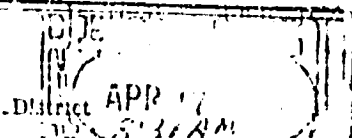


695-7.

1. Considered 7-19, 1961
2. Name of Applicant Frank H. Huntley
3. Post Office Address Missouri
4. Amount of water claimed 1.75
5. Source of water supply Local River & Tributaries
6. Water to be used for Navigation
Acres to be irrigated 122.5
7. Water to be diverted and used in Jackson County about 5 miles South of
8. Proof of Publication Received 121
Not Received 1
9. Application Approved 1 of Pub
Subject to 1 of Pub
Not Approved 1 of Pub
Action deferred 1 of Pub
10. Remarks:

No. 695-2Water Division No. 2 BAD RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant Fred H. Timberly RALPH JONES
Postoffice address Midland, County Heavron, State So. Dak.

I. If a corporation Not 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)

Contract

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Timberly Irrigation Project #13. Amount of water claimed 1.75 cubic feet per second4. Source of water supply Bad River and Tributaries5. Location of point of diversion See Remarks section

on _____ bank _____ County.

6. Annual period or periods during which water is to be used 15 Feb to 1 Oct

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Pump & Gravity(a) Number of acres to be irrigated 122.5 acres.(b) Legal subdivisions to be irrigated See remarks section

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written, dated, and signed, and 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

MAP No 607-2

8. Estimated cost of work: Still in Planning stage

(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.)

Pump, Plug and Gravity

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at top

.....feet; thickness at bottomfeet; thickness at top

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

material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

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

Material

(d) Canal: Total lengthmiles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work5.....years.

11. Time required for complete application of water to the proposed beneficial use5.....years.

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

Philp Pioneer Review

STATE OF SOUTH DAKOTA

County of Haskell

I, Fred H. Wimberly

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 14th day of April

My commission expires 12/7/68

/s/ James B. Kinney

Notary Public (or other qualified officer.)

WIMBERLY IRRIGATION PROJECT #1

ALL LANDS DESCRIBED HEREIN ARE OWNED BY FRED H. WIMBERLY

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE }

I, Meric D. Giger, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area, and that to the best of my knowledge, it correctly represents the lands involved and the locations indicated.

IN WITNESS WHEREOF I hereunto set my hand and official seal on this 14th day of April, 1961.

Meric D. Giger
Registered Land Surveyor #1007

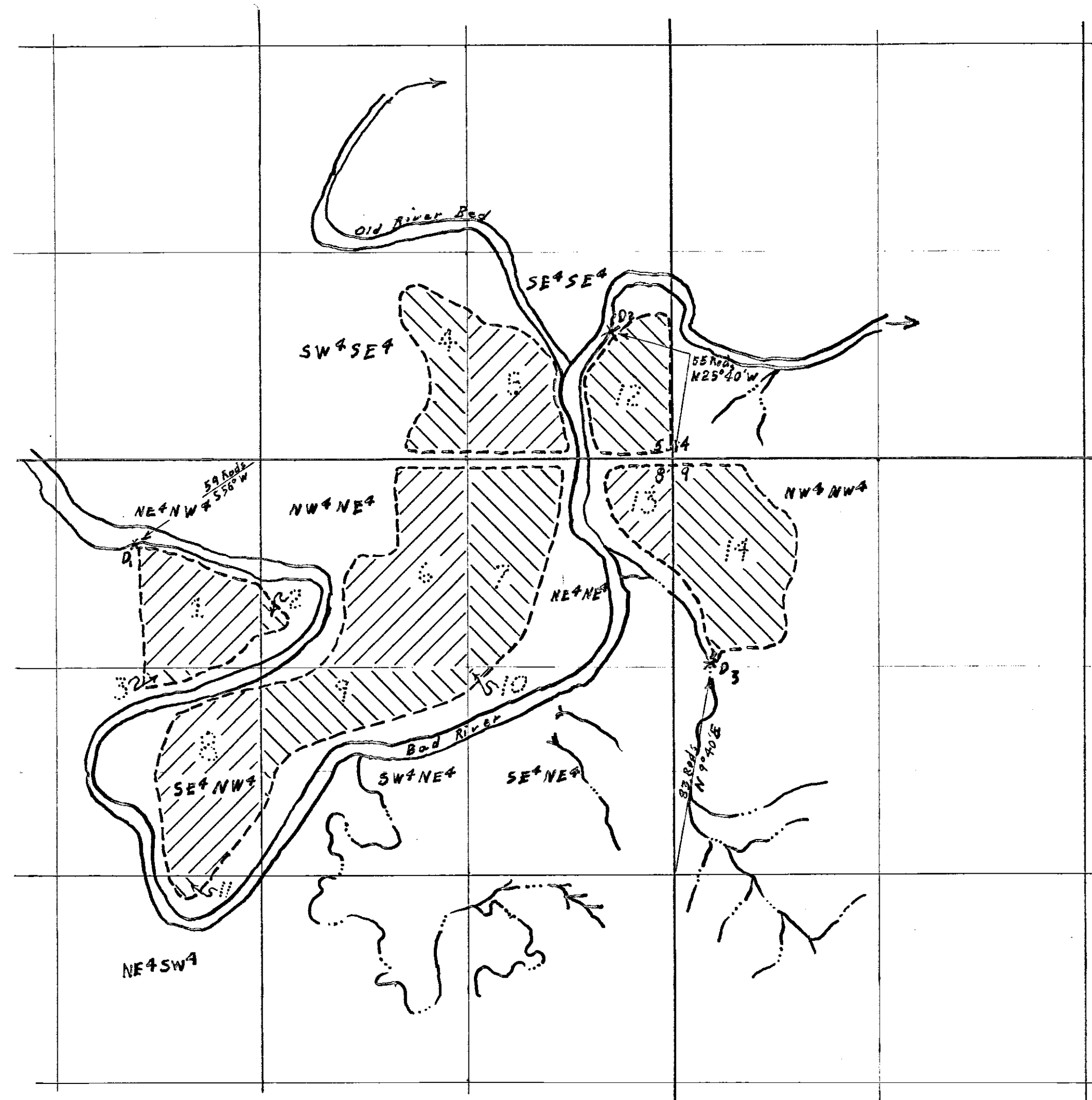
STATE OF SOUTH DAKOTA } ss
COUNTY OF MEADE }

