cubic feet of water per second of time from the Missouri River through his irrigation project, the point of diversion of which is to be located on the west bank of said stream in Lot 5 of Section 22 Twp. 95N Range 65W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N(NE) 1/4 Sec. 28; Lot 4, Sec. 21; Lot 5, Sec. 22; Lot 5, Sec. 27; all in T 95N R 65W plus accretion lands not listed in original survey.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1960. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

STATE WATER RESOURCES COMMISSION
By: BURTON F. JONES,
Water Rights Specialist
D10-17-24-31cSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS

To the State Water Resources Commission
Pierre, South Dakota

March 11, 1964
(date)

Dear Sirs:

I hereby request that an extension of time from January 26, 1962
to September 23, 1964 be granted me for the completion of works to be done under Permit No.
556-2 and that the time for proof of beneficial use of water be extended to September 23, 1964

Said works are located in GREGORY County and are described
as follows: Lot 4, Sec. 21, Lot 5, Sec. 22, Lot 5, Sec. 27, and $N\frac{1}{2}NE\frac{1}{4}$ Sec. 25, all
Twp. 95 N, of Range 65,

Location of headworks: In the Accretion land to
Lot 5, 22-95-65 of the and well on Lot 5, 27-95-65
of Section Twenty-two & 27 Township Ninety-five Range Sixty-five
E., B.H.M.

The water is to be used for the purpose of Irrigation

The extension of time for the completion of these works is requested for the following reasons:
There has been a change in ownership of said property, the initial owner having
failed to perfect his water rights, and the new owners now wish to proceed.
Form No. 25 is attached as evidence of such transfer of ownership.

APPROVED:

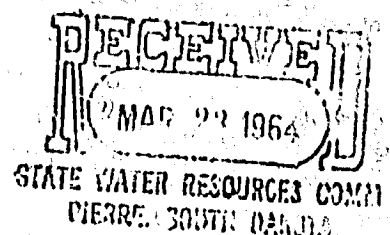
MAY 6, 1964

State Water Resources Commission

By:

Arthur J. Jones
Chief Engineer, Executive Officer

Holder of Permit No. 556-2



NOTICE OF TRANSFER OF WATER PERMIT

March 17, 1964

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

This is to notify you that E.H. Fibr

who previously owned the land described below has sold his interests to Gerald R. Kirwin, Sr., and Gerald R. Kirwin, Jr., as joint tenants, not as tenants in common, the survivor to take the whole thereof, of Bristow, Biyde County, Nebraska, P.O.,

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 556-2 and as provided for in section 61.0141 of the SDC of 1939 and elsewhere. With said real property is described as follows: Lot 4 of Section 21, Lot 5 of Section 22, Lot 5 of Section 27, the NE 1/4 of Section 28, all in Township 95, North of Range 65, with accretion lands, in Gregory County, South Dakota.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1803 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of Charles Mix

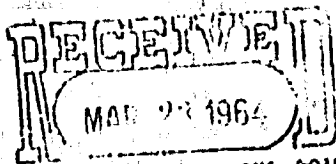
ss.

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

Signed Gerald R. Kirwin, Sr.Signed Gerald R. Kirwin, Jr.

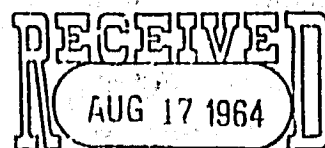
Subscribed and sworn to before me this 17th day of March, 1964.

Paul A. Kirwin
Notary Public, Charles Mix County, South Dakota.



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 556-2



Water Division No. 2

White River Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Bristow, Nebraska

(Date) August 13, 1964

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

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

2.46 cu. ft. per second of the waters of the state from Jan. 1,
through the 31st. day of December of each year
for Irrigation purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Gerald R. Kirwin, Sr., and Gerald R. Kirwin, Jr., as joint tenants, not as tenants in common, the survivor to take the whole thereof.

2. The postoffice address of such person or the place of business of such corporation is Bristow,
County of Bowdler, State of Nebraska

3. The number of such permit is 556.2 and the date set for the completion of such work is
September 23, 1964

4. Said water to be used for Irrigation purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 2.46 cubic feet per second.

6. The amount of land for which said water is available is 210 acres,
particularly described as follows: sandy loam land described as follows:

Lot Four (4), Section 21; Lot 5, Section 22; Lot 5, Section 27; NE 1/4, Section 28,
all in Township 95, Range 65, in Gregory County, South Dakota, with accretion lands.

