

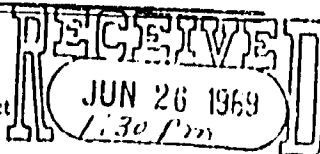
994.2

1. Considered September 3, 69
2. Name of Applicant Delmer Finn
3. Post Office Address Midland
4. Amount of water claimed 2.36
5. Source of water supply Red River
6. Water to be used for irrigation
 Acres to be irrigated 165.5
7. Water to be diverted and used in Haskell county
 about 2 miles E of Midland
8. Proof of Publication Received 1st
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. **994-2**

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

District



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 ~~Belser-Finn~~ Finn Farm Inc.
Postoffice address Midland (Star Route 61, Box 1) Haakon South Dakota
County _____ State _____

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

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____
- (b) Cash on hand, \$ adequate (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Finn #1

3. Amount of water claimed 2.36 cubic feet per second

4. Source of water supply Bad River

5. Location of point of diversion see attachment

_____ of _____ left bank _____ Haakon County.

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

7. To be used for:

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

(a) Number of acres to be irrigated 165.5 acres.

(b) Legal subdivisions to be irrigated see attachment

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

MAP No 861-2

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.)

Pump - Pipe - Sprinkler System

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back facematerial used in construction
 (b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH.....FEET DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
 Material

(d) Canal: Total lengthmiles.

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 work5.....years.

11. Time required for complete application of water to the proposed beneficial use4..... years.

12. Choice of newspaper for publication of notice of intention to appropriate
 Pioneer Review, Philip, S.D.

STATE OF SOUTH DAKOTA

County ofHughes.....} RS.

Delmer Finn

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, 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 Delmer Finn

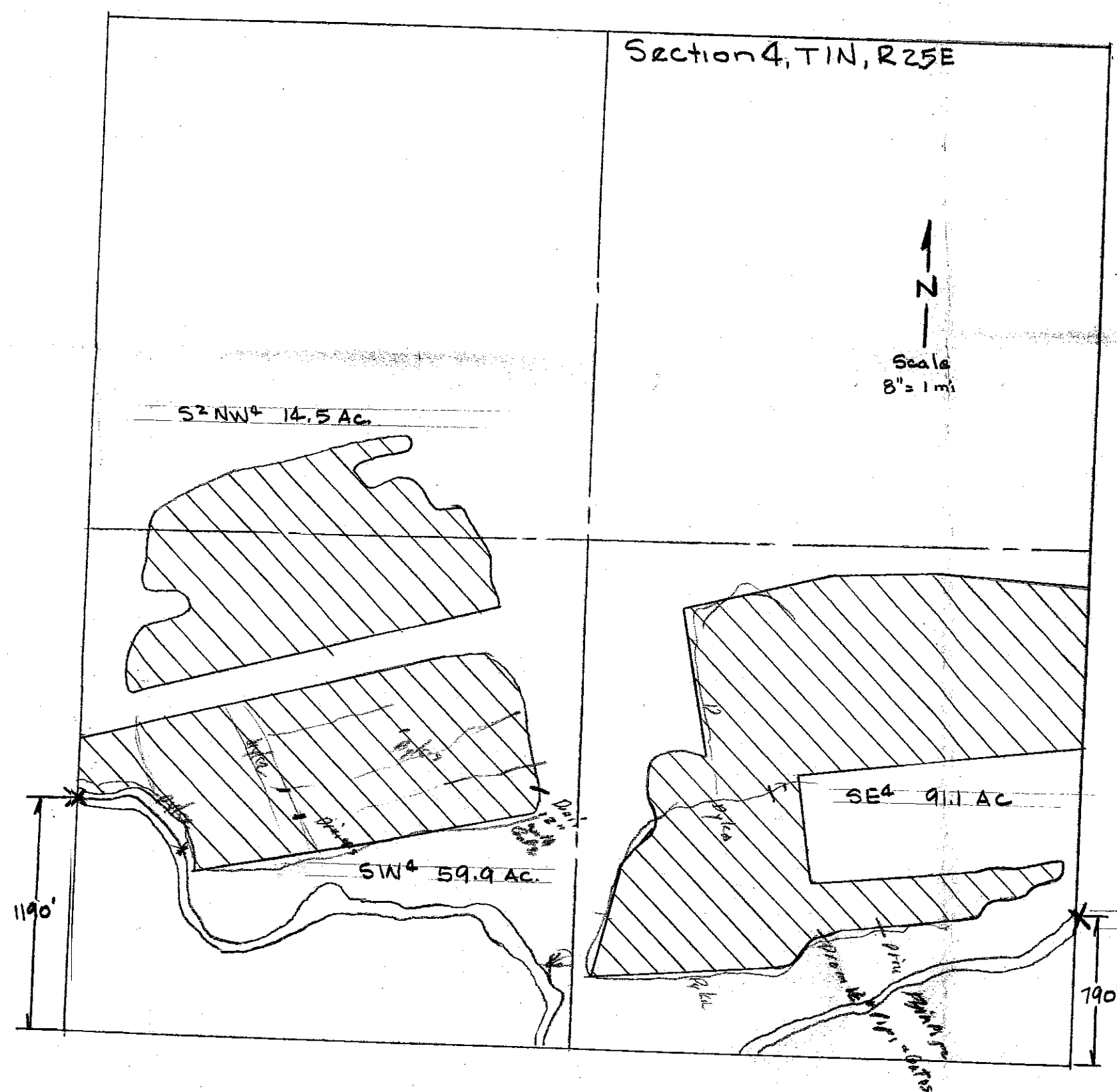
Subscribed and sworn to before me this26th..... day ofJune..... 19..69

