

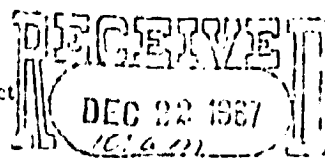
947-2

1. Considered 3-20, 1968
2. Name of Applicant BERNARD ARMSTRONG
3. Post Office Address MIDLAND
4. Amount of water claimed 1.48
5. Source of water supply DRY DRAW
6. Water to be used for IRRIGATION
- Acres to be irrigated 312
7. Water to be diverted and used in HAARON county
about 13N 6W miles of MIDLAND
8. Proof of Publication
Received ✓
Not received
Approved
Subject to
Not Approved
Action deferred
9. Application

10. Remarks:

10.7 AC. FT STORAGE

No. 947-2
 Water Division No. 2 BAD RIVER District _____
 (Blanks to be filled by the Engineer for the W. R. C.)



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

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

1. Name of applicant Bernard Armstrong
 Postoffice address Midland, County Haakon, State So. Dak.

I. If a corporation N/A

- (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, \$ Adequate (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Bernard Armstrong #1
 3. Amount of water claimed 4.48 cubic feet per second
 4. Source of water supply Dry Draw
 5. Location of point of diversion S20°30'E, 94 rods from NW 1/4 Sec. 8 T3N R24E
 _____ on both bank Haakon County.
 6. Annual period or periods during which water is to be used April 1st through Nov. 1st
 7. To be used for:

I. Irrigation or domestic use; Gravity, overhead sprinkling or combination system? Gravity
 (a) Number of acres to be irrigated 314 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.) Stockwater

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 _____

MAP NO 819-Z

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.)

..... dam, pumping plant, pipe

II. Dimensions of works.

(a) Dam: Height..... 20 feet; length at bottom feet; length at top
 480 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 105 acre feet. Surface area at highwater
 mark 35 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 4 years.

12. Choice of newspaper for publication of notice of intention to appropriate
 Pioneer Review, Philip, So. Dak.

STATE OF SOUTH DAKOTA

County of Hughes } ss.

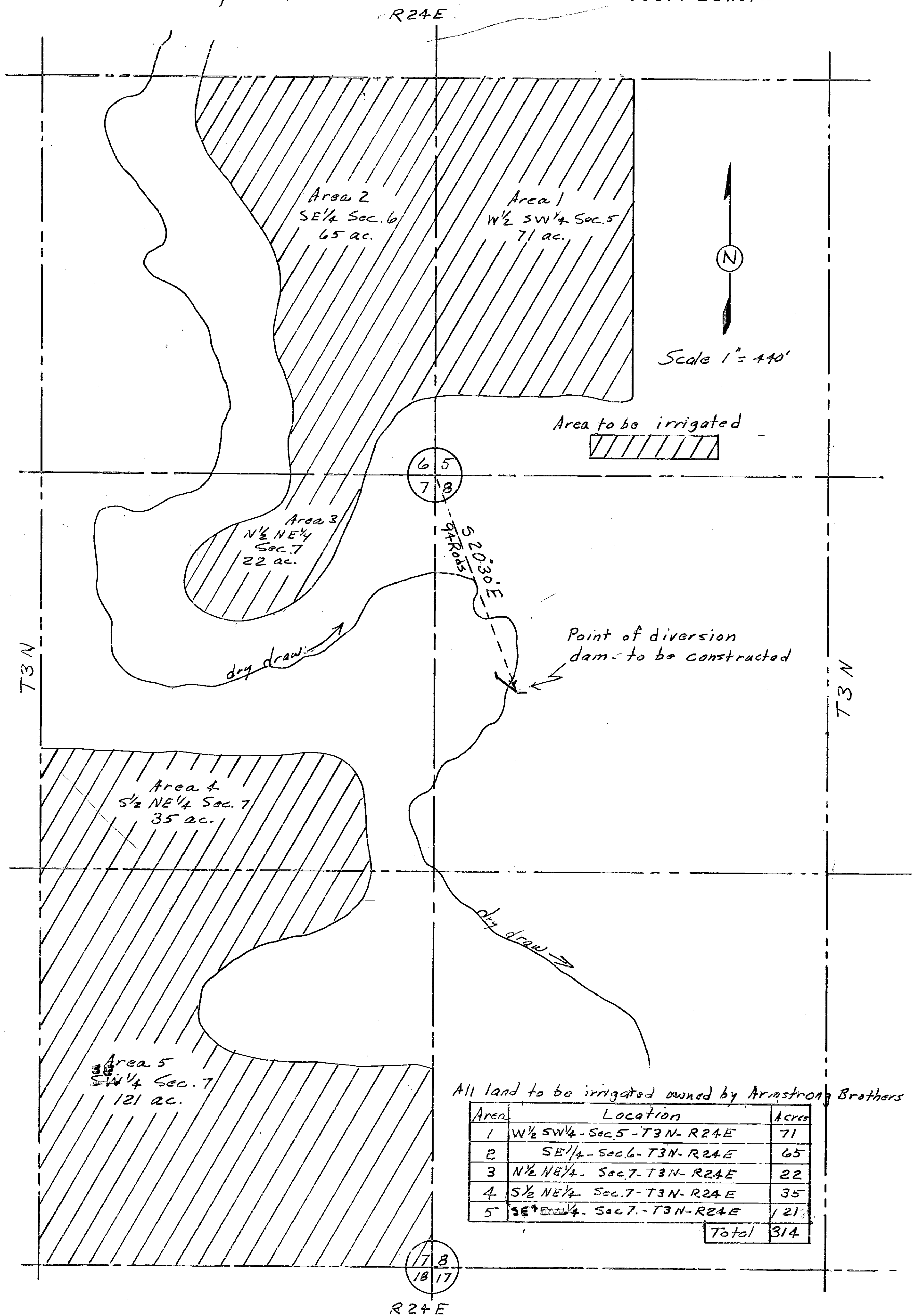
I, Bernard Armstrong, being first duly sworn
 on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have
 read the above foregoing statement, examined the map accompanying the same, and that I know of my own
 person's knowledge that the matters therein stated and shown are true.