I hereby certify that the facts set forth in the above notice are true; and that the work has now been completed and is ready for inspection.

(Signature of Owners)

G. R. Kirwin

Permit No. 556-2Water Division No. 2 WHITE RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

19____, I have this day made a thorough examination of the diversion works constructed by _____

GERALD R. KIRWIN of BRISTOW,
NEBRASKA ~~County, South Dakota~~ holder of Permit No. 556-2, issuedupon Application No. 556-2 bearing date of priority of SEPTEMBER 23, 1959, authorizing the
diversion of 2.46 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 8" WESTERN LAND ROLLER PUMP (B-642-87)
POWERED BY CUMMINS GAS MOTOR (BB219) RATED @ 100 HP.
1 MILE 8" MAINLINE - 3 1/4 MILE TOWNLINES WITH RAINGRID³⁰
SPRINKLER HEADS @ 30' SPACINGS.

and the system is in the following condition: EXCELLENT

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use 2.46 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: LOT 4, SEC. 21; LOT 5, SEC 22;
LOT 5, SEC. 27; ~~N²NE⁴~~ N²NE⁴, SEC 28, T95N, R65W

_____ comprising a total of 250 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 15TH day of _____JUNEA.D. 1966

—SEAL—

Burton JonesExamining Engineer
OFFICER

556 2 GERALD KIR IN

ORIGINAL APPLICATION
PROPOSED PUMPING FROM
MISSOURI RIVER ABOUT 4 MI.
DOWNSTREAM FROM FRANKALL
DAM. PUMP SITE KEPT WASHING
OUT SO A WELL WAS DRILLED
ABOUT 1000' FROM THE
RIVER. GET COMMISSION
CONCURRENCE TO RECOGNIZE
THIS CHANGE IN DIVERSION
WITHOUT ADVERTISING IT.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7439

PIERRE, April 8, 1980

RECEIVED OF Joe Kirwan, RR #1, Gregory, SD 57533

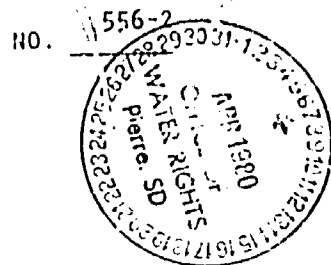
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing transfer of water right no. 556-2	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 Hatch
Chief Engineer, Executive Officer
JOHN HATCH (9Y)

FORM 20



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 11-1-80

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

Lot 4, Sec. 21; Lot 5, Sec. 22; Lot 5, Sec. 27; N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 28; also

accretion land to Sections 22 & 27; all being in T95N, R65W

formerly owned by Gerald Kirwan, Bristow, NE

has been transferred to Kirwan Ranch Inc., & Joe Kirwan, Gregory, SD

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 556-2 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Gregory) ss.

I, GARY E. DA Joe Kirwan

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.

Joe Kirwan
(Signed)

Subscribed and sworn to before me this 1 Day of April, 1980

[Signature]
(Notary Public)

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

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

March 31, 1986

Kirwan Ranch
RR 1, Box 80
Gregory, SD 57533

Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 556-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) 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). 556-2 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.

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

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

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Joe Kirwan
RR 1 Box 80
Gregory SD 57533

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 1486-2 & 556-2

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(c). 1486-2 & 556-2 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources

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

Attachment to Water Permit No. 556-2

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 556-2 to add the following qualification:

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

Equal Opportunity Employer

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

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

March 23, 1987

KIRWAN RANCH, Joe Kirwan
RT 1 BOX 80
GREGORY, SD 57533

NOTICE

Re: Violation of Water Permit No(s). 556-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 556-2. 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 permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 556-2 qualification:

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

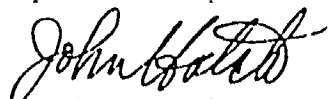
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 556-2 until either the 1986 Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

April 15, 1987

1486-2
556-2

Joe Kirwan
Kirwan Ranch
RR #1 Box 80
Gregory, SD 57533

Dear Mr. Kirwan:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 556-2 and 1486-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

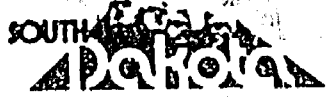
Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

January 29, 1988

KIRWAN RANCH -Joe Kirwan
RT 1 BOX 80
GREGORY, SD 57533

NOTICE

Re: Violation of Water Permit No(s). 556-2

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 556-2. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 556-2 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 556-2 until either the 1987 Questionnaire is submitted or for a period of up to one 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 March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

