

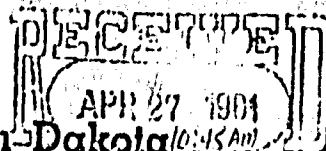
703-2

1. Considered 7-19, 1961
2. Name of Applicant R. A. Fortune
3. Post Office Address Philip
4. Amount of water claimed .89
5. Source of water supply Philippine Creek
6. Water to be used for irrigation
Acres to be irrigated 127.7
7. Water to be diverted and used in Hanksville County about
15 N 9 E miles of Philip
8. Proof of Publication Received 100
Not Received _____
9. Application ☒ Approved P J F
Subject to _____
☐ Not Approved _____
☐ Action deferred _____
10. Remarks:

No. 703-2

Water Division No. 2 BAD RIVER District
(Blanks to be filled by the Engineer for the W. I. 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 R. A. Fortune
Postoffice address Philip, County Haskell, 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 Fortune Irrigation Project #1

3. Amount of water claimed 896 cubic feet per second

4. Source of water supply Tributaries or headwaters of Mitchell Creek

5. Location of point of diversion See remarks section

on bank Haskell County.

6. Annual period or periods during which water is to be used Year Around

7. To be used for:

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

(a) Number of acres to be irrigated 62.7 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 out, 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 None
Name any of the above uses claimed

(b) Amount of power to be generated None 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 613-2

Remarks by the Applicant:

LOCATION OF LANDS TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NE 1/4 SW 1/4	33	4N	22E	0.2
2	SE 1/4 NW 1/4	33	4N	22E	1.6
3	SE 1/4 NW 1/4	33	4N	22E	1.1
4	NE 1/4 SW 1/4	33	4N	22E	0.5
5	NW 1/4 SE 1/4	33	4N	22E	2.2
6	NE 1/4 SE 1/4	33	4N	22E	0.9
7	NE 1/4 SE 1/4	33	4N	22E	2.3
8	NW 1/4 SW 1/4	34	4N	22E	0.4
9	SW 1/4 SW 1/4	34	4N	22E	2.0
10	SW 1/4 SW 1/4	34	4N	22E	4.3
12	SE 1/4 SW 1/4	34	4N	22E	5.5
13	NW 1/4 NE 1/4	34	4N	22E	3.5
13	SW 1/4 NE 1/4	34	4N	22E	4.9
14	SW 1/4 NE 1/4	34	4N	22E	1.9
15	NW 1/4 SE 1/4	34	4N	22E	1.8
16	NE 1/4 SE 1/4	34	4N	22E	7.8
17	SE 1/4 SE 1/4	34	4N	22E	15.9
18	NE 1/4 NE 1/4	3	4N	22E	5.9
TOTAL					62.7

All points of diversion are as follows:

- D1 being on a bearing of $S72^{\circ}30'W$ from the NE Section corner of Sec. 33 at a distance of 232 rods.
- D2 being 96 rods East of the SW corner of Sec. 34.
- D3 being on a bearing of $S65^{\circ}30'W$ from the NW Section corner of Sec. 34 at a distance of 148 rods.
- D4 being on a bearing of $S69^{\circ}30'W$ from the NW corner of Sec. 34 at a distance of 112 rods.
- D5 being south of the NW corner of Sec. 3 at a distance of 127 rods.

All diversion points being in T4N, R22E.

Points of diversion will be more or less continuous between the up-stream and down-stream diversion points.

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

8. Estimated cost of work:

(a) Head Gates, \$ Still in Planing stage

(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.)

Plugs & Spreaders

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.11. Time required for complete application of water to the proposed beneficial use 5 years.

