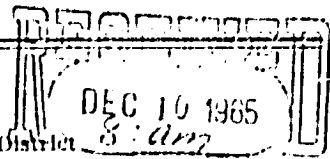


870-2

1. Considered 1-19, 1966
2. Name of Applicant William George Henry
3. Post Office Address 11.1.1. Springs
4. Amount of water claimed 500
5. Source of water supply Deep River
6. Water to be used for Irrigation
Acres to be irrigated 36.00
7. Water to be diverted and used in Deep River County about
2.50 miles of 11.1.1. Springs
8. Proof of Publication Received _____
Not Received Just
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 816-2Water Division No. 2 FALL RIVER
(blanks to be filled by the Engineer for the W. R. C.)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 DOLLORES JEAN ALLEN
Postoffice address Box 5 Hot Springs County FALL RIVER State S. DAK.

I. If a corporation

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

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

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

2. Name of diversion work BILOPS IRRIGATION PROJECT
3. Amount of water claimed .52 cubic feet per second
4. Source of water supply FALL RIVER
5. Location of point of diversion SEE ATTACHMENT
_____ on RIGHT bank FALL RIVER County.
6. Annual period or periods during which water is to be used APRIL THRU OCTOBER
7. To be used for:

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

- (a) Number of acres to be irrigated
- 36.93
- acres.

- (b) Legal subdivisions to be irrigated
- SEE ATTACHMENT

(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 _____

MAP NO 755-2

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.)

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 race; slope at back face material used in construction

(b) Reservoir: Capacity when filled acre feet. Surface area at high-water 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 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

HOT SPRINGS STAR, HOT SPRINGS, S.D.

STATE OF SOUTH DAKOTA

County of Fall River

ss.