Subscribed and sworn to before me this 23 day of Apr 1920
Edmund McNeill
 Notary Public (or other qualified officer.)

ARMSTRONG BROTHERS IRRIGATION PROJECT NO. 1

Haakon County

South Dakota



All land to be irrigated owned by Armstrong Brothers

Area	Location	Acres
1	W $\frac{1}{2}$ SW $\frac{1}{4}$ - Sec. 5 - T3N - R24E	71
2	SE $\frac{1}{4}$ - Sec. 6 - T3N - R24E	65
3	N $\frac{1}{2}$ NE $\frac{1}{4}$ - Sec. 7 - T3N - R24E	22
4	S $\frac{1}{2}$ NE $\frac{1}{4}$ - Sec. 7 - T3N - R24E	35
5	SW $\frac{1}{4}$ - Sec. 7 - T3N - R24E	121
Total		314

SURVEYOR'S CERTIFICATE

I, R. V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Armstrong Brothers, I have surveyed the tract of land as shown and that the above drawn Plot is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 16th day of October, 1967, A.D.

R. V. Summerside
REGISTERED LAND SURVEYOR

MAP NO 819-2 (APPL NO 947-2)

Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, MUST BE
BY-PASSED
APPROVAL OF THIS PERMIT RECOGNIZES STORAGE
OF 105 ACRE FEET OF WATER ANNUALLY

STATE OF SOUTH DAKOTA } ss.
County of HUGHES

Pierre, South Dakota, MARCH 22, 1968

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock
9 a.m. upon the 22ND day of DECEMBER, 1967

State Water Resources Commission
By: Burton Jones
for Chief Engineer, Executive Officer

Number of permit 947-2 DECEMBER 22, 1967

Date of first receipt of application _____, 19____

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 _____, 19____

Approved MARCH 20, 1968 Recorded in Book 10 Page 100

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 SEPTEMBER 20, 1970

2nd. The whole of said work is to be completed on or before MARCH 20, 1973

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is MARCH 20, 1977

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 4.48 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 MARCH 20, 1977; said water to be used during the following described annual period:

