

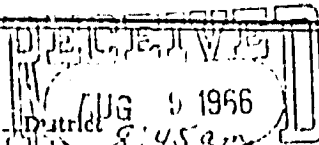
8-90-7

1. Considered 9-15, 1966
2. Name of Applicant P. C. Hamilton
3. Post Office Address Pierre
4. Amount of water claimed 1.26
5. Source of water supply Bad River
6. Water to be used for irrigation
Acres to be irrigated 88.5
7. Water to be diverted and used in Stanley County
about 1 miles 5 of Pierre
8. Proof of Publication Received 121
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 890-2

Water Division No. 2 BAD 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

Postoffice address

1. 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 \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources \$

2. Name of diversion work

3. Amount of water claimed

cubic feet per second

4. Source of water supply

5. Location of point of diversion

on bank

County

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

7. To be used for:

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

(a) Number of acres to be irrigated

(b) Legal subdivisions to be irrigated

(NOTE—A list of land 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 774-2

8. Estimated cost of work.

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

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

(c) Fluming, \$.....

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

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

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

PUMPING PLANT & GATED PIPE
TO LEVELLED LAND

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 1 years.

12. Choice of newspaper for publication of notice of intention to appropriate
FORT PIERRE TIMES, FORT PIERRE, S. DAK.

STATE OF SOUTH DAKOTA

County of HIGGINS ss.

I, P. C. HAMILTON

bein, 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

P. C. Hamilton

Subscribed and sworn to before me this

9TH

day of

AUGUST

1966

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

H. E. Bowers, Notary Public

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES

Pierre, South Dakota, SEPTEMBER 26, 1966

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
9 a.m. upon the 9TH day of AUGUST, 1966

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 890-2

Date of first receipt of application AUGUST 9, 1966

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 AUGUST 9, 1966

Approved SEPTEMBER 15, 1966, Recorded in Book 9 Page 162

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 _____

MARCH 15, 1969

2nd. The whole of said work is to be completed on or before SEPTEMBER 15, 1971

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

SEPTEMBER 15, 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 1.26 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 SEPTEMBER 15, 1975; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 26TH day of SEPTEMBER, 1966

State Water Resources Commission

By:

John L. Miller
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 4, 1968

Water License Issued NOVEMBER 4, 1968

(First Publication on or before August 18, 1966)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak, August 9, 19⁶⁶

Notice is hereby given that P. C. Hamilton whose postoffice address is Pierre 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 1.26 cubic feet of water per second of time from the Bad River through the Hamilton #3 right, the point of diversion of which is to be located on the right bank of said stream in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 33 portions of Twp. 5N Range 3E. Said water to be used for the purpose of providing irrigation on the following described land:

S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 33, T5N, R31E; N $\frac{1}{2}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3, T4N, R31E

[illegible]

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 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: _____

MURTON F. JONES
Water Right Specialist

CC: Mr. M. R. Hallock, Publisher
Fort Pierre Times
Fort Pierre, S.D.

Affidavit of Publication

STATE OF SOUTH DAKOTA, County of Stanley

M. B. Hallock of said county being first duly sworn, on oath says that he is the publisher of the FORT PIERRE TIMES, a weekly newspaper printed in Fort Pierre, said County of Stanley, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Intention to appropriate Water printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for Four successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Aug. 18	1966;	_____	19____;
Aug. 25	1966;	_____	19____;
Sept. 1	1966;	_____	19____;
Sept. 8	1966;	_____	19____;
_____	19____;	_____	19____;

that the full amount of the fees for the publication of the annexed notice is 17.11

M. B. Hallock

Subscribed and sworn to before me this 8th day of Sept.

19 66

C. M. Weirauch

Notary Public

County of Stanley, South Dakota

NOTICE OF INTENTION TO APPROPRIATE WATER

Number 8503
Office of State Water Resources Commission
Fort Pierre, S. D., August 9, 1966
Notice is hereby given that P. C. Hamilton whose postoffice address is Pierre, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.26 cubic feet of water per second of time from the Bad River through the Hamilton No. 3, the point of diversion of which is to be located on the right bank of said stream in the SE 1/4 of the SE 1/4 of Section 33 Twp. 5N Range 31E. Said water to be used for the purpose of providing irrigation on portions of the following described land:
S 1/4 Sec. 33, T 5N, R 31E, N 1/2 Sec. 34, T 5N, R 31E, Sec. 35, T 5N, R 31E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of September, 1966, at 2:00 P. M., CST. 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
Pub., Aug. 18, 25; Sept. 1, 8, 1966.