I, Dolores Jean Allen, 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

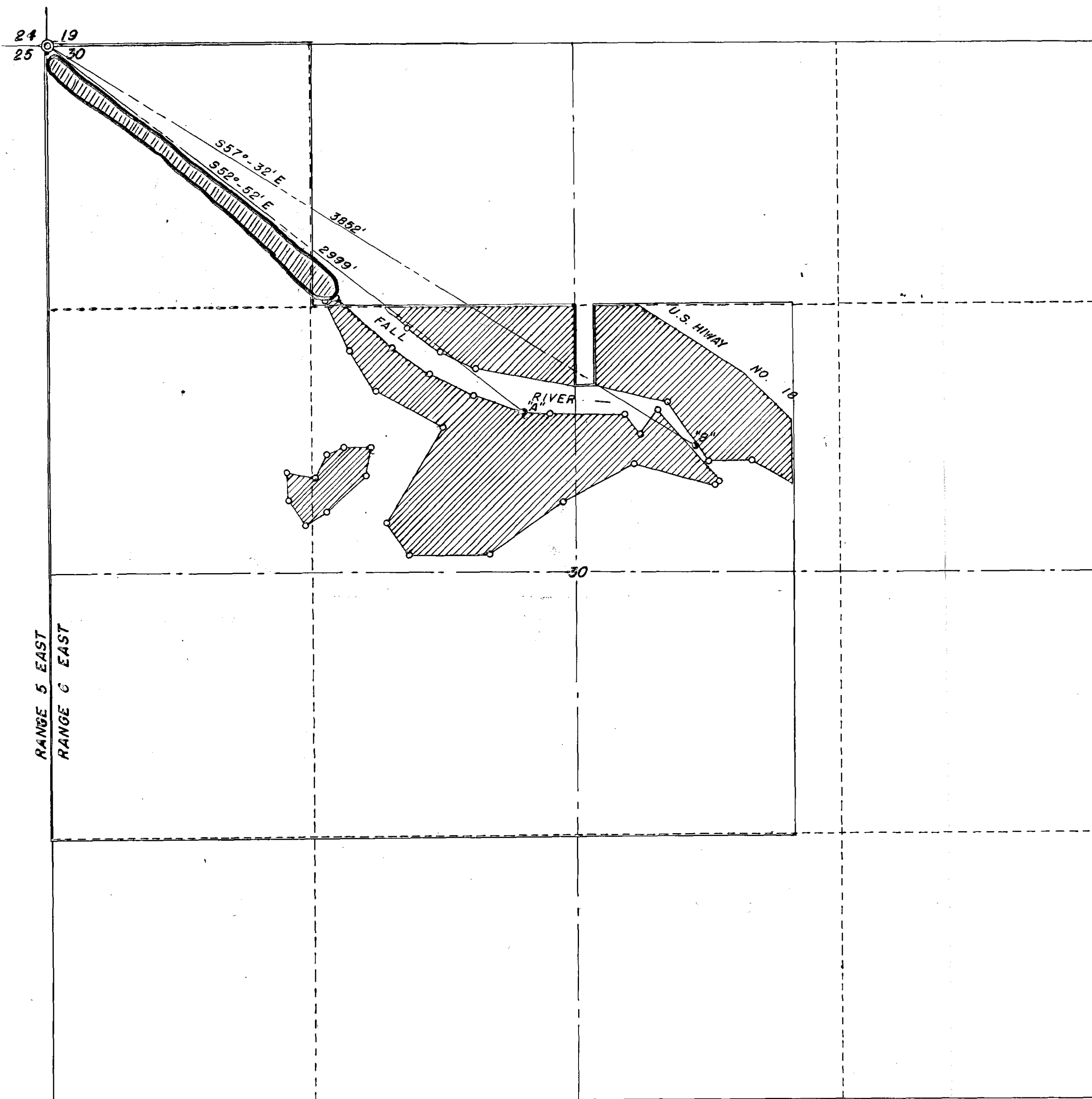
Dolores Jean Allen

Subscribed and sworn to before me this 8th day of December 1965

Notary Public (or other qualified officer.)

Register of Deeds

*Each diversion must have a headgate or measuring device.



SCALE: 1" = 400'

NEAL ALLEN SPRINKLER IRRIGATION NO. 1

FROM

FALL RIVER

PROPOSED LAYOUT FOR IRRIGATION

IN

SECTION 30, TOWNSHIP 7 SOUTH, RANGE 6 EAST, BLACK HILLS MERIDIAN

NEAL ALLEN, OWNER

ACREAGE			
NE 1/4	NW 1/4	0.07	ACRES
SE 1/4	NW 1/4	22.62	ACRES
SW 1/4	NW 1/4	0.62	ACRES
SW 1/4	NE 1/4	13.62	ACRES
TOTAL		36.93	ACRES

NW 1/4

LEGEND

OWNERSHIP BOUNDARIES ———
LANDS TO BE IRRIGATED ▨
SECTION CORNER FOUND ⊙

Appl. # 876-2

SURVEYORS CERTIFICATE

I, DELBERT E. ROBINSON, OF NEWCASTLE, WYOMING, HEREBY CERTIFY THAT AT THE REQUEST OF NEAL ALLEN OF HOT SPRINGS, SOUTH DAKOTA, I MADE A SURVEY OF THE TRACTS OF LAND SHOWN HEREON ON MAY 27, 1961, AND THAT THIS MAP CORRECTLY REPRESENTS THE IRRIGATION WORKS, THE LOCATION, AND THE AREA OF THE LAND TO BE IRRIGATED.