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

Philp Pioneer Review

STATE OF SOUTH DAKOTA

County of Haskell

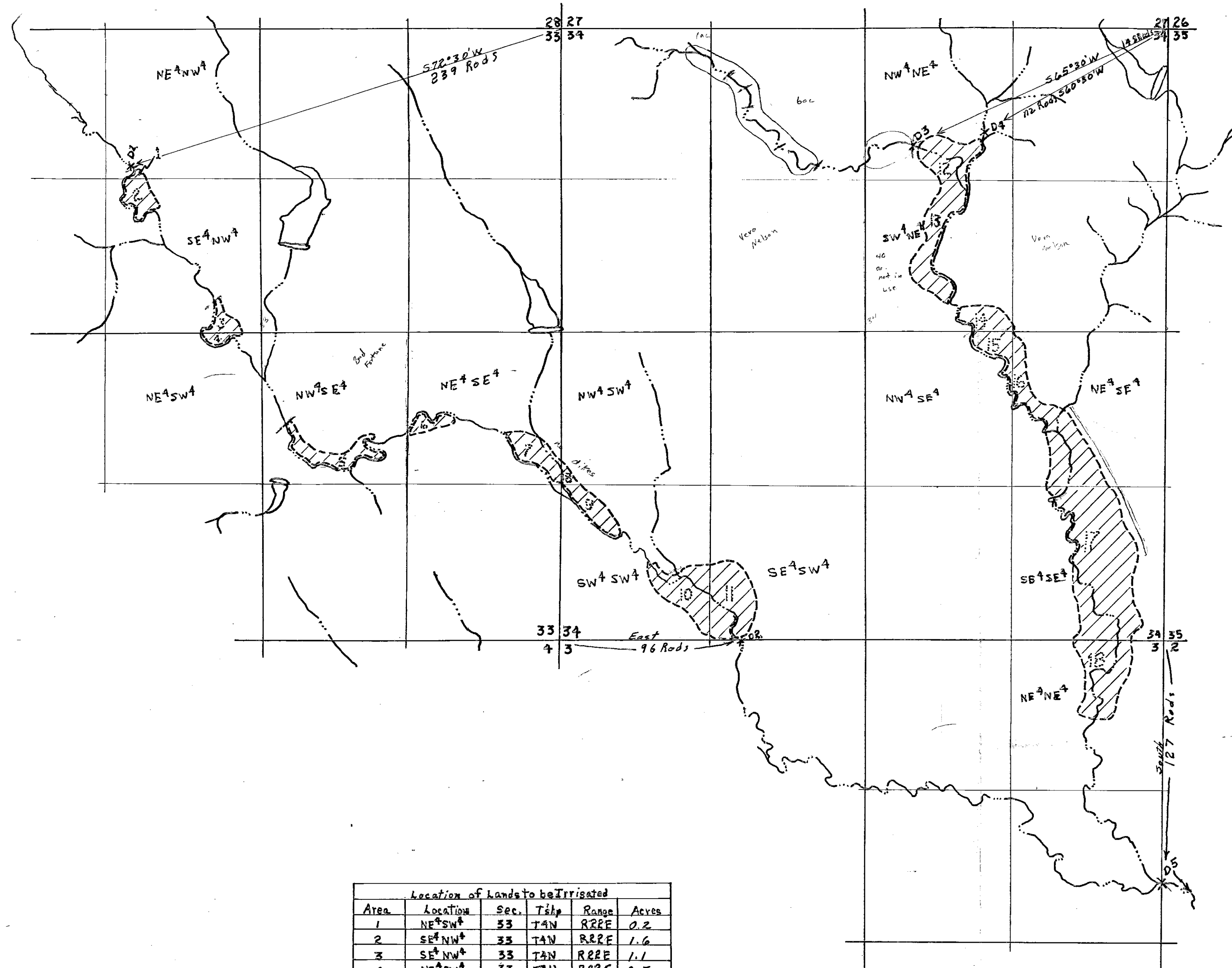
ss.

I, R. A. Fortune, 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 R. A. Fortune

Subscribed and sworn to before me, this ----- day of ----- 19-----

My commission expires 12/7/68James B. Hines
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Scale: 8"=1 Mile
(from aerial photo)
Irrigable
D₁, D₂, D₃, D₄, and D₅ are
points of diversion

FORTUNE IRRIGATION PROJECT #1

ALL LANDS DESCRIBED HEREIN ARE OWNED BY R. A. FORTUNE

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF HAAKON

I, Meric D. Gigeer, Registered Land Surveyor, do hereby certify that this map was made from field notes and aerial photographs of the area, and 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 14 day of April, 1961.