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Louise Seals, Executive Assistant
 Water Resources Commission

Map # ~~844-2~~
Appl. # 994-2



DELMER FINN #1

SECTION 4, T1N, R25E

HAKON COUNTY

Remarks by State Water Resources Commission:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC
USE, INCLUDING LIVESTOCK WATERING, AND PRIOR
WATER RIGHTS, MUST BE BY-PASSED.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 30, 1969

This is to certify that the foregoing application was received by the Commission at 1:30 o'clock
p.m. upon the 26TH day of JUNE, 1969

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 994-2

Date of first receipt of application JUNE 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 JUNE 26, 1969

Approved SEPTEMBER 3, 1969 Recorded in Book 11 Page 37

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 3, 1972

2nd. The whole of said work is to be completed on or before SEPTEMBER 3, 1974

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

SEPTEMBER 3, 1978

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 2.36 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 3, 1978, said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 30TH day of SEPTEMBER, 1969

State Water Resources Commission

By:

Bill Jones
Chief Engineer, Executive Officer

Certificate of Construction issued SEPTEMBER 10, 1974

Water License Issued SEPTEMBER 10, 1974

Lands to be Irrigated:

All in Section 4, 11N, R25E

S $\frac{1}{2}$	SW $\frac{1}{4}$	59.9 acres
	NW $\frac{1}{4}$	14.5 acres
	SE $\frac{1}{4}$	91.1 acres
Total		165.5 Acres

Points of Diversion

Between Points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, 11N, R25E.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 994-2

(1) WHEREAS, On the 26th day of June A. D. 19 69

Delmer Finn

made Water Right Application No. 994-2 for a permit to use 2.36 cubic feet per second of the waters of Bad River

County of Huakon State of South Dakota, for irrigation

purpose; and

(2) WHEREAS, On the 30th day of September A. D. 19 69

Permit No. 994-2 with a date of priority of June 26, 1969

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 3rd day of September A. D. 19 74 and for the application to beneficial use of said water on or before the 3rd day of September A. D. 19 78

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 2.36 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

for irrigating the following land in Section 4, T1N, R25E

S½ NW¼ 14.5 acres

SW¼ 59.9 acres

EE¼ 91.1 acres

165.5 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Delmer Finn

_____ of Midland, S.D.
the holder _____ and owner _____ of said permit No. 994-2 a water right dating from June 26, 1969
_____ to use of 2.36 cubic feet per second of the waters
of Bad River

in the County of Haakon and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at
between a point 1190 ft. North of the SW Corner, Section 4, and a point 790 feet North
of the SE Corner, Section 4, T1N, R25E

and conduct to and upon portions of Section 4, T1N, R25E, more fully described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 994-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of September A. D.

Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer

DONALD DRISCOLL

Permit No. 994-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Delmer Finn

_____ the holder _____ of
Permit No. 99402, issued upon Application No 994-2, bearing date of priority of June 26,
1969 authorizing the diversion of 2.36 cu. ft. per second of the waters of _____
Bad River County of Haakon, State of South Dakota at _____
between a point 1190 ft. North of the SW Corner, Section 4, and a point
790 ft. North of the SE Corner, Section 4, T1N, R25E
_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 7.0 cu. ft. per second of water.