APRIL 1 THRU NOVEMBER 1

Witness my hand this 22ND day of MARCH, 1968

State Water Resources Commission
By: W. J. Quinn
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

LANDS TO BE IRRIGATED

T 3N R 24E

		<u>Acres</u>
W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5		71
SE $\frac{1}{4}$	6	65
N $\frac{1}{2}$ NE $\frac{1}{4}$	7	22
S $\frac{1}{2}$ NE $\frac{1}{4}$	7	35
SE $\frac{1}{4}$	7	<u>121</u>
TOTAL		314

on or before February 15, 1968.
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., February 1, 1968

Notice is hereby given that Bernard Armstrong whose postoffice address is Midland S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.48 cubic feet of water per second of time from the dry draws through the Bernard Armstrong #1, the point of diversion of which is to be located on the either bank of said stream in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8 Twp. 3N Range 24E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 5; SW $\frac{1}{4}$ Section 6; NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 7, T3N, R24E

and for purposes ~~XXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 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

CC: Bernard Armstrong, Midland, S.D. By:

~~CLERK OF DISTRICT COURT~~

BURTON F. JONES
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County _____ } ss.

Los Ravellette being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

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

Town _____ of Philip _____ County of _____

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

Feb. 8, 15, 22, 29, 1968

In each and every issue of the full number thereof, the first publication being made on the _____ day of Feb. _____

1968 and the last publication on the _____ day of Feb. _____ 1968, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was Publisher _____ the printer _____ and publisher _____ of the said newspaper

Los Ravellette

Subscribed and sworn to before me this _____ day of _____ A. D. 1968

Loren Hampler

Notary Public _____ County, S. D.

APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, South Dakota, Feb. 1, 1968.
It is hereby given that Bernard Armstrong whose post office address is Midland, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.48 cubic feet of water per second of time from dry draws through the Bernard Armstrong No. 1, the point of diversion of which is to be located on either bank of said stream in the SW 1/4 of the NW 1/4 of Section 8 Twp. 3N Range 24E. Said water to be used for the purpose of providing irrigation on portions of the following described land: W1/2 671/4, Section 5, SE1/4, Section 6, NE1/4 and SE1/4, Section 7, T3N, R24E.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of March, 1968, at 2:00 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 received.
State Water Resources Commission
CC: Bernard Armstrong, Midland, South Dakota
by: Burton F. Jones
Water Rights Specialist
(Feb. 8, 15, 22, 29)

RECEIVED
MAR 12 1968

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6405

PIERRE, March 24, 1978

RECEIVED OF Waldo Armstrong, Midland, SD 57552

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing transfer of Water Right # 247-2	2	50
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By *John D. Smith*
Chief Engineer, Executive Officer
JOHN D. SMITH

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: W 1/2 SW 1/4, Section 5; SE 1/4, Section 6; NE 1/4 & SE 1/4, Section 7, T3N, R24E

formerly owned by Bernard Armstrong

has been transferred to Armstrong & Armstrong & Waldo Armstrong, Midland, SD 57552

together with any rights to the beneficial use of water thereon as evidenced by
 Water Right Permit No. 947-2 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)
) SS.
 County of Black)

I, Waldo Armstrong being first ^{affirmed} ~~duly sworn~~ on my oath despose
 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.

Waldo Armstrong
 (Signed)

Subscribed and sworn to before me this 22 day of March

19 78.



Myra Abel
 (Notary Public)

MYRA ABEL, Notary Public
 HARRIS COUNTY, SOUTH DAKOTA
 546A, 1000 1st St. S. 57501

SOUTH DAKOTA

**Department of
Water & Natural Resources**Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

(605) 773-3352

November 8, 1983

Paul Zapletal
5074 South Archer Avenue
Chicago, Illinois 60632

Dear Mr. Zapletal:

The enclosed data sheet was returned by Waldo Armstrong, Midland,
South Dakota indicating that you are now the owner of the land
covered under Water Permit No. 947-2.

Also, enclosed is a copy of our Form 20, Notice of Transfer of Water Permit,
which you should sign before a notary public and return to this office with
a fee of \$2.50, so the Permit can be transferred to your name.

Please complete the data sheet for our records.

