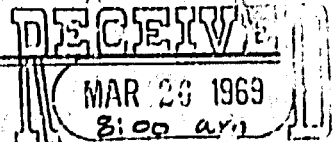


1. Considered July 16 1969 990-2
2. Name of Applicant Ellice M. Over
3. Post Office Address Edgemont, S.D.
4. Amount of water claimed .15
5. Source of water supply Shower water well
6. Water to be used for Irrigation
- Acres to be irrigated 30
7. Water to be diverted and used in Fall River county
about _____ miles _____ of _____
8. Proof of Publication Received July 1, 1969
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action Deferred _____
10. Remarks:

No. 990-2Water Division No. 2 FALL RIVER
(Blanks to be filled by the Engineer for the W. R. C.)District STATE WATER RESOURCES COM.
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 Effie M. Goss
Postoffice address Edgemont, County Fall River, State S.D.

I. If a corporation

- (a) Name of same Effie M. Goss
(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 other or by direct labor)

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

2. Name of diversion work Flow Irrigation Main
3. Amount of water claimed .15 cubic feet per second
4. Source of water supply well
5. Location of point of diversion on E 1/4 of Sec 8 1/2 of T 25 N R 2 E
_____ on _____ bank Fall River County.
6. Annual period or periods during which water is to be used 40 days during growing season

7. To be used for:

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

(a) Number of acres to be irrigated 20 acres(b) Legal subdivisions to be irrigated NE 1/4 Section 5, T 25 N R 2 E

(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 stock watering
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 N-859-2

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 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 ----- 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 -----

HERALD - TRIBUNE, EDGEMONT, S. DAK.

STATE OF SOUTH DAKOTA

County of Fall River } ss.

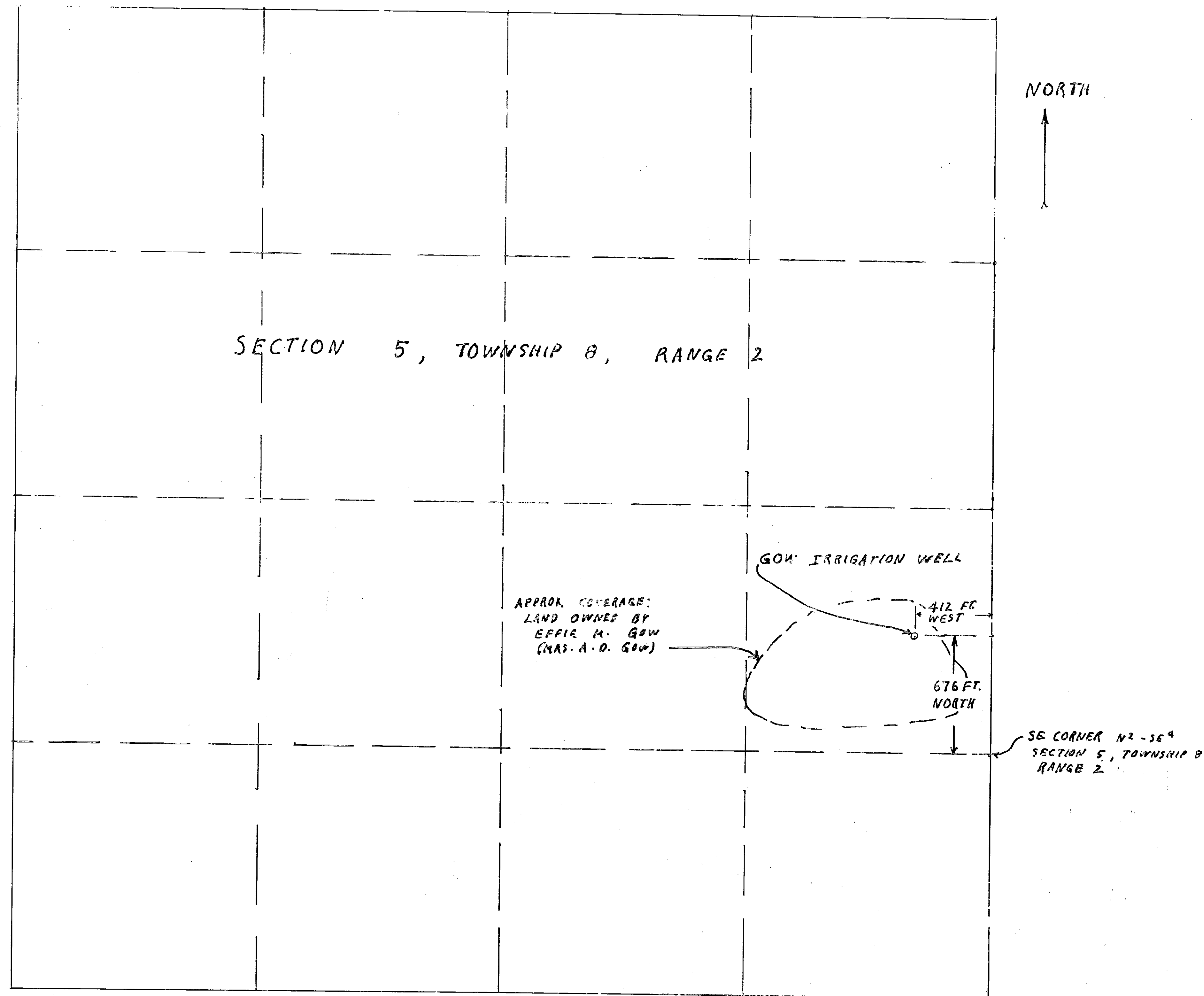
I, EFFIE M. McCall, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed Effie M. McCall

