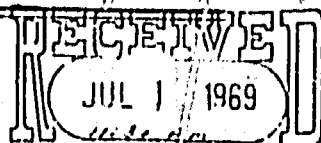


495-2

- Considered September 3, 69
3. Name of Applicant Kenneth E. Berry
4. Post Office Address Phillip
4. Amount of water claimed 2.0
5. Source of water supply Bad River
6. Water to be used for irrigation
- Acres to be irrigated 144
7. Water to be diverted and used in Haakon county
about IN 12E miles of Phillip
8. Proof of Publication Received 1st
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

800-2
Applie included
in irrigation season.

No. 995-2Water Division No. 2 BAD RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant Kenneth F. Berry
 Postoffice address Box 254 Philip Minksville, County Haskell, State S. D. K.

- 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)

By self with privately owned equipment

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

2. Name of diversion work Irrigation Project Number ten
 3. Amount of water claimed two cubic feet per second
 4. Source of water supply Bad River
 5. Location of point of diversion 60 Rod S 53° 30' E of Northwest corner Sec. 23-T1N-R22E on East bank Haskell County.
 6. Annual period or periods during which water is to be used March 1 To Dec. 1
 7. To be used for:

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

- (a) Number of acres to be irrigated
- 144
- acres.

- (b) Legal subdivisions to be irrigated
- attached sheet

(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 362-2

8. Estimated cost of work:

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

(c) Fluming, \$-----

(e) Other structures Pipe-----

(d) Canal-earth, \$200⁰⁰-----

(h) Pumping plant, \$200⁰⁰-----

Rock, \$-----

Total, \$-----

9. Description of diversion works:

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

Portable Pump, Tractor driven-----

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 Two-----years.

11. Time required for complete application of water to the proposed beneficial use Two-----years.

12. Choice of newspaper for publication of notice of intention to appropriate Pioneer Review-----

Philip, S. Dak.-----

STATE OF SOUTH DAKOTA

Count of Hackley-----} ss.

I, Kenneth E. Berry-----, 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 Kenneth E. Berry-----

Subscribed and sworn to before me this 1st day of July 1967

Morris J. Gorman
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

Low flows including all of the flows originating from the Philip Municipal well are to be by-passed for downstream domestic use, including livestock watering.

Flows as needed for downstream prior water right use are to be by-passed.

No diversion of Bad River flows are to be made after July 1st of each year, except when it is evident that the flows are in excess of water needs downstream.

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota, NOVEMBER 12, 1969

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock

a.m. on 1st day of JULY, 1969

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit

995-2

Date of first receipt of application

JULY 1

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

JULY 1

1969

Approved NOVEMBER 12, 1969, Recorded in Book

11

Page 52

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

NOVEMBER 12, 1970

(11-12-74)

2nd. The whole of said work is to be completed on or before

NOVEMBER 12, 1971

1971

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

NOVEMBER 12, 1973 (11-12-78) EXTENSION 4-26-76

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 2.0 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 NOVEMBER 12, 1973; said water to be used during the following described annual period:

MARCH 1 TO DECEMBER 1

Witness my hand this 18th day of NOVEMBER, 1969.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued

19

Water License Issued

19

Area	Location	Acres
1	NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 14, T1N-R22E	3
2	NW $\frac{1}{4}$ of SE $\frac{1}{4}$ " " "	11
3+4	SE $\frac{1}{4}$ of SW $\frac{1}{4}$ " " "	28
5+6	SW $\frac{1}{4}$ of SE $\frac{1}{4}$ " " "	26
7	E $\frac{1}{2}$ of SE $\frac{1}{4}$ " " "	38
8	NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 23-T1N-R22E	6
9	NW $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " "	9
10	NE $\frac{1}{4}$ of NE $\frac{1}{4}$ " " " "	<u>23</u>
		144

J. 995-2

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

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

July 23, 19 69

Notice is hereby given that Kenneth Berry
whose post office address is Philip, 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

2.0 cubic feet of water per second of time from the Bad River through the
Berry Irrigation Project #2, the point of diversion of which is to be located in the SW 1/4 NE 1/4

of Section 23, Twp. 11N, Range 22E. Said water to be used for the purpose
of providing irrigation on the following described land:

portions of the E 1/2 NW 1/4, NE 1/4, Section 14; NE 1/4 NW 1/4 and N 1/2 NE 1/4, Section 23, T11N, R22E.