February 29, 1988

556-2
1486-2

Joe Kirwan
Rt 1, Box 80
Gregory SD 57533

Dear Mr. Kirwan:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 556-2, 1486-2 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

February 8, 1989

JOE KIRWAN
KIRWAN RANCH
RT 1 BOX 80
GREGORY, SD 57533

NOTICE

RE: Violation of Water Permit No(s). 1486-2, 556-2

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1486-2, 556-2. 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 permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1486-2, 556-2 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 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

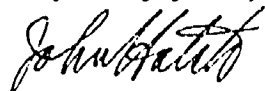
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s). 1486-2, 556-2 until the 1988 Irrigation Water Use Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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



 **Department of
Water & Natural Resources**

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

February 23, 1989

(556-2
1486-2)

Joe Kirwan
RR #1 Box 80
Gregory, SD 57533

Dear Mr. Kirwan:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 556-2 and 1486-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



556-2

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

JOE KIRWAN
RT 1 BOX 90
GREGORY SD 57533

NOTICE

RE: Violation of Water Permit No(s) 556-2, 1486-2

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 556-2, 1486-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 556-2, 1486-2 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

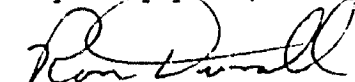
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 556-2, 1486-2 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one 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.

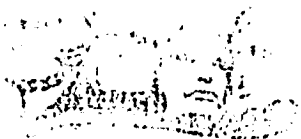
If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



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

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

556-2

February 12, 1991

(556-2)
1486-2

Joe Kirwan
Kirwan Ranch
RR #1 Box 80
Gregory, SD 57533

Dear Mr. Kirwan:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 556-2 and 1486-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

NOTICE OF TRANSFER OF OWNERSHIP

No. 556-2

TO: Chief Engineer
Water Rights Division, DWRH
523 East Capitol
Pierre, SD 57501-3181

Date: 3/21/91

I/We request that Water Permit/Right No. 556-2

formerly owned by: KIRWAN RANCH INC.

be transferred to: (name & address) JONAS LAND CORPORATION

P.O. BOX 340 PLEASANTON, KANSAS 66075 (telephone No.) (913) 352-6169

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

Lot 4, Sec. 21; Lot 5, Sec. 22; Lot 5, Sec. 27; N1/2 NE1/4 Sec. 28;

also accretion land to Sections 22 & 27; all being in T95N, R65W

I/We understand that the validity of Water Permit/Right No. 556-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

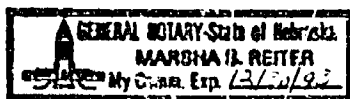
STATE OF ~~SOUTH DAKOTA~~)
NEBRASKA)
County of HOLT)



I/We KIRWAN RANCH INC. being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Kirwan Ranch Inc.
Donald R. Kirwan
(Signed)

Subscribed and sworn to before me this 21st day of March, 1991.



Marsha L. Reiter
(Notary Public)

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412013

Pierre, March 25, 1991

RECEIVED OF John R. Prouty, Box 31, Canby, SD 57603

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 <u>Water Right No. 556-2</u>	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

Andy Hatch
Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

June 6, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. (556-2)

John R. Prouty
Box 31
O'Neill, NE 68763

Dear Mr. Prouty:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 556-2.

Our records now show Jonas Land Corporation as the owner of Water Right No. 556-2.

Sincerely,

Cheryl F. Frost

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

enclosure

cc: Jonas Land Corporation

556-2

**WATER RIGHTS PROGRAM
FILE DOCUMENTATION**

NAME OF PERSON OR FILE: Will Jonas

ADDRESS: PO Box 415, Gregory, SD 57533

COUNTY: Gregory

DATE: August 25, 1998

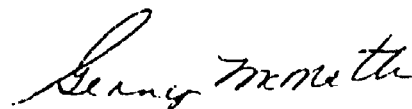
RE: replacement well

COMMENTS:

Mr. Jonas called to let us know he had drilled a replacement well under No. 556-2. He said it is about 350'E of the existing well.

I asked him if it was in the same aquifer and he thought it was. I indicated that a new water permit is not necessary for drilling replacement wells if they are in the same water source. It sounded like he knew he had to cap or plug the old well.

He indicated Christensen Well Drilling in Nebraska had drilled the replacement well and they would be sending a completion report to us in the near future.