Subscribed and sworn to before me this 25 day of March 1964

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



MAP: GOW IRRIGATION WELL
LOCATION

SCALE 1 INCH = 330 FT.
16 INCHES = 1 MILE
- MAY '69

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, JULY 22, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 26TH day of MARCH, 1969

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 990-2

Date of first receipt of application MARCH 26, 1969

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 MARCH 26, 1969

Approved JULY 16, 1969 Recorded in Book 11 Page 15

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 16, 1972

2nd. The whole of said work is to be completed on or before JULY 16, 1974

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JULY 16, 1974

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 2.15 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before JULY 16, 1974; said water to be used during the following described annual period:

DURING GROWING SEASON

Witness my hand this 22ND day of JULY, 1969

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued

MAY 21, 1974

Water License issued

MAY 21, 1974

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 5 in., Depth 240 ft.Type of casing steel
(wood, concrete, steel, etc.)Size of casing 4 in., Thickness of casing 3/8Length of casing 80 ft. If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen _____

Size of perforated screen _____
(diameter) (length)

Thickness of gravel pack _____, length of gravel pack _____

(c) Water Bearing Materials

Distance to water 130 ft. Character of water bearing materials Fall River Sandstone, High Sulfur content.Thickness of water bearing material 10 ft.

(d) Pump and Motor

Type of pump _____
(centrifugal, propeller, mixed flow, etc.)

Name of pump _____, size _____

Kind of motor _____
(gasoline, electric, diesel, etc.)

Horsepower _____, Name of Motor _____

(e) Complete well

Capacity 160 gal. at drawdown of _____ Estimated cost \$1000.00(f) Owner of land upon which well is located Mrs. Effie Paul
NameEdgemont, So. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 1 mile rods. On property owned by others 1 mile rods

WATER LICENSE NO. 99022

(1) WHEREAS, On the 26th day of March, A. D. 1969
Mrs. Effie M. Gow

made Water Right Application No. 990-2 for a permit to use .15 cubic feet per second of the waters
of ground water
County of Fall River, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 22nd day of July, A. D. 1969
Permit No. 990-2, with a date of priority of March 26, 1974

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 16th day of July, A. D. 1974 and for the
application to beneficial use of said water on or before the 15th day of July, A. D. 1974

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 .13 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 20 acres in the NE 1/4 SE 1/4, Section 5, T8S, R2E

(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 Mrs. Effie M. Cow

_____ of Edgemont

the holder _____ and owner _____ of said permit No. 990-2 a water right dating from March 26, 1969

_____ to use of .13 cubic feet per second of the waters

of ground water

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

purposes hereinbelow mentioned, to be diverted at a point 544 ft. South and 412 ft. West of the

E $\frac{1}{2}$ Corner, Section 3, T8S, R2E

and conduct to and upon 20 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 5, T8S, R2E

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 990-2 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

Permit No. 990-2

Water Diversion No. 2 FALL RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Mrs. Effie M. Gow

the holder of
Permit No. 990-2, issued upon Application No. 990-2, bearing date of priority of March 26, 1969

authorizing the diversion of .15 cu. ft. per second of the waters of
ground water County of Fall River, State of South Dakota at
A point 544 ft. South and 412 ft. West of the E1/4 Corner, Sec. 5, T8S, R2E

for irrigation

purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use .13 cu. ft. per second of water.

Date May 21, 1974

WATER RIGHTS COMMISSION

By:

DAVID DRISCOLL, Chief Engineer

(First Publication) on or before June 15, 1969

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak. May 29, 1969

Notice is hereby given that ~~Mrs. Effie Gow~~ whose postoffice address is ~~Edgemont~~ 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 .15 cubic feet of water per second of time from the ~~xx~~ ground water through the ~~Gow Irrigation Well~~, the point of diversion or which is to be located on the ~~xxxxxx~~ bank of said stream in the ~~NE~~ 1/4 of the ~~SE~~ 1/4 of Section ~~5~~ Twp. ~~8S~~ Range ~~2E~~ Said water to be used for the purpose of providing a portion of following described land:

~~NE 1/4, SE 1/4, Section 5, T8S, R2E~~

and for ~~xxxxxx~~ purposes, ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the ~~16th~~ day of ~~July~~, 1969 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: Effie Gow, Edgemont, S.D.