Sincerely,

Genny McMath
Water Rights SpecialistGMM:ms
Enc. 2

WNR-820B-7/79

Transmittal of Data Sheet & Transfer of Water Permit

WATER RIGHTS DIVISION

December 13, 1983

Paul Zapletal
5074 S. Archer Avenue
Chicago, Illinois 60632

Dear Mr. Zapletal:

This will acknowledge receipt of the transfer form you submitted for transferring Water Right No. 947-2 from Waldo Armstrong to your name. However, as stated on the transfer form, a \$2.50 filing fee will be required before the transfer can be filed.

Please remit the required \$2.50 filing fee to this office as soon as possible. Upon receipt of the filing fee, Water Right No. 947-2 can be transferred to your name.

If you have any questions please contact this office.

Sincerely,

Genny McMath
Water Rights Specialist

GM:ms

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:

31 1/4 acres - W 1/2 SW 1/4 Section 5; SE 1/4 Section 6; E 1/2 Section 7, T3N, R24E

formerly owned by Waldo Armstrong

has been transferred to Paul Zapletal, 5074 S. Archer Ave., Chicago, IL 60632
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 947-2 as provided for in SDCL 46-5-32 and 46-5-23.

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 _____) 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.

Paul Zapletal
(signed)

Subscribed and sworn to before me this 25th Day of November, 1983.

Laurie Skjold
(Notary Public)

WNR-820-9/83
Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9448

Pierre, December 22, 1983

RECEIVED OF Paul Zapletal, 5074 S. Archer Ave, Chicago, Ill 60632

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. _____		2 50
Fee for Filing Transfer Form for WR# 947-2		
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 John Hatch
Chief Engineer JOHN HATCH (his)

No. 947-2

South Dakota Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

December 23, 1983

Paul Zapletal
5074 S Archer Ave
Chicago IL 60632

Dear Mr. Zapletal:

Enclosed is receipt No. 4 9440 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 947-2.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

 **Department of
Water & Natural Resources**

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

March 31, 1985

Notice

Paul Zapletal
5074 S. Archer
Chicago, IL 60632

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 947-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

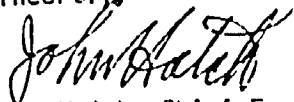
The hearings will be held at 2:00 p.m., May 14, 1985 in Room 216, Joe Foss Building, Pierre, South Dakota.

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

1. Amend Permit No(s). 947-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

Sincerely,



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

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

South Dakota
Department of
Water & Natural Resources

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Paul Zapletal
5074 S Archer
Chicago IL 60632

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



SUBJECT: Amendment to Water Permit No(s). 947-2

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 947-2 to add the following qualification:

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

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

Equal Opportunity Employer

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

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

Attachment to Water Permit No. 947-2

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 947-2 to add the following qualification:

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

Equal Opportunity Employer



Department of Water & Natural Resources

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

January 29, 1988

PAUL ZAPLETAL
5074 S. ARCHER
CHICAGO, IL 60632

NOTICE

Re: Violation of Water Permit No(s). 947-2

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 947-2. 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). 947-2 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). 947-2 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

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

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



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: PAUL ZAPLETAL
5074 S. ARCHER
CHICAGO, IL 60632

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

A handwritten signature in cursive script, appearing to read "John Hatch", written over the typed name and title.

SUBJECT: One Year Suspension Of Water Permit No(s). 947-2

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). 947-2 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. <u>The return receipt fee will provide you the name of the person delivered to and the date of delivery.</u> 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)	
PAUL ZAPLETAL 5074 S. ARCHER CHICAGO, IL 60632	4. Article Number P501 739 024
	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail
	Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X Paul Zapletal	8. Addressee's Address (ONLY if requested and fee paid) Eldon Station 3124 West 47th St Chicago, Illinois 60632
6. Signature — Agent X	
7. Date of Delivery 3-30-88	



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

947-2

December 5, 1983

Paul Zapletal
5074 S Archer Ave
Chicago IL 60632

Dear Mr. Zapletal:

On August 31, 1983, I visited your farm for the final inspection of Water Permits No. 1533-2 and 947-2. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After all necessary corrections are made, the water permit is licensed and becomes a water right.