Delbert E. Robinson
SOUTH DAKOTA REGISTRATION NO. 1000
DATE June 20, 1961

ACKNOWLEDGEMENT

COUNTY OF WESTON) SS
STATE OF WYOMING)
ON THIS 20th DAY OF June, 1961, BEFORE ME PERSONALLY APPEARED DELBERT E. ROBINSON, TO ME KNOWN TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES August 10, 1964

Ed Nelson
NOTARY PUBLIC

FLETCHER-ROBINSON ENGINEERING COMPANY
NEWCASTLE, WYOMING

MAP # 1552 APPL. NO. 876-2

Remarks by State Water Resources Commission:

APPROVAL OF THIS PERMIT RECOGNIZES A CHANGE
IN DIVERSION POINT AND TRANSFERS THE PRIORITY
FROM THE LOCATION NOTICE 0636-2 BY JAMES P.
BILLUPS.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 25, 1966

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

on the 10TH day of DECEMBER, 1965

State Water Resources Commission

By:

Arthur Jones
for Chief Engineer, Executive Officer

Number of permit 876-2

Date of first receipt of application DECEMBER 10, 1965

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 JANUARY 29, 1966

Approved JANUARY 19, 1966, Recorded in Book 9 Page 89

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 17, 1968

2nd. The whole of said work is to be completed on or before JANUARY 19, 1971

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

JANUARY 19, 1975

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 .52 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 19, 1975; said water to be used during the following described annual period:

APRIL THRU OCTOBER
25TH day of JANUARY, 1966

Witness my hand this

State Water Resources Commission

By:

Arthur Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 21, 1974

Water License Issued

MAY 21, 1974

POINTS OF DIVERSION

BETWEEN A POINT S $57^{\circ}32'E$,
3852 FT. AND A POINT S $52^{\circ}52'E$,
2999 FT. FROM THE NW CORNER
SECTION 30, T7S, R6E.

LANDS TO BE IRRIGATED

ALL IN SECTION 30, T7S, R6E

NW ⁴ NW ⁴	7	acres
NE ⁴ NW ⁴	.07	acres
SE ⁴ NW ⁴	22.62	"
SW ⁴ NW ⁴	.62	"
SW ⁴ NE ⁴	13.62	"

TOTAL 36.93 ACRES.

WATER LICENSE NO. 876-2

(1) WHEREAS, On the 10th day of December A. D. 1965
 Dolores Jean Allen
 made Water Right Application No. 876-2 for a permit to use .52 cubic feet per second of the waters
 of Fall River
 County of Fall River, State of South Dakota, for Irrigation
 purposes; and
 (2) WHEREAS, On the 25th day of January A. D. 1966
 Permit No. 876-2, with a date of priority of January 29, 1896
 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 January A. D. 1971 and for the
 application to beneficial use of said water on or before the 19th day of January A. D. 1975

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 .52 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 30, T7S, R6E

NW $\frac{1}{4}$ NW $\frac{1}{4}$	7.00 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	.07 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	.62 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	22.62 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	13.62 acres
Total	43.93 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 Dolores Jean Allen

_____ of Hot Springs, S.D.

the holder _____ and owner _____ of said permit No. 876-2 a water right, dating from January 19, 1896

_____ to use of .52 cubic feet per second of the waters

of Fall River

in the County of Fall River and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbefore mentioned, to be diverted at between points South 57° 32' East, 3852 feet and

South 52° 52' East, 2999 feet from the NW Corner, Section 30, T7S, R6E

and conduct to and upon portions of Section 30, T7S, R6E more fully described on the face

of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 876-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 21st day of May A. D.

Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer **DONALD DRISCOLL**

Form 15.

Permit No. 876-2

Water Diversion No. 2 FALL RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Dolores Jean Allen

_____ the holder _____ of
Permit No. 876-2, issued upon Application No. 876-2, bearing date of priority of January 29, 1896
authorizing the diversion of .52 cu. ft. per second of the waters of Fall River
County of Fall River, State of South Dakota at
between points South 57° 32' East, 3852 Feet and South 52° 52' East, 2999
feet from the NW Corner, Section 30, T7S, R6E
_____, for irrigation

purposes, has _____ 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 .52 cu. ft. per second of water.