Meric D. Gigeer
Registered Land Surveyor #1007

STATE OF SOUTH DAKOTA) ss
COUNTY OF HAAKON

On this 14 day of April, 1961, before me, James B. Kinney, the undersigned officer, personally appeared Meric D. Gigeer, 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

Location of Lands to be Irrigated					
Area	Location	Sec.	Twp.	Range	Acres
1	NE 1/4 SW 1/4	33	T4N	R22E	0.2
2	SE 1/4 NW 1/4	33	T4N	R22E	1.6
3	SE 1/4 NW 1/4	33	T4N	R22E	1.1
4	NE 1/4 SW 1/4	33	T4N	R22E	0.5
5	NW 1/4 SE 1/4	33	T4N	R22E	2.2
6	NE 1/4 SE 1/4	33	T4N	R22E	0.9
7	NE 1/4 SE 1/4	33	T4N	R22E	2.3
8	NW 1/4 SW 1/4	34	T4N	R22E	0.4
9	SW 1/4 SW 1/4	34	T4N	R22E	2.0
10	SW 1/4 SW 1/4	34	T4N	R22E	4.3
11	SE 1/4 SW 1/4	34	T4N	R22E	5.5
12	NW 1/4 NE 1/4	34	T4N	R22E	3.5
13	SW 1/4 NE 1/4	34	T4N	R22E	4.9
14	SW 1/4 NE 1/4	34	T4N	R22E	1.9
15	NW 1/4 SE 1/4	34	T4N	R22E	1.8
16	NE 1/4 SE 1/4	34	T4N	R22E	7.8
17	SE 1/4 SE 1/4	34	T4N	R22E	15.9
18	NE 1/4 NE 1/4	3	T4N	R22E	5.9
3 TOTAL					62.7

Remarks by State Water Resources Commission:

Diversion structures built under this Permit must
INCORPORATE PROVISIONS for passing low flows to
satisfy downstream domestic uses & prior water
rights.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

August 10, 1961

This is to certify that the foregoing application was received by the Commission at 10:45 o'clock

A.M. upon the 27th day of April, 1961.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit 703-2

Date of first receipt of application April 27, 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 27, 1961

Approved July 19, 1961, Recorded in Book 6 11 310

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 .89 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:

whenever available

Witness my hand this 10th day of August, 1961.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued , 19

Water License Issued , 19

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County of Haakon } ss.RECEIVED
AUG 8 1961STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTARay H. Henson being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from thePioneer 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 Phillip County of Haakon and State of South Dakota; that the said notice was published in said newspaper on the following dates:June 22, 1961June 29, 1961July 6, 1961July 13, 1961In each and every issue of the full number thereof, the first publication being made on the 22 day of June1961 and the last publication on the 13th day ofJuly 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.Ray H. HensonSubscribed and sworn to before me this 5 day of August A. D. 1961Basil E. Henderson
Notary Public Haakon County, S. D.BASIL E. HENDERSON, NOTARY PUBLIC
HAAGON COUNTY, SOUTH DAKOTA
COMMISSION EXPIRES 12-31-68

No. 703-2
 APPROPRIATION OF WATER
 Office of State
 Water Resources Commission
 Pierre, S. D., June 19, 1961

Notice is hereby given that R. A. Fortune whose office address is Phillip, 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 23 cubic feet of water per second of time from Mitchell Creek through the Fortune Irrigation Project No. 31; the point of diversion of which is to be located on both banks of said stream between points in the NE¹/₄ NW¹/₄ Section 33, in the NW¹/₄ NE¹/₄ Section 34, both in T. 4 N., R. 22 E., and a point in the SE¹/₄ of the NE¹/₄ of Section 3, Twp. 3N., Range 22 E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E¹/₄ NW¹/₄ NE¹/₄ SE¹/₄ Section 33; W¹/₄ SW¹/₄ and SE¹/₄ SW¹/₄ W¹/₄ NE¹/₄ SE¹/₄ Section 34, T. 4 N., R. 22 E.; NE¹/₄ NE¹/₄ Section 3, T. 3 N., R. 22 E.

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.

State Water Resources Commission
 By: Burton F. Jones
 Water Right Specialist
 (Published June 22, 29, July 6 & 13)

On or before
(First Publication) June 22, 1961

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 17, 1961

R. A. Fortune

Notice is hereby given that Philip whose postoffice address is 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 .89

cubic feet of water per second of time from ~~the~~ Mitchell Creek through the

Fortune Irrigation Project #1 the point of diversion of which is to be located on the both
between points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec-
tion 34,
bank of said stream in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of the 1/4 of Section 3 portions of both in
Twp. 3N Range 22 E Said water to be used for the purpose of providing irrigation of the fol- T 4 N,
lowing described land: R 22 E,
and a point

NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33; W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$,
SE $\frac{1}{4}$, Section 34, T 4 N, R 22 E; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, T 3 N, R 22 E

and for ~~XXXXXX~~ ~~XXXXXX~~

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, S. Dak.