My final inspection revealed that Permit No. 1533-2 has not been developed. Therefore, Permit No. 1533-2 will be canceled due to nondevelopment. Permit No. 947-2 has been partially developed. A center pivot has been located in the south half of Section 7. The area marked in red (SE $\frac{1}{4}$) is covered by the lands listed on Permit No. 947-2. The area marked in blue (SW $\frac{1}{4}$) is not covered. The time for developing or amending Permit No. 947-2 ended on March 20, 1973; therefore, a new permit is required for any developed acreage not covered by Permit No. 947-2.

Soil and water compatibility is also required for all new permits. Enclosed is a WI-1 form which must be completed to obtain soil and water approval. Haakon County does not have an updated soil survey. I suggest you contact the local Conservation District or the Soil Conservation Service to complete the necessary soils information. Contact the Division of Conservation if you have any questions about the WI-1 form (773-3352).

Please answer the questions which have not already been completed and correct any errors. The forms must then be notarized and returned with an application fee of \$150.00. I urge you to hurry Mr. Zapletal. The process for obtaining a water permit takes time. The sooner the enclosed forms are completed, the sooner your permit can be considered by our office. I am enclosing the procedures for obtaining water permit approval. I urge you to hurry so your permit will be approved when the irrigation season starts in 1984.

December 5, 1983

Paul Zapletal

Page 2

Your new permit should be considered and approved by the Water Management Board on April 25 & 26, 1984; to give you authorization to irrigate the blue area on the enclosed map. The following Board meeting will not occur until in July, in other words, well into the irrigation season. If your new permit is not promptly returned so that approval is obtained before the irrigation season, you will be able to irrigate only the land covered by Permit No. 947-2 (the red area). If you have any questions about completing the permit application, please call this office. Thank you for your time and consideration.

Sincerely,



RON DUVALL

Water Resources Engineer

RD:ks

enclosure

cc: Jim Stukel
Div. of Conservation

947-2

Water Rights Division
605 773-3352

August 9, 1984

Paul Zapletal
5074 S Archer Ave
Chicago IL 60632

Dear Mr. Zapletal:

I am contacting you in regard to a letter sent to you on December 5, 1983. Enclosed is a copy of the letter.

I am writing this letter to remind you of your legal obligation to apply for a water permit. Action must be taken on your part to bring your irrigation project into compliance with South Dakota Codified Laws 46-1-1 through 46-1-3. These laws relate to the necessity of legally appropriating water, by the correct process, through the State of South Dakota.

Please complete the forms enclosed in the previous letter and return with the application fee. Thank you for your time and consideration.

Sincerely,

RON DUVALL
Water Resources Engineer

RD:ks

encl.

File No. 530-2
947-2

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Paul Zapletol

ADDRESS: H/CR 69, Box 673, Midland, SD COUNTY: Haakon

DATE: October 5, 1993 TELEPHONE: (605)843-2864

RE: Cancellation of Vested Right Claim No. 530-2 and Water Permit No. 947-2

COMMENTS:

On July 14, 1993, I met with Mr. Paul Zapletol concerning Vested Right Claim No. 530-2 and Water Permit No. 947-2. Mr. Paul Zapletol informed me that he owns and farms the land covered under Vested Right Claim No. 530-2 and Water Permit No. 947-2. He stated that it is not cost effective to irrigate, therefore he has not irrigated for several years. Mr. Zapletol said he does not plan to irrigate with either the permit or the vested right and we should schedule Water Permit No. 947-2 and Vested Water Right Claim No. 530-2 for cancellation for forfeiture or abandonment.



Ken Buhler
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER PERMIT NO. 947-2 AND VESTED RIGHT CLAIM NO. 530-2

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit No. 947-2 and Vested Right Claim No. 530-2, now owned by Paul Zapletal.

The Chief Engineer is recommending cancellation of the above Water Permit and Vested Right Claim because an inspection by Ken Buhler, July 14, 1993, found the land has not been irrigated for several years. The land owner has indicated he has no plans to irrigate in the future. The permit and vested right claim have been abandoned and/or forfeited.