Date May 21, 1974

WATER RIGHTS COMMISSION

By

DONALD DRISCOLL, Chief Engineer

on or before December 23, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 13, 1965

Notice is hereby given that Dolores Jean Allen whose postoffice address is Hot Springs, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a change in diversion point, and for a permit to appropriate for beneficial use 52 cubic feet of water per second of time from Fall River through the Billups Irrigation Project the point of diversion of which is to be located on the right bank of said stream/in the SW 1/4 of the NE 1/4 of Section 30 Twp. 7S Range 6E portions of

lowing described land:

E 1/2 NW 1/4, SW 1/4 NW 1/4, and SW 1/4 NE 1/4, Section 30, T7S, R6E

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of January, 1966, 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

CC: E. E. Hansen, Manager
Hot Springs Star
Hot Springs, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Fall River } ss.

I, E. E. Hansen being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Hot Springs Star 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 Hot Springs County of Fall River and State of South Dakota; that the said notice was published in said newspaper on the following dates:

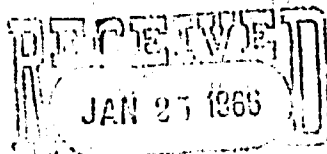
December 16, 23, 30, 1965

January 6, 1966

in each and every issue of the full number thereof, the first publication being made on the 16th day of December 1965 and the last publication on the 6th day of January 1966, 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.

E. E. Hansen

Subscribed and sworn to before me this 10th day of January A. D. 1966



STATE WATER RESOURCES COMMISSION
FALL RIVER COUNTY, S. D.

Notary Public George M. Leonard County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak.

December 13, 1965
Notice is hereby given that Dolores Jean Allen whose post-office address is Hot Springs, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a change in diversion point, and for a permit to appropriate for beneficial use .52 cubic feet of water per second of time from Fall River through the Billups Irrigation Project, the point of diversion of which is to be located on the right bank of said stream between a point in the SE 1/4 NW 1/4 and a point in the SW 1/4 of the NE 1/4 of Section 30 Twp. 7S Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land: E 1/4 NW 1/4, SW 1/4 NW 1/4, and SW 1/4 NE 1/4, Section 30, T7S, R6E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of January, 1966, 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.

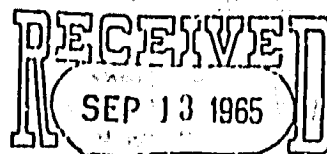
State Water Resources Commission

By: BURTON F. JONES
Water Right Specialist
(Dec. 16, 23, 30, Jan. 6)

Location No.

Water Division No.

Water District

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. DOLORES JEAN ALLEN, RANCHER (MRS HEAL ALLEN)BOX 5 HOT SPRINGS, SOUTH DAKOTA

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

Ans.

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

Ans. SEE JAMES P. BILUPS FILING 0636-z

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

Ans. FALL RIVER, BETWEEN POINTS 557°32'38"E, 3852ft.AND 552 52'E 2999ft. FROM THE NW CORNER SEC 30 T. 75, R. 6E

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

Ans. PORTABLE PUMPING PLANT AND SPRINKLER SYSTEM

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

Ans. PER ATTACHED MAP

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

Ans.

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

Ans. 100 ACRE FEET ANNUALLY

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

Ans. PURCHASE

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

Ans. THE AREA BEEN IRRIGATED CONTINUOUSLY SINCE THE FILING WAS MADE BY
VARIOUS OWNERS. THE MAP REPRESENTS THE ACREAGE NOW UNDER IRRIGATION
SINCE THE PRESENT HIGHWAY WAS CONSTRUCTED.