RECEIVED
SEP 26 1966

STATE WATER RESOURCES COMMISSION

STATE OF SOUTH DAKOTA

WATER LICENSE No. 890-2

WHEREAS, On the 9th day of August A. D. 1966
P.C. Hamilton

of Pierre County of Hughes and State of
South Dakota duly made application (No. 890-2) to us for a permit to use 1.26
cubic feet per second of the waters of the Bad River
County of Stanley, State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 26th day of September A. D. 1966
Permit No. 890-2 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 15th day of
September A. D. 1971 and for the application to beneficial use of said
water on or before the 15th day of September A. D. 1975
and, whereas on the 4th day of November 1966, the permit was transferred
to Raymond Livermore of Ft. Pierre, and

WHEREAS, On the 9th day of September A. D. 1966
the holder of said permit duly made proof of the completion of adequate works for the diversion of
2.0 cubic feet per second of said waters, as evidenced by our Certificate No. 890-2
dated November 4, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.0 cubic feet per second of water, with date of
priority of August 9, 1966 and,

WHEREAS, On the 9th day of September A. D. 1966
proof was duly made of the application to beneficial use of 1.26 cubic feet per second of said water;
for irrigating 88.5 acres in portions of Section 33, T5N, R31E and
Section 3, T4N, R31E.

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 Raymond Livermore of Ft. Pierre the holder and owner of said permit No. 190-4 a water right, dating from August 9, 1966 to the use of 1.26 cubic feet per second of the waters of the Bad River in the County of Stanley and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE 1/4 SE 1/4, Section 33, T5N, R31E and conducted to and upon portions of Section 33, T5N, R31E and Section 3, T4N, R31E, more specifically described in the Certificate of Completion of Work, for the purpose of irrigation, subject to any limitations listed in the Permit to Appropriate Water, and

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

WITNESS, My hand and seal of our office at Pierre, South Dakota, this 4th day of November A. D. Nineteen Hundred and Sixty-eight.

State Water Resources Commission

By:

J. K. GRINGS
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amount _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 890-2Water Division No. 2 Mad River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Raymond Livermoreof Fort Pierre, County of Stanley, and State of South Dakota, the holder of Permit No. 890-2, Issued upon ApplicationNo. 890-2, bearing date of priority of August 6, 1966, authorizing the diversion of 1.75 cu. ft. per second of the waters of the Mad RiverCounty of Stanley, State of South Dakota, at a point in theSE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, T5N, R31Efor irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit:		
<u>Section 33, T5N, R31E</u>	<u>SE$\frac{1}{4}$ SW$\frac{1}{4}$</u>	<u>20.0 acres</u>
	<u>SW$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>7.4 acres</u>
<u>Section 3, T4N, R31E</u>	<u>NE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>12.0 acres</u>
	<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>36.1 acres</u>
	<u>NE$\frac{1}{4}$ NW$\frac{1}{4}$</u>	<u>13.0 acres</u>
	<u>Total</u>	<u>88.5 acres</u>

Witness my hand this 4th day of November A. D. 1966

State Water Resources Commission

By:

J. W. GIMES
Chief Engineer, Executive Officer

Permit No. 890-2Water Division No. 2 BAD RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

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

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

I have this day made a thorough examination of the diversion works constructed by

LINERMORE, of FT. PIERRESTANLEY County, South Dakota, holder of Permit No. 890-2, issuedupon Application No. 890-2, bearing date of priority of AUGUST 9, 1966, authorizing thediversion of 1.26 cu. ft. per second of the waters of BAD RIVER for IRRIGATION

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

The diversion works comprise: 6" RAINMASTER MODEL SS6H70 PUMP,
POWERED BY CHRYSLER INDUSTRIAL PROPANE ENGINE,
TYPE 2A-67B, 3/4 MILE 6" MAINLINE, 1/2 MILE 6" GATED
PIPE W/ 40" GATES. LEVELLED LAND, 1/4 MILE 4"
SPRINKLER LINE FOR RIDGES & TO REACH CORNERS.

and the system is in the following condition: GOODThe point of diversion is located AS SHOWN ON WATER RIGHTMAP NO 774-2The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water,which is to be used for IRRIGATION

The legal subdivisions to be irrigated are: SEC 33, T5S, R31E; SE²SE⁴ 20.0 AC.,
SW⁴SE² 7.4 AC.; SEC 3, T4N, R31E; NE⁴NE⁴, 12.0 AC.;
NW⁴NE⁴, 36.1 AC., NE⁴NW⁴ 13.0 AC.

comprising a total of 88.5 acres of land.