RON DUVALL, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
October 8, 1993



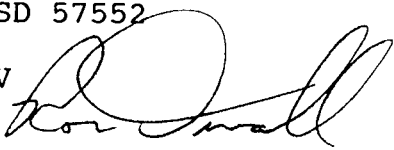
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 8, 1993

NOTICE OF CANCELLATION

TO: Paul Zapletal, HCR 69 Box 673, Midland, SD 57552

FROM: Ron Duvall, Natural Resources Engineer IV
for John Hatch, Chief Engineer
Water Rights Division 

SUBJECT: Cancellation of Water Permit No. 947-2 and Vested Right
Claim No. 530-2

The Water Management Board will consider cancellation of Water Permit No. 947-2 and Vested Right Claim No. 530-2 at 9:00 am, on December 1, 1993, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Permit No. 947-2 and Vested Right Claim No. 530-2 due to abandonment and/or forfeiture.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 947-2 and Vested Right Claim No. 530-2 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Permit No. 947-2 and Vested Right Claim No. 530-2. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 22, 1993. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

October 8, 1993
Paul Zapletal
Page 2

These hearings are adversary proceedings. Any party 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 State Supreme Court as provided by law.

Prior to November 22, 1993, contact the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting to be held in Pierre, SD on March 2, 1994. Any request for extension must be filed with the Chief Engineer by November 22, 1993.

Please note: Cancellation of the water permit/right does not prohibit a new application for this project in the future.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 1993

530-2

947-2

Paul Zapletal
HCR 69 Box 673
Midland, SD 57552

Dear Mr. Zapletal:

The hearing before the Water Management Board to consider cancellation of Vested Right Claim No. 530-2 and Water Permit No. 947-2, has been deleted from the December 1, 1993 agenda.

On July 14, 1993, during your meeting with Ken Buhler, staff engineer, you stated you had not irrigated for several years and did not plan to irrigate in the future. Based upon this information, the vested right claim and water permit were scheduled for cancellation for abandonment and/or forfeiture.

A review of the Vested Right Claim No. 530-2 and Water Permit No. 947-2 found reference to several storage dams which may or may not be in existence. Before we can proceed with cancellation consideration of the vested right claim and water permit, we need to know if those dams exist, the amount of water they impound, and what use of water is being made from them (i.e., have they historically been used for livestock watering in addition to irrigation).

A field investigation of the storage dams will need to be conducted prior to a decision being made on whether the vested right claim and water permit should be canceled. You will be contacted prior to the inspection.

If you have any questions, please contact us.

Sincerely,

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

REPORT ON INSPECTION OF PERMIT NO. 530-2

DATE OF INSPECTION: 6/21/00

Other permit/license(s) associated with the project: **947-2**

Contact Person & Address:

Brady Daly

HCR69 Box 673

Midland, SD 57552

DIVERSION POINTS LEGAL LOCATION: Sections 5 and 8 T3N R24E

WATER SUPPLY Source: Dry Draw

SYSTEM TYPE: Gated, gravity spreading.

COMMENTS:

Permits # 530-2 and 947-2 need to be transferred to Daly Farms c/o Brady Daly at the above address.

Permit # 530-2 could be licensed although the system has not been intentionally used since 1983. The system has been passively gravity spreading water over the area and can therefore be considered as utilized. Mr. Daly should notify the Water Rights Program if the dams are removed in the dry draw. If such action should occur, Permit # 530-2 should then be cancelled. If Mr. Daly should decide to repair the system for irrigation purposes, he should notify the Water Rights Program. Until either of these actions occur, no further processing should be taken for validation or licensing of Permit # 530-2.

Permit # 947-2 is no longer used for irrigation and needs to be re-issued for domestic use.


Donald E. Stroup

Natural Resources Engineer
DENR, Water Rights Program

6/22/00
Date



947-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 27, 2000

Daly Farms
Brady & Radka Daly
HCR69 Box 673
Midland, SD 57552

Dear Mr. & Mrs. Daly:

After examination of the irrigation system in Sections 5 and 8 of T3N R24E and speaking with you on June 21, 2000, I presented my findings to the Water Rights Program Chief Engineer.