Genny McMath
Environmental Scientist

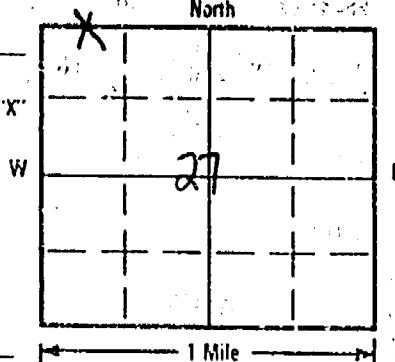
SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW 1/4 NW 1/4 Sec 27 Twp 95 N Rg 65 W

County GRAND

Please mark well location with an "X"



Well Completion Date

8/10/98

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 3 miles from SEPTIC TANK (identify source)

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5400 LB/FT</u>	<u>16 IN</u>	<u>1 FT</u>	<u>33 FT</u>	<u>26 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>PORTLAND</u>	<u>81</u>	<u>15 lb/gal</u>	<u>30 ft</u>	<u>0 ft</u>
_____	_____	_____ lb/gal	_____ ft	_____ ft

Describe grouting procedure TRAIL

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter 16 IN Length 60 FEET
 Material PVC
 Slot Size 0.01 Set From 33 Feet to 93 Feet
 Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: CHLORINE

Laboratory sent to for water quality analysis NO, Why Not? _____

Well Owner: BILL JONAS

Business Name: JONAS LAND CORPORATION

Address: BOX 19 PICKSTOWN 57367

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
TOP SOIL TO FINE SAND	0	30
COURSE GRAVEL	30	50
MED GRAVEL	50	60
BLUE CLAY	60	63
FINE BLUE SAND	63	70
BLUE CLAY	70	73
FINE BLUE SAND & WOOD	73	78
SOFT BLUE CLAY	78	85
MED GRAVEL	85	92
HARD SANDSTONE	92	93

STATIC WATER LEVEL

9' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controller by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

- ☒ Pumped Describe: TURBINE PUMP
☐ Bailed
☐ Other

Pumping Level Below Land Surface

65 ft. After 2 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

REPLACEMENT IRRIGATION WELL

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm: CHRISTENSEN WELL CO.

Signature of License Representative:

William J. Christensen

Signature of Well Owner or Equitable Property Holder:

Date: _____

556-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 28, 2015

556-2
1389-2

William Jonas
Jonas Land Corporation
PO Box 205
Pickstown SD 57367-0205

Dear Mr. Jonas:

Enclosed is a "Notice" dated October 23, 2015 concerning the 2015 irrigation questionnaire.

The notice was originally mailed to PO Box 18, Pickstown SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 2018

556-2
1389-2

William J Jonas III
PO Box 4148
Independence MO 64051

Dear Mr. Jonas:

Enclosed are two 2018 Irrigation Questionnaires listed in the name of William Jonas returned to us by the Post Office. The envelope stated Mr. Jonas was deceased. The Gregory County Register of Deeds indicated you were his son and contact person.

Please complete the questionnaires to the best of your ability or forward them to the operator if necessary. As stated in the letter, it is important that the forms are returned to this office by December 3, 2018.

The Register of Deeds also indicated the land was for sale. Enclosed are partially completed Notice of Transfer of Ownership forms. Upon sale of the land, the transfer forms should be completed, checked over for accuracy, signed by the new owner and returned to our office with a required filing fee of \$50.00 each.

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

If you have any questions regarding completing the irrigation questionnaires or the Notice of Transfer forms, please contact Genny McMath at 605 773-3352

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
email: karen.schlaak@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2019

556-2
1389-2

William J Jonas III
PO Box 4148
Independence MO 64051

Dear Mr. Jonas:

I am writing in regard to ownership of land described in Water Right Nos. 556-2 and 1389-2. These two water rights authorize diversion of water from the Missouri River to irrigate land in portions of Sections 21, 22, 27 and 28, T95N, R65W in Gregory County, South Dakota.

Back in November we became aware the ownership needed to be changed. Transfer forms were mailed to you for filing ownership changes or to give to the new owner(s) to complete, but to date we have not received anything back from you.

In the event you do not have the original forms, enclosed are partially completed transfer forms for your use in updating the water rights. Upon completion, please sign the forms and return them to our office with a total of \$100 (\$50 for each transfer).