(Sign) *William E. Linn*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Fall River Hot Springs County of Fall River

State of South Dakota, on this 24th day of September A.D. 1965

Witnesses. *Norman K. Blatchford*
Norman K. Blatchford
Notary Public, South Dakota

Commission Expires May 28, 1967

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

Maxim T. Hester
William E. Linn

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

Permit No. 876-2Water Division 2 FALL RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

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 DOLORES
JEAN ALLEN of HOT SPRINGS, S.D. holder
of Permit No. 876-2, bearing date of priority of JANUARY 29, 191896
authorizing the diversion of .52 cu. ft. per second of the waters of FALL RIVER
for IRRIGATION purposes, in FALL RIVER 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:

5 H.P. WISCONSIN MODEL X SPEC. X4-1500 No-58
3 INCH BERKELEY L-119 CENTRIFUGAL-MODEL 3WARD

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

100 FEET OF 4 INCH ALUMINUM MAINLINE

C. Works used to apply water to beneficial use.

700 FEET OF 4 INCH PERFORATED ALUMINUM PIPE

The system is in the following condition: GOOD

The point of diversion is located BETWEEN A POINT S 57° 32' E 3852
FEET AND A POINT S 52° 52' E 2999 FEET FROM NW CORNER
OF SEC. 30 T 75 R 6E BHM

The works are capable of diverting and conveying to the place of use .52
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: AS SHOWN ON MAP NO. 155

NE 1/4	NW 1/4	SEC. 30	T 75 R 6E BHM	.07 ACRES
SE 1/4	NW 1/4	SEC. 30	T 75 R 6E BHM	22.62 ACRES
SW 1/4	NW 1/4	SEC. 30	T 75 R 6E BHM	.62 ACRES
SW 1/4	NE 1/4	SEC. 30	T 75 R 6E BHM	13.62 ACRES
NW 1/4	NW 1/4	SEC. 30	T 75 R 6E BHM	7.00 ACRES

comprising a total of 43.93 acres of land.Date MAY 7, 1974Thomas Gardner
(Signature)THOMAS A GARDNER
ENGINEER I

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, South Dakota 57501

Date: February 9, 1978

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

portions of NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 30, T7S, R6E

formerly owned by Dolores Jean Allen

has been transferred to Joe Allen, Box 101B, Star Rt., Hot Springs

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 876-2 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 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 Section 61.0159 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of FULL RIVER) SS.

I, Joe Allen being first duly sworn on my oath desist
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.

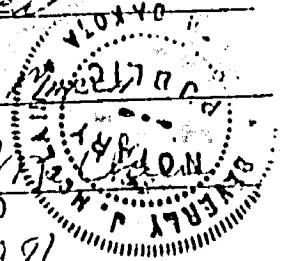
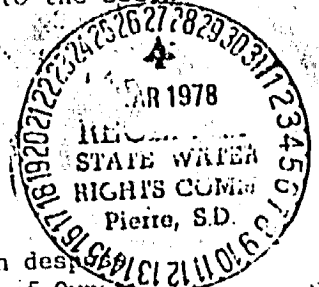
(Signed)

Subscribed and sworn to before me this 14th day of February

19 78.

(Notary Public)

My Commission Expires January 24, 1986



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6409

PIERRE, March 27 19 78

RECEIVED OF Joe Allen, Star Rt., Box 101E, Hot Springs. SD 57747

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.	2	50
Fee for filling transfer of Water Right #876-2		
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 gy

SOUTH DAKOTA

VESTED WATER RIGHT NO. 876-2 FOR IRRIGATION

Date of Receipt of Claim December 10, 1965.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 876-2 for irrigation purposes for Joe Allen, 245 Cinnbar Ln., Salt Lake City UT 84129 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 876-2 appropriates 0.52 cubic feet of water per second from Fall River located between points in the SW 1/4 NE 1/4 and the SE 1/4 NW 1/4 Section 30 to irrigate 43.93 acres located in the NW 1/4, SW 1/4 NE 1/4 Section 30; all in T7S-R6E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - October 31.
3. The priority date of the Vested Water Right is January 29, 1896.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

JUL 1 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



876-2-

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 1 1992

Joe Allen
245 Cinnbar Ln.
Salt Lake City UT 84129

Dear Mr. Allen:

The Water Management Board has validated the enclosed Vested Water Right No. 876-2. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

enclosure



876-2

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

January 29, 1993

NOTICE

TO: JOE ALLEN
2456 CINNABAR
SALT LAKE CITY UT 84214

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

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 876-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 876-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

- 1. ☐ Addressee's Address
 - 2. ☐ Restricted Delivery
- Consent: Postmaster for fee.