Permit No. 530-2 should be transferred to Daly Farms. No further processing of Permit No. 530-2, other than transfer, will proceed until such time as you decide either to repair and use the irrigation system or to remove the dams along the dry draw (Burnt Creek) in Sections 5 and 8 T3N R24E. If you should decide to repair and use the irrigation system, please notify the Department of Environment and Natural Resources' (DENR) Water Rights Program so validation and licensing processing can be completed. Also, if you should decide to remove the dams in the dry draw, please notify the DENR Water Rights Program and we will then proceed with cancellation of the water right.

Permit No. 947-2 should also be transferred to Daly Farms. Paul Zapletal last held this permit for irrigation from the large dam in the N $\frac{1}{2}$ of Section 7 and NW $\frac{1}{4}$ of Section 8 T3N R24E. Unfortunately the large dam was not constructed to the specifications contained in the original water right application and is not correctly permitted. The original permit authorized 105 acre-feet of storage, however the dam was constructed to impound 450 acre-feet of water. This storage capacity error was not corrected when the property and permit were transferred from Mr. Armstrong to Mr. Zapletal. A water right permit for the additional water storage of 345 acre-feet is necessary. As the current owner of the property, you are now responsible for obtaining this permit. The permit for the large dam can be changed from irrigation to domestic (stock water) use.

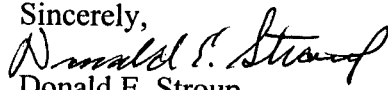
The smaller dam in the SW $\frac{1}{4}$ of Section 8 has never been permitted. This dam has a storage capacity of 150 acre-feet and South Dakota law requires that a water right permit be obtained for a dry draw dam impounding more 25 acre-feet of water. Unfortunately, as the current owner of the property, you are now also responsible for obtaining a permit for this storage of water.

Enclosed are partially completed application forms for the additional storage (495 acre-feet) in the large and small dams and a Form 2A for each dam. A Form 2A needs to be completed for each dam. The application needs to be signed before a notary public and submitted with a completed Form 2A for each dam. Also enclosed are Notice of Transfer of Ownership forms for Permits 530-2 and 947-2. These also have to be notarized.