State Water Resources Commission

By:

~~XXXXXXXXXXXXXXXXXXXX~~
Burton F. Jones
Water Right Specialist

703-2

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 703-2

(1) R A Fortune of Philip, SD made Application No. 703-2, April 27, 1961 for a water permit to appropriate 0.89 cubic feet of water per second from Mitchell Creek, Haakon County, South Dakota for irrigation purposes. Permit No. 703-2, with a priority date of April 27, 1961 was approved July 19, 1961 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 19, 1966 and for the application to beneficial use of said water on or before July 19, 1966.

On April 9, 1984, portions of Water Permit No. 703-2 were transferred to Dan Nelson. The remaining portions of the land described in No. 703-2 have been abandoned.

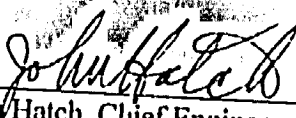
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.45 cubic feet of water per second for beneficial use. The location of the diversion points are:

- 1700'W of the E 1/4 corner (NW 1/4 SE 1/4) Section 34, T4N, R22E;
- 800'W and 625'S of the E 1/4 corner (NE 1/4 SE 1/4) Section 34, T4N, R22E;
- 850'W and 1000'S of the E 1/4 corner (NE 1/4 SE 1/4) Section 34, T4N, R22E;
- 600'W and 330'N of the SE corner (SE 1/4 SE 1/4) Section 34, T4N, R22E

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 32 acres of land:

Section 34, T4N, R22E		Section 3, T3N, R22E	
NW 1/4 SE 1/4	2 acres	NE 1/4 NE 1/4	6 acres
NE 1/4 SE 1/4	8 acres		
SE 1/4 SE 1/4	16 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Dan Nelson of 20156 Wilsey Road, Creighton, SD 57729 the holder and/or owner of Water Permit No. 703-2 is issued a license to appropriate water, the right to use 0.45 cubic feet of water per second from Mitchell Creek with a priority date of April 27, 1961 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 703-2 and subject to South Dakota State Law.


John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996

date



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

April, 1981

Dear Sir:

This is to remind you that the South Dakota Water Management Board has not yet received your estimate of the 1980 irrigation use. An additional data sheet is enclosed in case that you have mislaid the original data sheet sent to you.

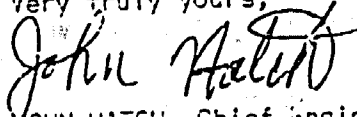
If you did not irrigate in 1980, this also should be indicated on the enclosed data sheet, to be returned to this office. The information you can furnish is important. It is satisfactory to estimate, if you have not kept records and you can send the information in a form other than shown on the data sheets.

For your information, a water permit can be cancelled for non-development or non-use of the water. A permit owner has up to 5 years to complete the project; a permit can be cancelled following 5 years, if there is no development.

A water right can be cancelled after the initial development period, if the water is not used for a period of three years, if water is available. Submission of the irrigation questionnaire does establish a record of water use in the event there is any question on water use.

If you have already submitted your 1980 irrigation questionnaire, thank you for your cooperation and please disregard this notice.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

encl

Equal Opportunity Employer

PS Form 3811, Dec. 1980

SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

☒ Show to whom and date delivered **C**

☐ Show to whom, date, and address of delivery.. **C**

2. ☐ **RESTRICTED DELIVERY** **C**
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**

Bud Fortune

Phillip, SL 57567

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED

☒ CERTIFIED ☐ COD

☐ EXPRESS MAIL

ARTICLE NUMBER

404 786 655

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Bud Fortune

DATE OF DELIVERY

Sept. 6, 1984

5. **ADDRESSEE'S ADDRESS (Only if requested)**

SEP 6 1984

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

[Signature]

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Permit No. 703-2
Bad River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 24, 1983, made a thorough examination of the water use system constructed by R. A. Fortune, now owned by Dan Nelson of 20156 Wilsey Road, Creighton SD 57729 holder of Permit No. 703-2, bearing the priority of April 27, 1961 authorizing the diversion of 0.89 cu. ft. per second of the waters of Mitchell Creek for irrigation purposes, in Haukon County.