Date September 10, 1974

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

994-2

Publish first publication, on or before August 7, 19 69

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

July 23, 1969

Notice is hereby given that Delmer Finn

whose post office address is Midland, 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

2.36 cubic feet of water per second of time from the Bad River through the

Minn. Co., the point of diversion of which is to be located in the between points in the NW 1/4 SW 1/4 and SE 1/4 S 1/4

of Section 4, Twp. 1N, Range 25E. Said water to be used for the purpose of providing irrigation on the following described land:

portions of the SW 1/4, SE 1/4, S 1/4 NW 1/4, Section 4, T1N, R25E

This application No. 994-2 will be considered by the Water Resources Commission at their office at Pierre upon the 3rd day of September, 19 69, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

cc: Delmer Finn, Midland, S.D.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 994-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Haakon) ss.

I, Les Ravellette hereby
certify that the annexed printed copy of Notice of Intent 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 city
of Philip

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

July 31, 1969

August 7, 1969

August 14, 1969

August 21, 1969

Les Ravellette
(Signature)

Publisher
(Title)

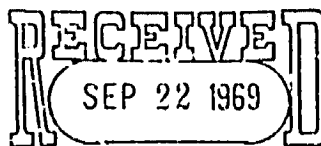
Aug 26, 1969
(Date Signed)

No. 994-2
NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
July 25, 1969

Notice is hereby given that
Delmer Flinn, whose post office
address is Midland, South Dakota,
has made an application in accor-
dance with the provisions of the
water laws of South Dakota for a
permit to appropriate for bene-
ficial use 2.35 cubic feet of water
per second of time from the Bad
River through the Flinn #1, the
point of diversion of which is to
be located in the between points
in the NW 1/4 SW 1/4 and SE 1/4
SE 1/4 of Section 4, Twp. 1N,
Range 25E. Said water to be
used for the purpose of providing
irrigation on the following
described land: portions of the
SW 1/4, SE 1/4, S 1/2 NW 1/4,
Section 4, T1N, R25E.

This application No. 994-2
will be considered by the Water
Resources Commission at their
office at Pierre upon the 3rd
day of September, 1969, at 2:00
P. M. All interested persons may
appear and be heard.

Water Resources Commission
By: Burton F. Jones
Water Rights Specialist
July 31, Aug. 7, 14, 21)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