The domestic use intended comprises

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

Witness my hand, this 9TH day of AUG. SEPTEMBER, A. D. 1968

—SEAL—

[Signature]
 WATER RIGHT SPECIALIST
 WATER RESOURCES COM.

NOTICE OF TRANSFER OF WATER PERMIT

SEPTEMBER 9 1968

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

This is to notify you that P.C. HAMILTON, PIERRE, S. DAK.

who previously owned the land described below has sold his interests to

RAYMOND LIVERMORE, FT. PIERRE, S. DAK

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 890-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of _____

} ss.

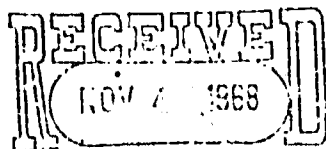
I, _____ being first duly sworn on my
oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed

P.C. Hamilton

Subscribed and sworn to before me this 27th day of September 1968

Lois V. Ricketts
Notary Public



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

LOIS V. RICKETTS, Notary Public
My Commission Expires Nov. 19, 1970

Form 20.

No. 890-2

NOTICE OF TRANSFER OF WATER PERMIT

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

Date: Feb 24, 1978

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

89.5 acres in portion of Sec 33, T5N, R31E T
Section 2, T4N, R31E.

formerly owned by Barnard, Livermore,
has been transferred to Harry Kulm 1118 E. Capital - Pierre, S.D. 57501
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. _____ 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 61.0127 of the 1960 Supplement to the South
Dakota Code of 1939..

STATE OF SOUTH DAKOTA)
County of Hughes) SS.

I, Harry R. Kulm, bring 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.

Harry R. Kulm
(Signed)

Subscribed and sworn to before me this 24th day of February

19 78

Betty Westlund
(Notary Public)
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6363

PIERRE, February 24, 1919

RECEIVED OF Gary Kulm, 1118 E. Capitol, Pierre, SD 57501

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of Water Right No. 890-2		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		50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7475

PIERRE, April 22, 1920

RECEIVED OF Gary Kulm, 118 East Capitol, Pierre, SD 57501

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

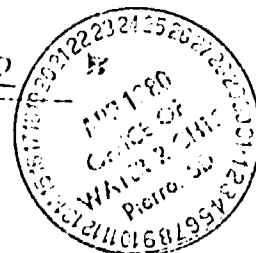
Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of water right No. 890-2		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		50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH (99)

Form 20.

No. 890-2



NOTICE OF TRANSFER OF WATER PERMIT

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

Date: 4/21/80

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

SEE Exhibit "A" SE $\frac{1}{4}$ SE $\frac{1}{4}$ 20.0 acres, SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7.4 acres Sec. 33, T5N, R31E;
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 12.0 acres, NW $\frac{1}{4}$ NE $\frac{1}{4}$ 36.1 acres, NE $\frac{1}{4}$ NW $\frac{1}{4}$ 13.0 acres, in Sec. 3, T4N, R31E

formerly owned by GARY R. & SARAH E. Kulm

has been transferred to KEITH A. TIDBALL & DORIS A. HOLDEN

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 890-2 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 Hughes) SS.

I, GARY R. Kulm 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.

GARY R. Kulm
(Signed)

Subscribed and sworn to before me this 21st day of APRIL

1980.

Dan R. Hagar
(Notary Public)

M.C.E. 7/30/84

890-2

SOUTH DAKOTA Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
Water Resources Engineer
605 771-3352

March 7, 1984

NOTICE

Dear Sir:

The Water Management Board has directed that all owners of Water Permits not in compliance with the requirement:

"All irrigation Permit owners.....shall submit the Irrigation Questionnaire mailed to them each year by the Chief Engineer."

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

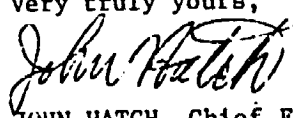
Owners of Water Permits not in compliance with the annual Irrigation Questionnaire requirement are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action April 25, 1984 including amending those permits for which the 1983 questionnaire has not been received by April 2 with the following qualification:

"This Permit amended April 25, 1984 is subject to the Irrigation Questionnaire being submitted each year."

Amendment of a Permit will mean that a Permit can be suspended for up to one year for continued violation of the Irrigation Questionnaire requirement.

The hearing before the Water Management Board April 25, 1984 will be at 10:45 am, Room 216, Joe Foss Building, Pierre SD. The amendment may be made pursuant to SDCL 46-1-14.