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

A. Works used to divert the water:

Dikes (4) size: 3 to 5 feet high
 type: earth
 length: 60 to 90 feet each

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

Canal: width: 2 to 3 feet
 depth: 2 feet
 length: 1,300 feet
 type: earth

C. Works used to apply water to beneficial use:
 waterspreading system

The system is in the following condition fair. The point of diversion is located 1,700 feet W (NW $\frac{1}{4}$ SE $\frac{1}{4}$); 800 feet W and 625 feet S (NE $\frac{1}{4}$ SE $\frac{1}{4}$); 850 feet W and 1,000 feet S (NE $\frac{1}{4}$ SE $\frac{1}{4}$); all from the E $\frac{1}{4}$ corner of section 34; 620 feet W and 330 feet N (SE $\frac{1}{4}$ SE $\frac{1}{4}$) from the SE corner of section 34; all in T4N-R22E. The works are capable of diverting and conveying to the place of use 0.45 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

section 34-T4N-R22E	# of acres	section 3-T3N-R22E	# of acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2	NE $\frac{1}{4}$ NE $\frac{1}{4}$	6
NE $\frac{1}{4}$ SE $\frac{1}{4}$	8		
SE $\frac{1}{4}$ SE $\frac{1}{4}$	16		

comprising a total of 32 acres of land and the license should be issued for 0.45 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date report completed: May 28, 1996


 Ron Duvall
 Natural Resources Engineer
 DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 703-2

DATE OF INVESTIGATION:	August 24, 1983
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Dan Nelson
NAME & ADDRESS OF PERMIT HOLDER	Dan Nelson 20156 Wilsey Rd Creighton SD 57729
DIVERSION POINT LEGAL LOCATION	1,700 feet Y (NW $\frac{1}{4}$ SE $\frac{1}{4}$); 800 feet W and 625 feet S (NE $\frac{1}{4}$ SE $\frac{1}{4}$); 850 feet W and 1,000 feet S (NE $\frac{1}{4}$ SE $\frac{1}{4}$); all from the E $\frac{1}{4}$ corner of section 34; 600 feet W and 330 feet N (SE $\frac{1}{4}$ SE $\frac{1}{4}$) from the SE corner of section 34; all in T $\frac{1}{2}$ N-R22E.

Other permit(s) associated with the project: none

DISTRIBUTION LINES OR CANALS:

Dikes (4) size: 3 to 5 feet high
type: earth
length: 60 to 90 feet each

Canal: width: 2 to 3 feet
depth: 2 feet
length: 1,300 feet
type: earth

SYSTEM TYPE: Waterspreading

CHEMIGATION EQUIPMENT:

1) Does chemigate N

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y (diversion dikes are mostly full of silt allowing low flows to go around dikes)
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Not Available

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 3/5/84

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

NW 1/4 SE 1/4 (1.9 ac), NE 1/4 SE 1/4 (7.8), SE 1/4 SE 1/4 (15.9 ac), in sec 34, T4N, R22E
NE 1/4 NE 1/4 (5.9 ac) in sec 3, T3N, R22E

Formerly owned by R.A. Fortune

has been transferred to Dan Nelson, Plum Creek Route 1 Box 11, Philip, SD 57567
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 703-2A as provided for in SDCL 46-5-32 and 46-5-33.

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

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

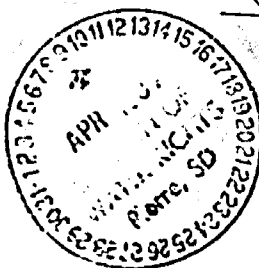
STATE OF SOUTH DAKOTA)
County of Harrison) ss.

I, DAN NELSON 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.

Dan Nelson
(Signed)

Subscribed and sworn to before me this 4th Day of April, 1984.