This application No. 995-2 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:

EUREON F. JONES

Water Rights Specialist

cc: Kenneth Berry, Philip, S.D.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF HAAKON

Les Bavellette, of said County and State, being duly sworn, on oath says: THE PIONEER-REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said PIONEER-REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Publisher of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Intent to Appropriate Water, a printed copy of which is hereto attached, was printed and published in said newspaper for 4 successive issues, the first publication being on the 31 day of July, 1969 and the last publication on the 21 day of August, 1969; that \$ 13.35 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Les Bavellette

Subscribed and swore to before me this 17 day of November, 1969.

Ernest L. Lutz
Notary Public, Haakon County

No. 993-2
NOTICE
INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
July 23, 1969

Notice is hereby given that Kenneth Berry, whose post office address is Philip, 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 2.0 cubic feet of water per second of time from the Bad River through the Berry Irrigation Project #2, the point of diversion of which is to be located in the NW 1/4 NE 1/4 of Section 23, Twp. 1N, Range 22E. Said water to be used for the purpose of providing irrigation on the following described land: portions of the E 1/2 NW 1/4, NE 1/4, Section 14; NE 1/4 NW 1/4 and N 1/2 NE 1/4, Section 23, T1N, R22E.

This application No. 993-2 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
(Pub. July 31, Aug. 7, 14, 21)

RECEIVED
NOV 10 1969

WATER RESOURCES COMMISSION

Kenneth E. Berry

At its September 3, 1969 meeting, the Commission considered Water Right Application No. 995-2 of Kenneth E. Berry to withdraw up to 2.0 cubic feet per second of water from Bad River to irrigate up to 144 acres of land. A number of people owning land along Bad River downstream from the proposed irrigation appeared to express their concern. The Commission deferred further consideration pending investigation by the Commission Staff.

The proposed irrigation is located eleven miles east of Philip. Mr. Berry already has Water Right No. 804-2 authorizing the irrigation of up to 64 acres with water from Bad River.

The main items of concern expressed by the downstream landowners were:

1. In July of 1963 the Water Resources Commission authorized the City of Philip to allow the excess flows of its flowing artesian well to flow downstream in Grindstone Creek and Bad River to be used for livestock watering. Much of the river section normally carrying this flow is now dry. The concern is that recent irrigation under Water Right No. 804-2 may have been a factor in reducing the length of the river section now having a flow of water.

Mr. Berry reported that in 1969 he irrigated for only one week, during May. Since his irrigation has started he has only irrigated during a one week period of May each year, except that he did irrigate for four days in July of 1968.

2. Low flows needed for downstream livestock watering could be used instead for irrigation purposes.

As was explained at the Commission hearing, there is a legal requirement that those having water rights to irrigate from flowing streams are to by-pass flows of water needed for domestic use, including livestock watering, and prior water right use, downstream.

3. Mr. Berry already has Water Right No. 804-2. It seems that other landowners along Bad River should receive water rights before a second water right to take water from Bad River is considered for Mr. Berry.

There is no question but that under South Dakota law, water right applications are to be considered in the order received, without consideration of other water rights held by the applicant, and be approved to the degree that unappropriated water is available.

Since September 5, 1969 some estimate of the flows of Bad River in the Philip-Midland section have been made by the Commission Staff. Flows shown are in gallons per minute. Miles shown are distances east of Philip.

	9/5/69	9/9/69	9/17/69	10/5/69	10/20/69
Upstream from Philip	0	0	0	0	0
* Flow at mouth of Grindstone Cr. (3 mi.)	1000	1000	1000	1000	1000
Flow at Powell (9 mi.)	300	300	250	450	700
Flow at Berry's (11 mi.)	200	125	60	150	200
Flow at Peterson Crossing (15 mi.)	15	0	0	0	125
Flow at Jarman Crossing (16 mi.)	0	0			0
** Flow at Nowlin (18 mi.)	50	25	25	25	25
Flow at Midland (25 mi.)	0	0	0	0	0

* Grindstone Creek carries the overflow of the Philip municipal well into Bad River.

** Low flows at Nowlin are believed to be from the Nowlin R.R. well.

The United States Geological Survey has stream gaging stations on the Bad River at Midland and Fort Pierre. The drainage area above the Midland Station is about 1500 square miles.

This station has been maintained since 1945. During the period of measurement, monthly average flows during January, October, November and December were never higher than five cubic feet per second. Shown below are monthly average flows larger than 5 c.f.s. during the 1951-1965 period.

	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1951	96	55	9		131	26	15	31
1952		622	2408	61	427	41		
1953		1168	188	801	185	13	216	
1954	21	13		31	8			
1955		249	12	28	34			69
1956		281	7	15		105	14	
1957			38	569	524		15	
1958		6	61		160		9	40
1959				70	9	24	12	
1960		836	15	12	84			
1961				18	166	5		
1962		200	30	111	240	112	7	
1963				26	318			
1964			18	77	247	8		
1965			21	430	169	7		

Normally there is little irrigation during March and April. The records indicate unappropriated water would be available about one half of the time during the months of March and April.