By:

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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Fall River

Roy H. McKown

of said county being first duly sworn, on oath says that

he is the publisher or

of the Edgemont Herald-Tribune, a weekly newspaper

printed and published in Edgemont, S. D. said County of

Fall River and has full and personal knowledge of all the

facts herein stated; that said newspaper is a legal news-

paper 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

Appropriation of Water (Effie Gow)

a 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 each week for four successive

weeks, on the day of each week on which said newspaper

was regularly published, to wit:

June 5, 1969; 19...

June 12, 1969; 19...

June 19, 1969; 19...

June 26, 1969; 19...

19...; 19...

that the full amount of the fees for the publication of the

annexed notice is \$ 13.69

Roy H. McKown

Subscribed and sworn to before me this 26th

day of June, 1969

Notary Public

County of Fall River, South Dakota

(First Publication on or before
June 19, 1969)

APPROPRIATION OF WATER

Office of State Water Resources

Commission

Pierre, S. Dak., May 29, 1969

Notice is hereby given that Mrs.

Effie Gow whose postoffice address

is Edgemont 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 15 cubic

feet of water per second of time

from ground water through the Gow

Irrigation Well, the point of diversion

of which is to be located in the

NE 1/4 of the SE 1/4 of Section 5

Twp. 8S Range 2E. Said water is

to be used for the purpose of

providing irrigation on a portion

of the following described land:

NE1/4, SE1/4, Section 5, T8S, R2E.

This application will be taken up

by the State Water Resources

Commission after suitable time

has elapsed for the consideration

of any or all information presented.

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 Rights Specialist

RECEIVED
JUL 1 1969

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 990-2Water Division 2 FALL RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USEWATER RIGHTS COMMISSION
TO: Water ~~Resource~~ 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 MRS EFFIE
M. GOW of EDGE MONT, SOUTH DAKOTA holder
of Permit No. 990-2, bearing date of priority of MARCH 26, 1969
authorizing the diversion of .15 cu. ft. per second of the waters of GROUND WATER
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:

240 FOOT SELF FLOWING WELL WITH 80 FEET
OF 4 INCH STEEL CASING 3/8 INCH THICK

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

600 FOOT DITCH ABOUT 1 1/2 FOOT DEEP WITH
A SLOPE OF 1:1

C. Works used to apply water to beneficial use.

WEIRS LOCATED IN KEY SPOTS CAUSING OVERFLOWING

The system is in the following condition: FAIRThe point of diversion is located NE 1/4 SE 1/4 SEC. 5 T 8 S R 2 E BHMThe works are capable of diverting and conveying to the place of use .13cu. 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 WATER
RESOURCES MAP 857-2

NE 1/4 SE 1/4 SEC. 5 T 8 S R 2 E BHMcomprising a total of 20 acres or land.Date MAY 8, 1974

Thomas Gardner
(Signature)

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

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

May 26, 1988

Effie M Gow
Dewey Rt. Box 4
Edgemont, SD 57735

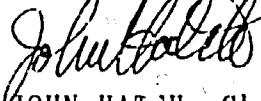
Dear Mrs. Gow:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 090-2.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 772-2352

*I want to keep any
water right due to dry years
have not been able to use as much water
as I would like but have used all that I could on as
much ground as water would cover*

Effie M Gow





990-2

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

EFFIE M GOW
DEWEY RT BOX 4
EDGEMONT SD 57735

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 990-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 9:15 am, March 4, 1992, 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) 990-2 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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



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

February 14, 1992

990-2

Ken Gow, Manager
10944 E. Loch Lomond
Whittier, CA 90696

Dear Mr. Gow:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 990-2 (listed in the name of Effie Gow). You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and Effie's name was deleted from the agenda.

I will mail future questionnaires directly to you until you notify us of any changes. The 1992 irrigation questionnaires will be mailed in October.

Thank you for your assistance in this matter. If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division

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 Fee will provide you the signature of the person delivered to and the date of delivery.