TRACT NO. 4-52

OPERATOR Delmer Finn

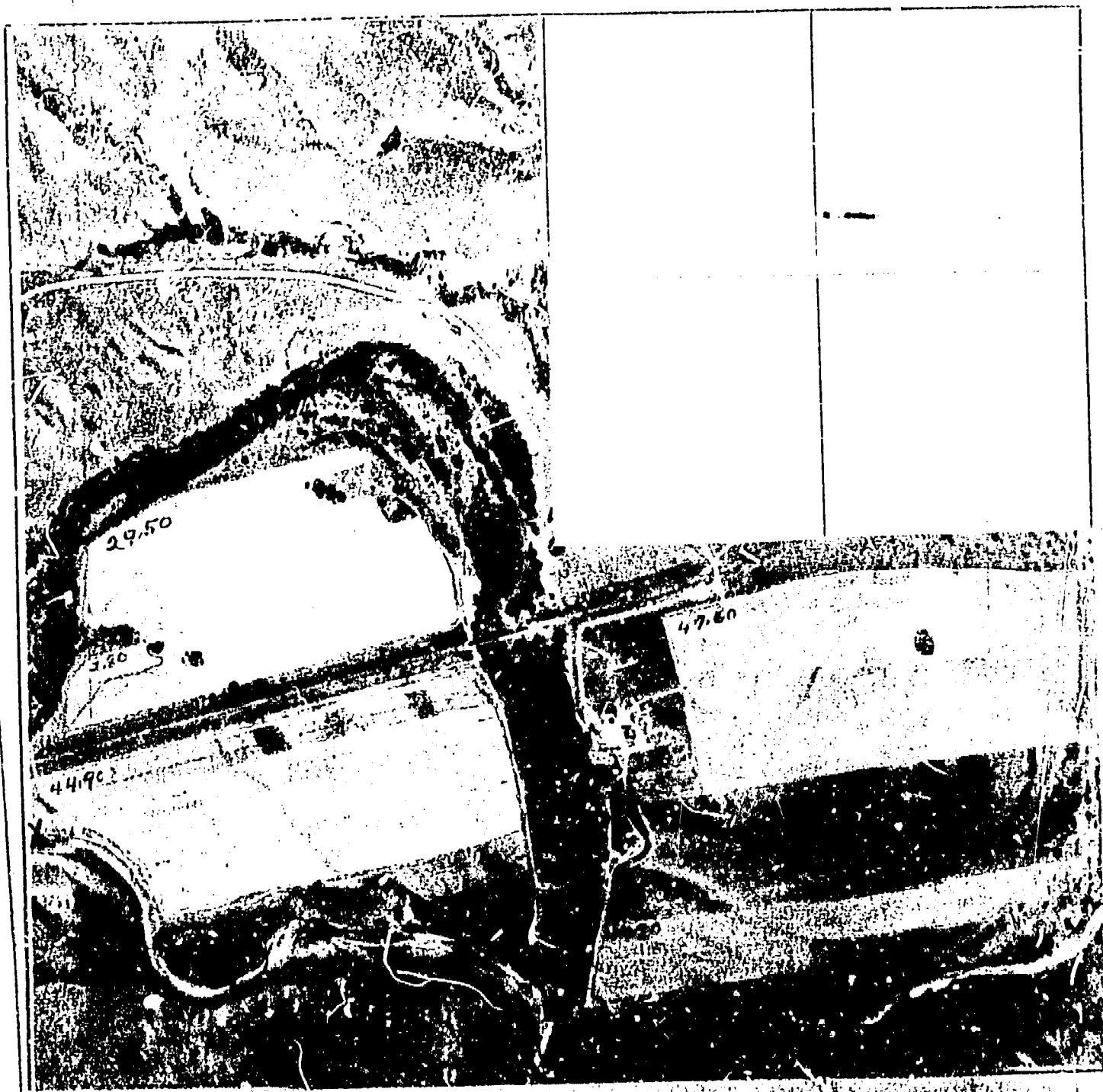
PHOTO NO. 500-251

OWNER Harry & Opal Finn

Farmland 480

Cropland 162.30

NCOP



Legal Description 77.65% of Sec. 4 10-25.

Water Division _____ Water District _____

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by W. J. [illegible]
[illegible] of San Diego holder
of Permit No. 90100, bearing date of priority of June 1, 1910, 1910
authorizing the diversion of 7.36 cu. ft. per second of the waters of San Diego
for irrigation purposes, in San Diego County.

The Water Use System consists of,

A. Works used to divert the water: *Power Sifts Pump & Pipe 1974 Serial No 5170*
Powered by available Transformer

B. Works used to transport water to place of use, 1000' of 10" diameter pipe

C. Works used to apply water to beneficial use.

Hand-dug ditches, furrows, etc., for irrigation purposes.
Irrigation system, etc.

The system is in the following condition: _____

The point of diversion is located 4.7 miles upstream from the T.V. Reservoir
and about 20.1 miles from the Little Rock - Red River

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: for domestic use in the city of Los Angeles

sub C. 1. 100. 100.

OFFICE OF THE ATTORNEY GENERAL

comprising a total of 126 acres of land.

Date _____

(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8061

March 10, 1981

PIERRE, _____

RECEIVED OF Nina Finn, Finn Farm Inc., Star Rt. 61, Box 1, 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. _____	2.50
Fee for filing <u>transfer of WR# 994-2</u> _____	
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 W. R. / J. H. /
Chief Engineer, Executive Officer
JOHN HATCH /

TO: Water Rights
Foss Building
Pierre, SD 57501

Date:

165.5 acres S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4, T1N, R25E

has been transferred to Finn Farm Inc., Star Route 4-1 Box 1, Midland, SD 57552

Water Right Permit No. 994-2 as provided for in SDCL 46-5-32 and 46-5-33.

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)
) ss.
County of Haukan)

I, Delmer Finn 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.

Delmer Green
(Signed)

Subscribed and sworn to before me this 9 Day of March, 1981.

Myrna Abel
(Notary Public)
MYRNA ABEL, Notary Public
HAakon COUNTY, SOUTH DAKOTA
My Commission Expires 8-2-86



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



November 18, 2014

994-2

Shad Finn
Finn Farm Inc
25065 Capa Rd
Midland SD 57552

Dear Mr. Finn:

I am writing in regard to Water Right No. 994-2. Shane Finn returned the 2014 irrigation questionnaire to us indicating that he (as Finn Livestock Company) no longer handled operation of Finn Farm Inc. Yesterday, I called and spoke with Mrs. Finn concerning the water right and based on our phone conversation completed an irrigation questionnaire for you indicating no irrigation took place in 2014.

Enclosed is a copy of Water Right No. 994-2. The water right authorizes diversion of water from the Bad River for irrigation of 165.5 acres. For informational purposes, under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

If I can answer any questions for you, please give me a call.

Sincerely,

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

enclosure