3. Article Addressed to: **876-2**

**JOE ALLEN
2456 CINNABAR
SALT LAKE CITY UT 84214**

4a. Article Number: **09011560080**

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

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent) **2593**

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

Thank you for using Return Receipt Service.



876-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

876-2

Joe Allen
HCR 52 Box 101-A1
Hot Springs, SD 57747

Dear Mr. Allen:

I am writing to acknowledge receipt of your 1992 irrigation questionnaire for Water Right No. 876-2. You may disregard the January 29, 1993, Notice of Violation of the Requirement to Submit the 1992 Irrigation Questionnaire.

The questionnaire was received in our office prior to the Water Management Board Meeting and your name has been deleted from the agenda. If you have any questions, please contact me.

Sincerely,

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



876-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: JOE ALLEN, HC 52 BX 100, HOT SPRINGS, SD 57747 9701

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 876-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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 8:30 am, March 3, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 876-2 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 **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



876-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8060

Your item was delivered at 10:35 am on January 21, 2004 in HOT SPRINGS, SD 57747. The item was signed for by J ALLEN.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



POSTAL INSPECTORS
Preserving the Trust

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

Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8060

JOE ALLEN
HC 52 BX 100
HOT SPRINGS SD 57747 9701

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

☐ Priority Mail®
☐ Package Services



876-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2004

876-2

Joe Allen
HC 52 Box 100
Hot Springs SD 57747-9701

Dear Mr. Allen:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 876-2.

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 2010

876-2

Joe Allen
13013 Fall River Rd
Hot Springs SD 57747-7236

Dear Mr. Allen:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 27531 Hiddenbrook Trail, Hot Springs 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,

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

enclosures



876-2
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: JOE ALLEN, 13013 FALL RIVER RD, HOT SPRINGS, SD 57747 7236

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire

Our records indicate your 2014 Irrigation Questionnaire has not been submitted for Permit No(s) 876-2 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) 876-2 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

February 2, 2015

876-2

Joe Allen
13013 Fall River Rd
Hot Springs SD 57747 7236

Dear Mr. Allen:

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. 876-2. 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



876-2
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 25, 2019

NOTICE

TO: JOE ALLEN, 13013 FALL RIVER RD, HOT SPRINGS, SD 57747 7236

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

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire has not been submitted for Permit No(s) 876-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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 **Wednesday, March 6, 2019 at 10:30 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) 876-2 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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 30, 2019

876-2

Joe Allen
13013 Fall River Rd
Hot Springs SD 57747-7236

Dear Mr. Allen:

I am writing to acknowledge receipt of your 2018 irrigation questionnaire.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Right No. 876-2. 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



876-2
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 23, 2020

NOTICE

TO: JOE ALLEN, 13013 FALL RIVER RD, HOT SPRINGS, SD 57747 7236

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 876-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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 **Wednesday, February 26, 2020 at 8:30 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) 876-2 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 **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: APWGTD**

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.

876-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

876-2

Joe Allen
13013 Fall River Rd
Hot Springs SD 57747 7236

Dear Mr. Allen:

I am writing to acknowledge receipt of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 876-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



876-2

**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: JOE ALLEN, 13013 FALL RIVER RD, HOT SPRINGS, SD 57747 7236

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 876-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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 **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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 876-2 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 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 questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: KWFRHP**

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

February 7, 2023

876-2

Joe Allen
13013 Fall River Rd
Hot Springs SD 57747-7236

Dear Mr. Allen:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 876-2. 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