If the land was sold to someone else, please let us know the new owner(s) name and address and we can follow-up with them. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
DENR - Water Rights Program
605 773-3352
Email: genny.mcmath@state.sd.us

enclosures

556-2

DAVENPORT EVANS

LAWYERS

DAVENPORT, EVANS, HURWITZ & SMITH, LLP
206 WEST 14TH STREET • P.O. BOX 1030 • SIOUX FALLS, SOUTH DAKOTA 57101-1030
T: (605) 336-2880 • F: (605) 335-3639 • WWW.DEHS.COM

July 24, 2020

Genny McMath
PMB 2020
DENR – Water Rights Program
523 E. Capitol Avenue
Pierre, SD 57501-3182

RECEIVED

JUL 27 2020

WATER RIGHTS
PROGRAM

Writer's Direct Dial
(605) 357-1231

E-Mail Address
kbiord@dehs.com

Re: Notice of Transfer of Ownership

Dear Genny:

Enclosed is a Notice of Transfer of Ownership for Permit No. 556-2 and a Notice of Transfer of Ownership for Permit No. 1389-2. Also enclosed is our check in the amount of \$100.00 in payment of the filing fees. If you have any questions, please let us know.

Thank you.

Sincerely,



KALEN K. BIORO
For the Firm

KKB/lmd
Enclosures

PAID

JUL 27 2020

Ck# 228331
#10 Form - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

JUL 27 2020

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 556-2

Date: July 20, 2020

I/We request that Water Right/Permit No. 556-2 formerly owned by:
William Jonas and Jonas Land Corporation be transferred to:

New Owner Name: Eagle Roost, LLC

Address: 6225 S. Pinnacle Place, Suite 201

City, State, Zip Sioux Falls SD 57108 Telephone No. 605-376-6911

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

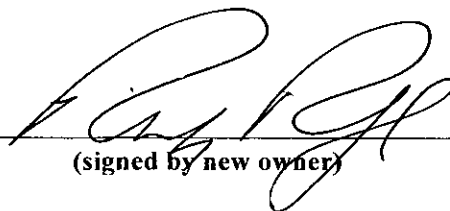
Lot 4 of Section 21, Lot 5 of Section 22, Lot 5 of Section 27, N/2NE of Section 28, and approximately 95 acres of accretion land in Sections 22 and 27, Township 95 North, Range 65 West

☒ I understand that the validity of Water Right/Permit No. 556-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

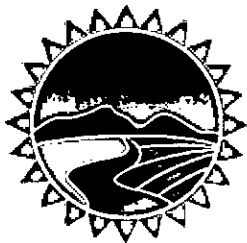
I, Riley Reiff, Member of Eagle Roost, LLC, the new owner, certify that the above information is true and correct.


(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.

556-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 2020

556-2
1389-2

Riley Reiff
Eagle Roost LLC
6225 S Pinnacle Place, Ste 201
Sioux Falls SD 57108

Dear Mr. Reiff:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted on your behalf by Davenport Evans law firm.

The ownership changes have been completed. Water Right Nos. 556-2 and 1389-2 formerly held by Jonas Land Corporation are now listed under Eagle Roost LLC.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a copy of a past questionnaire for each water right to give you an idea of what type of information to keep track of during the growing season. The actual forms that will need to be completed and returned to us will be mailed to you in October.

The receipts for the filing fees are being forwarded by copy of this letter to Kalen Biord with the law firm. If you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

C: Kalen K Biord, Davenport Evans Hurwitz & Smith LLP

556-2

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date July 27, 2020RECEIVED OF Eagle Roost LLC PO Box 1030 Sioux Falls SD 57101-1030

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>556-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
Chief Engineer*VM*



**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: EAGLE ROOST LLC, RILEY REIFF, 6225 S PINNACLE PL, STE 201, SIOUX FALLS, SD 57108

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaires

Our records indicate your 2021 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 1389-2 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) 556-2 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) 556-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1389-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 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 questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: DQSTUG**

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.

556-2



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

January 26, 2022

556-2
1389-2

Riley Reiff
Eagle Roost LLC
6225 Pinnacle Pl Ste 201
Sioux Falls SD 57108

Dear Mr. Reiff:

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

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 556-2 and 1389-2. 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: EAGLE ROOST LLC, RILEY REIFF, 6225 S PINNACLE PL, STE 201, SIOUX FALLS, SD 57108

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 1389-2 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) 556-2 qualification:

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

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

1. Suspend or cancel Permit No(s) 556-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1389-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 26, 2023

556-2
1389-2

Riley Reiff
Eagle Roost LLC
6225 S Pinnacle Pl Ste 201
Sioux Falls SD 57108

Dear Mr. Reiff:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 556-2 and 1389-2. 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