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

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

EFFIE M GOW
DEWEY RT BOX 4
EDGEMONT, SD 57735

4a. Article Number

P 906 557 645

4b. Service Type

☐ Registered ☐ Insured

☐ Certified ☐ COD

☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

11-29-12 SA

5. Signature (Addressee)

Effie M. Gow

6. Signature (Agent)

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

990-2



June 25, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

990-2

Kenneth P Gow
10944 Loch Lomond
Whittier CA 90606

Dear Mr. Gow:

This letter is in follow-up to our June 24th telephone conversation concerning Water Right No. 990-2, listed in the name of Effie Gow. Water Right No. 990-2 authorizes diversion of water from a 240 feet deep flowing well to irrigate 20 acres of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T8S, R2E. During our phone conversation, you indicated the flowing well is only used for livestock watering and no longer used for irrigation purposes.

Under South Dakota water law, if water is no longer being used for the purpose it was appropriated, the water right is subject to cancellation. Since irrigation is no longer taking place from the well, Water Right No. 990-2 will be scheduled for cancellation consideration. Cancellation of this water right does not mean that you can not use the well for livestock watering. Livestock watering (under 18 gallons per minute) is a domestic use of water and does not require a water permit.

If the flow of the well exceeds 18 gpm, a change in use to the existing water right may be needed. The existing well must be valved and the flow reduced to the amount needed for livestock purposes.

The flood irrigation system on your property is covered under Location Notice No. 546-2. The location notice authorizes irrigation of 158 acres from a dry draw. If the water right for the flowing well is canceled, flood irrigation from the dry draw is still authorized to the amount developed.

Water Right No. 990-2 will be scheduled for cancellation consideration at a later date. You will be notified of the exact time, date and place of the hearing once it is scheduled. If I have misunderstood our conversation and use of water from the well for irrigation has not been discontinued, please let me know.

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

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program

990-2 ✓
LN 546-2

Kenneth P. Gow (310) 699-3501
10944 Loch Lomond FAX (310) 699-5915
Whittier, CA 90606
26 October, 1995

Water Rights Program
Joe Foss Building
523 East Capitol
Pierre SD 57501-9936



Gentlemen:

There might have been 10 acres of alfalfa irrigated by flood water in 1995 on the Gow family ranch (about 7 miles North West of Edgemont) and there might be a maximum of 20 acres in 1996. I cannot predict the weather. There is no equipment for pumped irrigation, nor is any planned in the foreseeable future. The ditches for flood water irrigation were built in the 1920s.

Sincerely,

Ken Gow
Ken Gow

CC Rory & Wanda Brown (lease-holder)
HC 59, Box 8
Edgemont, SD 57735

662-7868

990-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

July 27, 2023

Steve Mullens
3210 Huxley Dr
Augusta GA 30909

990-2

Dear Mr. Mullens:

I would like to thank you for taking the time to speak with me over the phone in regard to Water Right No. 990-2. This water right authorizes the diversion of water from one well completed into the Inyan Kara Aquifer, at a rate of 0.13 cubic feet of water per second (cfs), which equates to roughly 59 gallons per minute (gpm), for the irrigation of 20 acres within the NE ¼ SE ¼ of Section 5, T8S, R2E, Fall River County, South Dakota. I have enclosed copies of both the Water Right and a map of the land in question.

Our records indicate that the land has not been irrigated since the mid-1990s. South Dakota Water Laws require that the water must be placed to beneficial use at least once every three years, or else it becomes subject to cancellation.

If the well is valved and controlled to the amount needed for domestic use (such as livestock watering and household use), and no irrigation is taking place, the water right could be cancelled, while still allowing the well to remain in place for domestic use.

If you determine that resuming irrigation is something you would like to pursue, we will send out an annual irrigation questionnaire to monitor the water use, and the water right would need to be transferred into your name. I have also included a transfer form for you to complete, should you choose to irrigate.

Please let me know how you would like to proceed.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 27, 2024

990-2

Steve Mullens
3210 Huxley Dr
Augusta GA 3090

Dear Mr. Mullens:

This letter is intended to follow-up on the correspondence sent to you last summer, dated July 27, 2023, regarding Water Right No. 990-2. This water right authorizes the irrigation of 20 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T8S-R2E, Fall River County, from one well, at a rate of 0.13 cfs (approx. 60 gpm).

When we last spoke, you were able to confirm your ownership of the property covered under Water Right No. 990-2.

Per SDCL 46-5-7, if any person or entity holding a Water Right/Permit fails to put the water to beneficial use for a period of 3 or more years, the right/permit is subject to cancellation for abandonment and/or forfeiture.

Our records indicate that the above-described lands have not been irrigated since the 1990s. At this time, it is the intention of the Water Rights Program to move forward with the cancellation of Water Right No. 990-2.

If the well is valved and controlled so that the rate of diversion does not exceed 18 gpm, it would fall within a reasonable domestic use and would be available to you for livestock watering, household use, irrigation of up to 1 acre, etc., without the need for a permit. Please see SDCL 46-1-6 (7) for a full list of domestic uses.

Please contact me to confirm the absence of irrigation and continued ownership.

Sincerely,

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