Enclosed is an additional questionnaire. Please advise if you have any questions, or you do not believe our records are correct.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

enclosure

Equal Opportunity Employer

March 29, 1984

Keith Tidball
PO Box 877
Pierre, South Dakota 57501

Dear Mr. Tidball:

Enclosed is a copy of the 1981 Irrigation Questionnaire you submitted pertaining to Water Right No. 890-2. As discussed in a telephone conversation with your office March 28, 1984, our office has no record of receiving a questionnaire for 1982 or 1983.

Your secretary indicated that irrigation in 1983 was very close to the same as reported in 1981. A copy of the 1981 questionnaire will be placed with the 1983 data.

Notice was sent to you March 7, 1984 concerning Board action to amend your water right if the questionnaire was not received. Please disregard this notice. Our records now show you have returned the 1983 irrigation questionnaire.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:GM:ms
Enc.

Equal Opportunity Employer

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
April 12, 1985

Doris Holden & Keith Tidball
PO Box 877
Pierre SD 57501

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s) 890-2. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 890-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;

3. Take no action.

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

Sincerely,

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

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

South Dakota
Department of
Water & Natural Resources

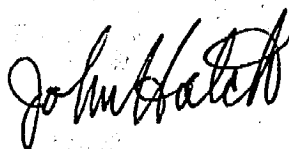
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice or Amendment to Water Permit(s)

To: Doris Holden & Keith Tidball
P.O. Box 677
Pierre, SD 57501

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



SUBJECT: Amendment to Water Permit No(s). 890-2.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 890-2 to add the following qualification:

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

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

South Dakota Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 890-2

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 890-2 to add the following qualification:

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

Water Rights Division - DWHR
Conversation or File Documentation

File No. 890-2

NAME OF PERSON OR FILE: Keith Tidball

ADDRESS: Ft. Pierce COUNTY: Stanley

DATE: 7/7/86 TELEPHONE:

RE: Suspended Permit

COMMENTS: The pond was located in the middle of the mowed
area. Trigonometry was conducted at the time of inspection
short very green grass could be noticed. Checking with
Genny it seems that there are some problems with this permit!
(see attached sheets).

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.

NAME:

M. Shad

870-2 TIGER, KEN A HOLDEN 11/1/85

STANLEY

SURFACE WATER - BAD RIVER

TEN R31E SEC 33

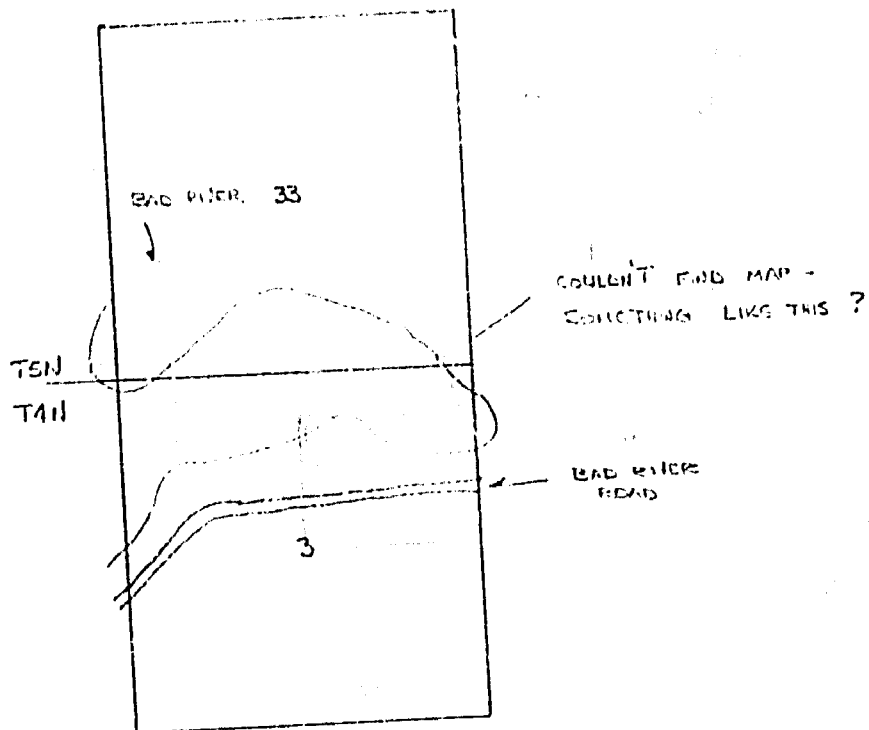
TAN R31E SEC 3

890-2

1.26 CFS

28.5 FT/SEC

PT. DICKEE



PERMIT IS DISCLOSED - 2

ALSO CHECK W/ JENNY FOR PERMITS
ASSOCIATED WITH THIS, POSSIBLY.