Phyllis E. Hapke
(Notary Public)



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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 703-2C

March 20, 1984

Rud Fortune
Phillip,
South Dakota 57567

Dear Mr. Fortune:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 703-2C has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Aide

Also enclosed is a "Notice of Transfer" form. Please check over, date, sign, have notarized and return with a \$2.50 filing fee so that the permit can be changed to your name. Total amount due for the Water License and transfer is \$52.50/

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 703-2A

March 20, 1984

Dan Nelson
Box 11
Phillip SD 57567

Dear Mr. Nelson:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 703-2A has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

KAREN SCHLAACK
Administrative Aide

Also enclosed is a "Notice of Transfer" form. Please check this over, date, sign, have notarized and return with a \$2.50 filing fee so that the permit can be changed to your name. Total amount due for the Water License and transfer is \$52.50.

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

WATER RIGHTS DIVISION
(605) 773-3352

September 4, 1984

Notice of Water License Inspection Fee Requirement
703-2C

SECOND NOTICE

Bud Fortune
Phillip, South Dakota 57567

Dear Mr. Fortune:

March 20, 1984 you were notified the final inspection fee of \$50.00 is due before Water License No. 703-2C can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with a required filing fee of \$2.50. The total amount of fees due for transfer and licensing is \$52.50.

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, please contact us.

Sincerely,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ms
Enc.

South Dakota
Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

October 17, 1984

NOTICE TO SUBMIT IRRIGATION QUESTIONNAIRE

The 1984 Irrigation Water Use Questionnaire(s) and a postage paid return envelope are enclosed. Water Management Board Rules require the Irrigation Questionnaire(s) to be submitted each year. Please complete the enclosed questionnaire(s) as accurately as possible and return by November 26, 1984.

If you have multiple permits, you may receive more than one questionnaire. Complete the questionnaire for each water permit or water right. If you are unable to do so, complete one and return all questionnaires. Make any necessary corrections to your mailing address. If you no longer own the land that a water permit or water right pertains to, indicate this on the bottom of the questionnaire(s) and return the questionnaire(s) to this office. Be sure to include the new owner's name and mailing address.

Irrigation water use data is very valuable. Actual water use from an aquifer or stream helps the Board determine if additional water permits can be approved. Returning the questionnaire also establishes a record of water use. And provides excellent documentation of South Dakota's rights and claims to water when dealing with downstream States.

If you have any questions, or need assistance in completing the form, please contact us.

For the Water Management Board,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is req. ested (check one).
☒ Show to whom and date delivered —C
☐ Show to whom, date, and address of delivery.. —C
 2. ☐ **RESTRICTED DELIVERY** —C
 (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:

Bud Fortune
Philip 57567
QUINN, S.D. 57775

- 4. TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
P 404 786 632

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

7-10-85

POSTMARK

JUL 10 1985

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
JR Pin

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Water Rights Division
605 773-3352

July 8, 1985

THIRD NOTICE
Permit No. 703-2C

NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 703-2C FOR FAILURE TO
SUBMIT WATER LICENSE INSPECTION FEE

Bud Fortune
Philip SD 57567
Phone 57775
Dear Mr. Fortune:

On March 20, 1984 and September 4, 1984 you were notified the final inspection fee of \$50.00 was due before Water License No. 703-2C can be issued. To date, the fee has not been received.

On the above dates, transfer forms were sent to you for transferring those portions of Water Permit 703-2 owned by you to your name. Enclosed is an additional form, please sign, have notarized and return the form to this office. A \$2.50 filing fee is required by South Dakota Water Law 46-5-30.3 for filing of the transfer. The total amount of fees due is \$52.50.

South Dakota Water Law 46-5-30.1 requires that appermit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 703-2C until the \$50.00 fee is paid.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ks

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Bud FortuneADDRESS: ^{Quin}Philip, S.D. 57567 COUNTY HaakonDATE: 4/27/88 TELEPHONE 457-3555RE: Permit Cancellation

COMMENTS:

Called Bud Fortune, told him that he owes us 52.50\$
for transfer fee and final inspection, he let me talk to his secretary.
I told her the situation, & also told her if they weren't using
water to irrigate we could cancel the permit and they wouldn't
owe us anything. She said, she was new in the job and
she would get back to me.