On this 14th day of April, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Giger, known to me to be the person whose name is subscribed to the above written instrument, and acknowledged that he executed the same for the purpose therein contained.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

My commission expires 12/7/68.

James B. Kinney
James B. Kinney /Notary Public



Scale: 8" = 1 Mile
(from aerial photo)

Irrigable (///)

D₁, D₂, and D₃ are
points of diversion

Location of Lands to be Irrigated					
Area	Location	Sec.	Tshp	Range	Acres
1	NE 1/4 NW 1/4	8	T1N	R25E	10.6
2	NW 1/4 NE 1/4	8	T1N	R25E	0.6
3	SE 1/4 NW 1/4	8	T1N	R25E	0.9
4	SW 1/4 SE 1/4	5	T1N	R25E	7.6
5	SE 1/4 SE 1/4	5	T1N	R25E	10.4
6	NW 1/4 NE 1/4	8	T1N	R25E	19.3
7	NE 1/4 NE 1/4	8	T1N	R25E	14.0
8	SE 1/4 NW 1/4	8	T1N	R25E	14.6
9	NW 1/4 NE 1/4	8	T1N	R25E	11.8
10	SE 1/4 NE 1/4	8	T1N	R25E	0.3
11	NE 1/4 SW 1/4	8	T1N	R25E	0.7
12	SE 1/4 SE 1/4	5	T1N	R25E	9.7
13	NE 1/4 NE 1/4	8	T1N	R25E	5.0
14	NW 1/4 NW 1/4	9	T1N	R25E	17.0
TOTAL					122.5

Remarks by State Water Resources Commission:

Your use of water under this Permit is
contingent upon supplies being available to
prior water rights and for downstream
domestic use

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

August 8, 1961

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

6 a.m. upon the 17th day of April, 1961

State Water Resources Commission

By:

Burtin Jones
Chief Engineer, Executive Officer

Number of permit

695-2

Date of first receipt of application

April 17, 1961

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

April 17, 1961

Approved

July 19, 1961

Recorded in Book

6

Page

305

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

JANUARY 19, 1964

2nd. The whole of said work is to be completed on or before

July 19, 1966

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

July 19, 1966

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 1.75 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 July 19, 1966; said water to be used during the following described annual period:

February 15 to October 1

Witness my hand this

8th

day of

August

1961

State Water Resources Commission

By:

Geethaimee

Chief Engineer, Executive Officer

Certificate of Construction Issued

JANUARY 23, 1973

Water License Issued

JANUARY 23, 1973

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED					
Area	Location	Sec.	T'shp	Range	Acres
1	NE1/4NW1/4	8	T1N	R25E	10.6
2	NW1/4NE1/4	8	T1N	R25E	0.6
3	SE1/4NW1/4	8	T1N	R25E	0.9
4	SW1/4SE1/4	5	T1N	R25E	7.6
5	SE1/4SE1/4	8	T1N	R25E	10.4
6	NW1/4NE1/4	8	T1N	R25E	19.3
7	NE1/4NE1/4	8	T1N	R25E	14.0
8	SE1/4NW1/4	8	T1N	R25E	14.6
9	NW1/4NE1/4	8	T1N	R25E	11.8
10	SE1/4NE1/4	8	T1N	R25E	0.3
11	NE1/4SW1/4	8	T1N	R25E	0.7
12	SE1/4SE1/4	5	T1N	R25E	9.7
13	NE1/4NE1/4	8	T1N	R25E	5.0
14	NW1/4NW1/4	9	T1N	R25E	17.0
TOTAL					122.5

All points of diversion are as follows:

D1 being on a bearing of S55° W from the $\frac{1}{4}$ corner between sections 5 & 8 at a distance of 59 rods.

D2 being on a bearing of N25° 40' W from the corner of sections 4, 5, 8, and 9 at a distance of 50 rods.

D3 being on a bearing of N 90° 40' E from the $\frac{1}{4}$ corner between sections 8 & 9 at a distance of 83 rods.

All points of diversion are located in T1N R25E.

D1 & D2 are pumping stations and the diversion will be on the river between these two points.

Send all Engineering correspondence to: Gage Surveying
1054 Park Street
Sturgis So. Dak.

WATER LICENSE NO. 695-2

(1) WHEREAS, On the 17th day of April A. D. 19 61
Fred H. Wimberly

made Water Right Application No. 695-2 for a permit to use 1.75 cubic feet per second of the waters
of Bad River and Tributaries

County of Haukon, State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 8th day of August A. D. 19 61

Permit No. 695-2, with a date of priority of April 17, 1961

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 19th day of July A. D. 19 66 and for the
application to beneficial use of said water on or before the 19th day of July A. D. 19 66

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .73 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent

for irrigating the following land in Section 8, 11N, R25E

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 14.0 acres

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 19.3 acres

SW $\frac{1}{4}$ NR $\frac{1}{4}$ 11.8 acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0 acres

Total 58.1 acres

(5) 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 Fred H. Wimberly

_____ of Midland, S.D.

the holder _____ and owner _____ of said permit No. 695-2 a water right, dating from April 17, 1961

_____ to use of .73 cubic feet per second of the waters of the Bad River

in the County of Harrison and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point South 20° East from the N½ Corner,

Section 8, T1N, R25E, 1120 feet to the bank of the Bad River

and conduct to and upon portions of Section 8, T1N, R25E, more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 695-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of January A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 695-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

Fred H. Wimberly

This is to Certify, That _____

_____ the holder _____ of
Permit No. 695-2, issued upon Application No. 695-2, bearing date of priority of April 17,
1961 _____, authorizing the diversion of 1.75 cu. ft. per second of the waters of _____
Bad River & Tributaries _____ Haskell County of _____ State of South Dakota at _____
a point South 20° East from the N½ Corner, Section 8, T1N, R25E, 1120 feet to
the bank of the Bad River

_____ for irrigation

_____ ⁸ _____ 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 2.23 cu. ft. per second of water.

Date January 23, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Haakon } ss.

Roy H. McKown being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Pioneer-Review a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the city of Philip County of

Haakon and State of South Dakota; that the said notice was published in said newspaper on the following dates:

June 22, 1961

June July 29, 1961

July 6, 1961

July 13, 1961

in each and every issue of the full number thereof, the first publication being made on the 22 day of June

1961 and the last publication on the 13 day of

July 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer--and-publisher-- of the said newspaper.

Subscribed and sworn to before me this 14 day of July A. D. 1961

Notary Public Haakon County, S. D.