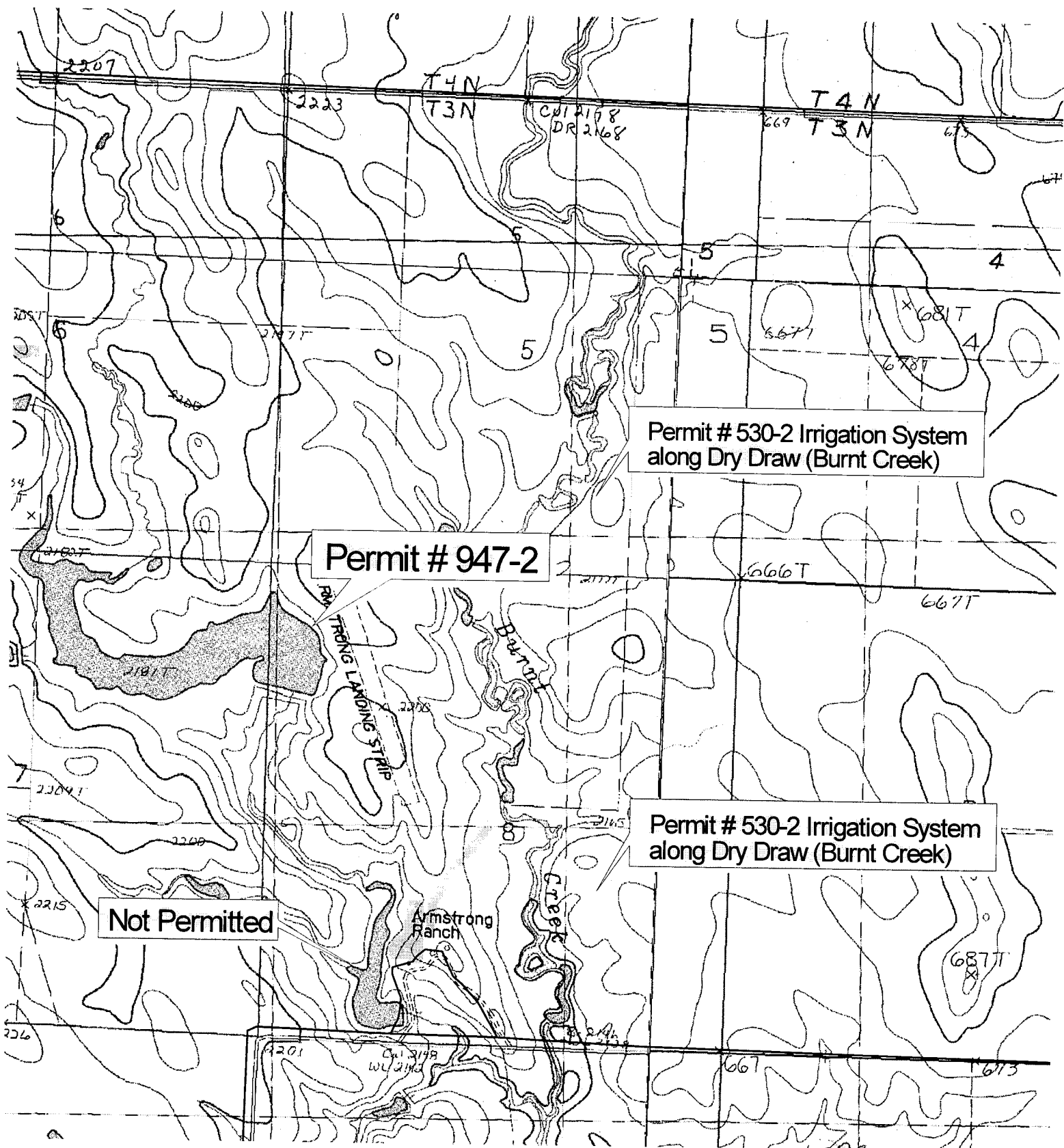
The application filing fee is \$350 set by state law based on the additional acre-feet of water stored in the two dams. Transfer of ownership fee is \$2.50 each for a total of \$5.00. You also will be responsible for the cost of the application's public notice in the local newspaper.

If you have any questions, please contact me at 605 773 3352.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald E. Stroup".

Donald E. Stroup
Natural Resources Engineer



947-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2001

Daly Farms
Brady & Radka Daly
HCR 69, Box 673
Midland SD 57552

Dear Mr. & Mrs. Daly:

On June 27, 2000, you were sent transfer and applications forms for a permit to appropriate water based on an investigation of Water Permit Nos. 530-2 and 947-2, by Don Stroup, an engineer with this office. Enclosed is a copy of that letter. To date, we have not received a response regarding this matter.

Obtaining a water permit that accurately reflect your water use ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

If you have any questions, please contact Don Stroup.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 15, 2024

530-2
947-2

Daly-Z Family Farms
201 Rail Road St
Hartford SD 57033

To whom it may concern:

I am writing you today regarding Water Permit Nos. 530-2 & 947-2. Permit No. 947-2 is listed in the name of Paul Zapletal and Permit No. 530-2 in the name of Armstrong & Armstrong.

In June 2000, a Water Rights Program staff engineer conducted an on-site inspection and wrote you a letter entailing his findings. A copy of that letter is enclosed.

With this letter, I hope to confirm that either you have dismantled the irrigation systems and removed the dams, in which case we would proceed with cancelling the permits **or**, transfer the above listed permits to Daly-Z Family Farms and update the permits for the large dams.

Unfortunately, since so much time has passed since the original letter was written, the fees for both additional permitting and ownership transfers have gone up. To transfer ownership would cost \$50/permit, totaling \$100.00.

Once you have confirmed that there is or is not any irrigation taking place, we can proceed with the type of application required for the dams and the appropriate fees.

Obtaining a water permit that accurately reflects your water use is ultimately to the benefit of the user, as it protects your right to use the water. With the exception of domestic use, any water use without a water right/permit is not entitled to receive protection in the event of interference by a new or future user who is in possession of a permit.

Please let me know the appropriate way to proceed.

Sincerely,

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

enclosure