1169-2 & 941-2 (PROBLEMS)

50 SHEETS
100 SHEETS
200 SHEETS

22-141
22-142
22-143



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

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Doris Holden & K Tidball
Box 877
Pierre SD 57501

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

John Hatch
by Del Brosz

SUBJECT: One Year Suspension of Water Permit No(s). 890-2
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 890-2 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

South Dakota
Department of
Water & Natural Resources

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

March 26, 1986

NOTICE

Doris Holden & K. Tidball
P. O. Box 877
Pierre, SD 57501

Re: Violation of Water Permit No(s). 890-2

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 890-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 890-2 qualification:

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

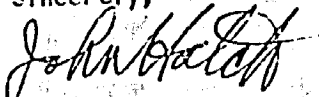
The hearing(s) will be at 2:00 p.m., May 14, 1986; Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 890-2 until either the 1985 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Sincerely,



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

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

**Department of
Water & Natural Resources**

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

890-2

August 23, 1988

James Butt
Murdo Ford-Mercury LTD
Box 186
Murdo, SD 57569

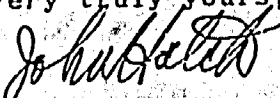
Dear Mr. Butt:

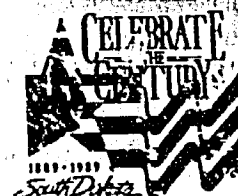
I am writing to follow-up your recent visit to our office concerning the transfer of Water Right No. 890-2 and the status of the one year suspension. You advised that you had purchased the property some time ago and had not received the irrigation questionnaires or any of the notices.

Although the law requires notice of water right ownership changes to be filed with us, since you had no knowledge of this requirement, irrigation questionnaires and notices continued to be mailed to Doris Holden and Keith Tidball, the previous owners. Therefore, you did not receive proper notice for violation of the questionnaire requirement. Water Permit No. 890-2 is no longer suspended.

If you have any questions, please contact us.

Very truly yours,


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



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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

January 29, 1988

DORIS HOLDEN & KEITH TIDBALL
PO BOX 877
PIERRE, SD 57501

NOTICE

Re: Violation of Water Permit No(s). 890-2

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 890-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 890-2 qualification:

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

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

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

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 890-2 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources

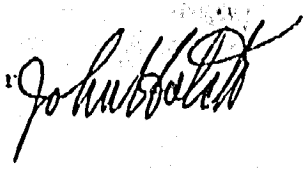
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DORIS HOLDEN & KEITH TIDBALL
PO BOX 877
PIERRE, SD 57501

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



SUBJECT: One Year Suspension Of Water Permit No(s). 890-2

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 890-2 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988/irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

SENDER: Complete Items 1 and 2 when additional services are desired, and complete Items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address.

2. ☐ Restricted Delivery

☒ (Extra charge)

Article Number

P 501 739 018

Type of Service:

☒ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

Always obtain signature of addressee agent and **DATE DELIVERED**.

3. Addressee's Address (ONLY if requested and fee paid)

4. Signature - Agent

[Signature]

5. Date of Delivery

MAR 15 1988

PS Form 3811, Mar. 1987

U.S.G.P.O. 1987-178-268

DOMESTIC RETURN RECEIPT

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

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

S½ SE¼ Section 33, T5N, R31E and N½ NE¼, NE¼ NW¼, Section 3, T4N, R31E

formerly owned by Doris Holden & Keith Tidball

has been transferred to Murdo Ford-Mercury, Ltd. Box 186
(please include complete mailing address) Murdo, SD 57559
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 890-2 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 Div. of Water Rights, Water Management Board as evidence of the change of ownership.

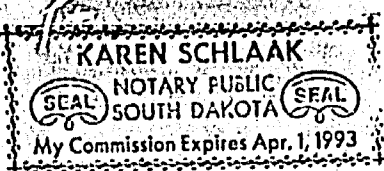
A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA }
County of Hughes } ss.

I, James D. Butt 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.

Murdo Ford-Mercury, Ltd.
James D. Butt
(Signed)

Subscribed and sworn to before me this 5th Day of August, 1988.



Karen Schlaak
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, August 5, 1936

RECEIVED OF Murdo Ford-Mercury Ltd., Box 186, Murdo SD 57550
the following amount in fees for services rendered as provided for by law: James Butt

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Permit No. 890-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By J. H. Hatch
Chief Engineer JOHN HATCH

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

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

2081-2

APR 6 1990

Jim Butt
Murdo Ford-Mercury
Box 186
Murdo, SD 57559

Dear Mr. Butt:

Enclosed is Water License No. 2081-2. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411916 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Right No. 890-2 are incorporated into Water License No. 2081-2.