APPROPRIATION OF WATER
Office of State
Water Resources Commission
Pierre, S. Dak., June 19, 1961
Notice is hereby given that Fred H. Wimberly, whose postoffice address is Midway, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.75 cubic feet of water per second of time from the Bad River and tributaries through the Wimberly Irrigation, the point of diversion of which is to be located on the banks of said stream between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, and a point in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5, Twp. 1N., Range 25E.
Said water to be used for the purpose of providing irrigation on portions of the following described land:
NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 8; S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, all in T. 1N., R. 25E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 13th day of July, 1961, 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.
State Water Resources Commission
By: Burton F. Jones
Water Right Specialist
(Publish June 22, 23, July 6 & 13)

RECEIVED
AUG 7 1961

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

On or before June 22
(First Publication _____, 1961)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 19, 1961

Notice is hereby given that Fred H. Wimberly whose postoffice address is Midland, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.75 cubic feet of water per second of time from the Bad River and Tributaries through the Wimberly Irrigation, the point of diversion of which is to be located on the ~~both~~ between a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 8, and a point banks of said stream in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 5 Twp. 1N Range 25E. Said water to be used for the purpose of providing irrigation ~~for~~ portions of the following described land:
NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 8; S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 5; NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 9, all in T. 1N,
R. 25E

~~and that~~ EXCISE
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 1961 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; Publisher
Philip Pioneer Review
Philip, South Dakota

State Water Resources Commission

By:

Chief Engineer, Executive Officer
~~XXXXXXXXXXXXXXXXXXXX~~
BURTON F. JONES
Water Right Specialist

Permit No. 695-2Water Division 2 BAD RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Fred H. Wimberly
Midland, S.D.

_____ of _____ holder _____
of Permit No. 695-2, bearing date of priority of April 17, 1961
authorizing the diversion of 1.75 cu. ft. per second of the waters of Bad River
for irrigation purposes, in Haskell County.

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

The Water Use System consists of,

A. Works used to divert the water:

Berkley Pump, Model B628H CW, Serial 1573W, BEM4553, V. Belt driven
10 HP Lincoln Electric Motor Frame 2 56U
8" intake, 6½" discharge, serial 3B1169, 3 phase, 236-460 volts.
10" suction pipe, capacity 1000 Gals. per minute.

B. Works used to transport water to place of use,

8" discharge pipe from pump to ditch along edge of field, approx, 2600 ft. of ditch and
along edge of field.

C. Works used to apply water to beneficial use.

Ditch blocks to flood field

The system is in the following condition: 88 good

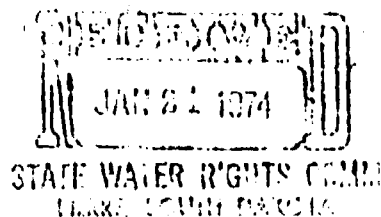
The point of diversion is located South 20 East from North 1/4 Corner, Sec. 8, T1N, R25E,
1120' bank of Bad River

The works are capable of diverting and conveying to the place of use 2.23 c.f.s.cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: All in T1N, R25E.NE¼ NE¼, Sec. 8 14.0 acresNW¼ NE¼, Sec. 8 19.3 acresSW¼ NE¼, Sec. 8 11.8 acresSE¼ NW¼, Sec. 8 13.0 acrescomprising a total of 58.1 acres of land.

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**Water Resources Commission,
State Office Building No. 2
Pierre, South Dakota 57501Date January 3, 1974

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

a portion of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 8, T1N, R25E,
described in Water License No. 695-2formerly owned by Fred H. Winbely, Midland, S.D.has been transferred to Ralph Jones, Midland, South Dakotatogether with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.
695-2 as provided for in Section 61 0127 of the 1960 Supplement to the South Dakota Code of 1939.You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the Office of ~~Water Resources Commission~~ **WATER RIGHTS COMMISSION** as evidence of the change of ownership.A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960
Supplement to the South Dakota Code of 1939.STATE OF SOUTH DAKOTA)
County of Haskell) ss.I, Ralph Jones 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) Ralph JonesSubscribed and sworn to before me this 15 day of January, 19 74(Notary Public) Wayne D. Jones

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

№ 4 6708

PIERRE, January 16, 1910

RECEIVED OF " Morris Jones Box 184, Midland, SD 57552

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 filling transfer of water right No. 125-2	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

BY

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: January 11, 1979

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

58.1 acres on portions of Section 8, T1N, R25E as described in Water License No. 695-2

formerly owned by Ralph Jones, Midland

has been transferred to Morris Jones, Midland, South Dakota 57552

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 695-2 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 Commission 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 Haakon) ss.

I, Morris Jones 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.

Morris Jones
(Signed)

Subscribed and sworn to before me this 11 th Day of January 1979.

[Signature]
(Notary Public)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2009

695-2

Morris Jones
PO Box 184
Midland SD 57552-0184

Dear Mr. Jones:

I am writing in follow-up to your 2008 irrigation questionnaire for Water Right No. 695-2. The water right authorizes diversion of water from the Bad River to irrigate 58.1 acres in portions of the N ½ Section 8, T1N, R25E.