4/28/88She called this morning, Madeline took the message.She said that the permit had been abandoned.Ready for Cancellation.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

Conversation or File Documentation

NAME OF PERSON OR FILE: Vera NelsonADDRESS: Plum Creek Route, Philip SD COUNTY HaakonDATE: August 31, 1988 TELEPHONE _____RE: Status of permit application

COMMENTS:

Vera Nelson called and stated that the dikes had been put in approximately 30 years ago and many were no longer effective for waterspreading. I informed Mrs. Nelson that if the system is no longer in use, then no application needs to be filed. However, the Division of Water Rights would need that verified in writing and then the portion of acreage described on Permit No. 703-2 owned by Mrs. Nelson could also be considered for cancellation, if it was not being used. Mrs. Nelson indicated she would discuss this matter with her husband and then contact me later.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 24, 1996

Dan Nelson
HCR 4, Box 11
Philip SD 57567

Dear Mr. Nelson:

I am writing concerning an existing water permit for irrigation in the name of R. A. Fortune. The permit authorizes irrigation via water spreading dikes located along drainages in portions of sections 33 and 34-T4N-R22E and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 3-T3N-R22E. Several years ago I viewed the property covered by the water permit and found that the property had been divided among you, Vera Nelson, and Bud Fortune.

It was discussed a few years later whether or not all of the property was being irrigated. Vera Nelson indicated via phone that the dikes on her property had been put in place over 30 years ago and were no longer effective for irrigation. At the time of the phone conversation, I asked Ms. Nelson to confirm in writing that the irrigation system was abandoned but nothing was received. A phone conversation with Bud Fortune and his secretary also noted that the acreage owned by Mr. Fortune had been abandoned for irrigation purposes. You indicated that the property in the N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 34-T4N-R22E and NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 3-T3N-R22E amounting to a little over 31 acres was being irrigated by spreader dikes and a diversion ditch.

Based on this information, I propose that the water permit be transferred to your name and licensed for irrigation of 31.4 acres as described above. If this is not acceptable to either you, Vera Nelson, or Bud Fortune, then anyone of you may contact me at (605) 773-3352. Please respond by May 3, 1996, if you have any concerns. I will proceed with licensing the permit as described above unless other information indicates I should pursue some other action.

I should also note that any spreader dikes that hold water for an extended period of time in the areas no longer irrigated do need to be covered by a location notice. As I recall, the dikes were about 3 to 5 feet high and were mostly full of silt.

Thank you for taking the time to consider this matter. If you would like a copy of the map of the irrigated area or a copy of the permit, please let me know and I will send a copy immediately.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

c: Vera Nelson, HCR 4, Box 11, Philip SD
Bud Fortune, HCR 84, Box 14, Quinn SD

Water Rights Program -- File Documentation

NAME: Dan Nelson

ADDRESS: 20156 Wilsey Road, Creighton SD 57729

DATE: May 16, 1996

COUNTY: Haakon

TELEPHONE: 457-3636

RE: Licensing of Water Permit No. 703-2

COMMENTS:

On April 24, 1996, a letter was sent to Dan Nelson, Vera Nelson and Bud Fortune concerning licensing of Water Permit No. 703-2. Vera Nelson called on May 14, 1996, and confirmed that the portion of the permit on her land is no longer maintained for irrigation. Ms. Nelson also noted that the mailing address was not correct for Dan Nelson and that she had also opened his copy.

On May 16, 1996, I called Mr. Nelson to determine if his property was continuing to be irrigated. Mr. Nelson indicated that the ditch and dikes are in-place and used for irrigation. No response was received from Bud Fortune and a file documentation by Rassool Ahadi, staff engineer, dated April 27, 1988, indicates the irrigation use was abandoned.

RECOMMENDED ACTION:

As noted in the April 24, 1996 letter, the permit should be licensed for the acreage located on Mr. Nelson's property located in the N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ section 34-T4N-R22E and NE $\frac{1}{4}$ NE $\frac{1}{4}$ section 3-T3N-R22E. A transfer of ownership form and the \$50.00 licensing fee have already been received from Mr. Nelson. It is not necessary to retain the "A" number assigned to the transfer of ownership since the areas owned by Bud Fortune and Vera Nelson have been abandoned.



Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

703-2

Dan Nelson
20156 Wilsey Road
Creighton, SD 57729

Dear Mr. Nelson:

Enclosed is Water License No. 703-2 and Receipt No. 4-9637 for \$52.50 which was assessed for an investigation, issuance and transfer of the license. Water License No. 703-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

(605) 773-3352

gm
enclosures

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

703-2

No 4 9637

Pierre, April 9, 19

RECEIVED OF Oan Nelson, Plum Creek Route, Box 11, Phillip, SD 57567

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

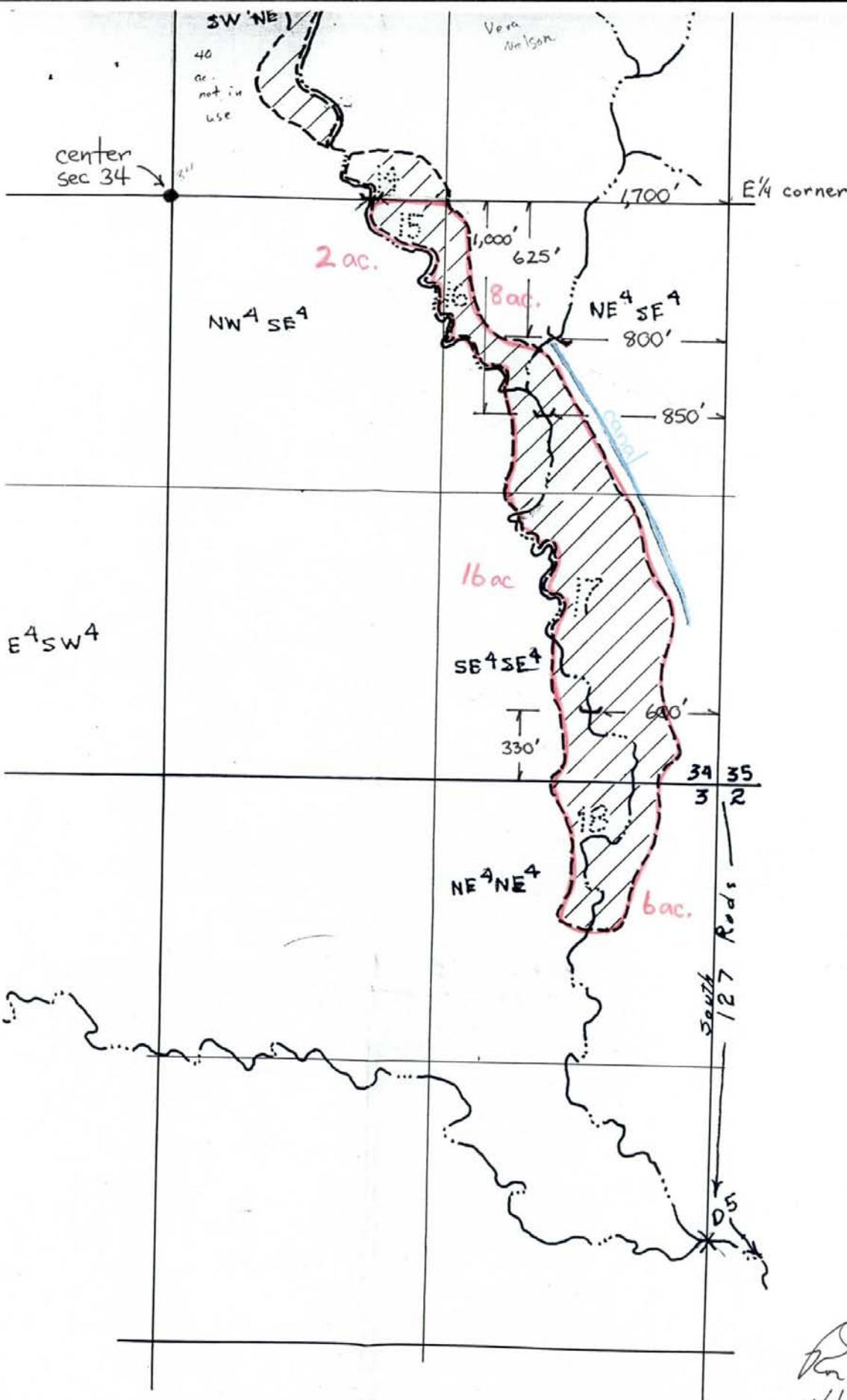
Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>703-2A</u>	50	00
Fee for Filing Transfer Form <u>703-2A</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	52	50

By

John Hatch

Chief Engineer

JOHN HATCH



Scale: 8" = 1 Mile
 (from aerial photo)
 Irrigable (hatched area)
 D₁, D₂, D₃, D₄, and
 points of diversion
 1" = 660'

Ken Juvall
 Natural Resources Engineer
 5/28/96

Permit No. 703-2