You indicated on the questionnaire that the use had been abandoned. Typically, when a water right holder checks the box marked "use abandoned", this signifies that they no longer wish to maintain the water right.

I wanted to touch base with you prior to doing anything with the water right to make sure your intent was to discontinue irrigation. Please take a few minutes to call or write and let me know. Thank you in advance for your help.

Sincerely,

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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Morris Jones, PO Box 184, Midland SD 57552

DATE: August 4, 2009

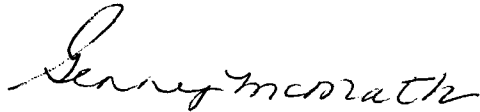
RE: Water Right No. 695-2

COMMENTS:

Mr. Jones called in reference to my letter of June 30th asking him if he intended to abandon irrigation.

He said he would like to give it awhile longer before committing to total abandonment of irrigation. Due to the lack of water most years at his pump site on the Bad River, he is unable to irrigate. I explained the three year use it or lose it plan and also explained legal excuse to him.

He said he would like to hold on to the water right for awhile longer to see if conditions changed and he would be able to irrigate. He will keep us posted on the annual irrigation questionnaire.

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

Genny McMath
Environmental Scientist



695-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: MORRIS JONES, PO BOX 184, MIDLAND, SD 57552 0184

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 695-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 695-2 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 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 2012

695-2

Morris Jones
PO Box 184
Midland SD 57552 0184

Dear Mr. Jones:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 695-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



695-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: MORRIS JONES, PO BOX 184, MIDLAND, SD 57552 0184

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 695-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **10:00 am, March 4, 2015**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 695-2 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 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 26, 2015

695-2

Morris Jones
PO Box 184
Midland SD 57552 0184

Dear Mr. Jones:

I am writing to acknowledge receipt of your 2014 irrigation questionnaire.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 695-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

695-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 16, 2017

695-2

Morris Jones
PO Box 184
Midland SD 57552-0184

Dear Mr. Jones:

Thank you for sending in the 2017 irrigation questionnaire for Water Right No. 695-2. Water Right No. 695-3 authorizes diversion of water from the Bad River to irrigate 58.1 acres located in portions of the NE 1/4 and SE 1/4 NW 1/4 Section 8-T1N-R25E.

On the form, you checked the box "use abandoned". Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. A review of the records shows the land was last irrigated in 1985. In August, 2009 you indicated you would like to hold on to the water right awhile longer to see if conditions changed and irrigation would be possible.

If the use has been abandoned and you do not intend to irrigate in the future, the water right could be scheduled for cancellation consideration. Prior to doing that, I wanted to touch base with you again to verify your intentions regarding the water right.

Please take a few minutes and give me a call concerning the water right. Thank you in advance for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "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

695-2



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 2020

695-2

Morris Jones
PO Box 184
Midland SD 57552 0184

Dear Mr. Jones:

I am contacting you regarding water use as authorized under Water Right No. 695-2. The water right authorizes diversion from the Bad River to irrigate 58.1 acres located in portions of the NE 1/4 and SE 1/4 NW 1/4 Section 8-T1N-R25E.

On your 2020 Irrigation questionnaire and on several questionnaires in the past, you marked the form "use abandoned". Typically, when an irrigator indicates the use has been abandoned, the water right is scheduled for cancellation. I wanted to touch base with you first to find out if you have indeed discontinued irrigation on the land.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Legal excuse as defined by Board rules includes unavailability of water and having too much water. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Please contact our office concerning your intent towards the water right. Thank you in advance for your help.

Sincerely,

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

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 14, 2025

695-2

Morris Jones
PO Box 184
Midland SD 57552

Dear Mr. Jones:

The Water Rights Program is in receipt of the 2025 Irrigation Questionnaires you submitted for Water Right No. 695-2 which authorizes the diversion of 0.73 cfs (approx. 325 gpm) from the Bad River for the irrigation of 58.10 acres located in the NE ¼ Section 8-T1N-R25W, Haakon County.

On this year's questionnaires you reported that use of both irrigation systems had been abandoned, with irrigation last reported in 1985.

Please contact me via email telephone to discuss the possible cancellation of Water Right No. 695-2.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



695-2

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: MORRIS JONES, PO BOX 184, MIDLAND, SD 57552 0184

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire has not been submitted for Permit No(s) 695-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held on **Wednesday, March 4, 2026 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 695-2 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 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OYRTAK**

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.