The measurements indicate that unappropriated water is usually available during May and June with a reduction in flow occurring in July. There are a few months of May and June when the flows are low. During most such low flow periods none of the water right holders should irrigate, although there are some periods when there is sufficient water so that a few of the water right holders having the highest priorities, could irrigate. When a good cooperative understanding is reached, such as in the White River area, quite a number of applications can be approved without conflicts occurring between irrigators and domestic water users, or between irrigators having different water right priorities.

The recommendation of the Commission Staff is that Water Right Application No. 995-2 be approved containing the following qualifications.

Low flows including all of the flows originating from the Philip Municipal well are to be by-passed for downstream domestic use, including livestock watering.

Flows as needed for downstream prior water right use are to be by-passed.

No diversion of Bad River flows are to be made after July 1st of each year, except when it is evident that the flows are in excess of water needs downstream.

The Commission Staff believes that these same qualifications should apply to any later water right approved for diversion of water from Bad River between Grindstone Creek and Nowlin.

Water Right Application No. 999-2 of John L. Konst to divert up to 1.7 cubic feet per second of water from Bad River to irrigate up to 121 acres is ready for consideration by the Commission. The location of this proposed irrigation is one to two miles east of Nowlin.

The recommendation of the Commission Staff is that Water Right Application No. 999-2 be approved containing the following qualifications.

Low flows as needed for domestic use, including livestock watering, and prior water right use, downstream, are to be by-passed.

No diversion of Bad River flows are to be made after July 1st of each year except when it is evident that the flows are in excess of water needs downstream.

APPLICATION FOR EXTENSION OF TIME

TO: **WATER RIGHTS COMMISSION**
 State Office Building No. 2
 Pierre, South Dakota 57501

Date x 3-8-76

Dear Sirs:

In Water Right Permit No. 995-2 it is specified that the water diversion system is to be completed by November 12, 1971 and that the water is to be put to the limit of beneficial use by November 12, 1973.

I hereby request that the date for completing the diversion system be extended to November 12, 1974 and that the date for putting the water to the limit of beneficial use be extended to November 12, 1978.

The extension of time for the completion of these works is requested for the following reasons: _____

Not enough time requested in original permit.

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

x Robert A. Barry
 (Signed)
 Holder of Permit No. _____

APPROVED 3-18-76

WATER RIGHTS COMMISSION

By: Barton Jones

No. 995-2 Page 10



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Metairie, LA 70090
Date November 3, 1978

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

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 995-2.

Water Right Permit No. 995-2 states that the diversion system is to be constructed by November 12, 1979 and that the water is to be put to beneficial use by November 12, 1978.

The diversion system was completed on October 1, 1978.
Applying the water to beneficial use was completed on October 1,
1978.

You may schedule an inspection so that the Certificate of Construction and/or the Water license may be issued, thus completing my acquisition of a water right.

Kenneth B. By
(Signature)

State of South Dakota
Water License No. 995-2

(1) Kenneth E. Jerry
of Box 17, Milesville, South Dakota 57553
made Application No. 995-2, July 1, 1969 for a water permit to appropriate
2.00 cubic feet per second of water from the Bad River
Haakon County, South Dakota for Irrigation purposes.
Permit No. 995-2, with a priority date of July 1, 1969
was approved November 12, 1969 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before November 12, 1974 and for the application to beneficial use of said
water on or before November 12, 1978

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.66 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is on Bad River: 1914 feet W and 660'S of
NE Corner Section 23 (AB); 561 feet E and 1980 feet N of SW Corner Section 14 (CB);
all in T1N, R22E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T1N, T22E

Section 14

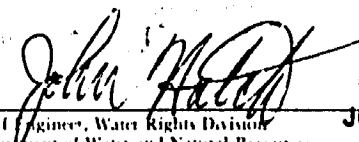
NE $\frac{1}{4}$ SE $\frac{1}{4}$	4.3 Acres	(DA)
SE $\frac{1}{4}$ SE $\frac{1}{4}$	34.5 Acres	(DD)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	22.9 Acres	(DC)
SE $\frac{1}{4}$ SW $\frac{1}{4}$	14.5 Acres	(CD)

Section 23

NE $\frac{1}{4}$ NW $\frac{1}{4}$	7.8 Acres	(BA)
NE $\frac{1}{4}$ NE $\frac{1}{4}$	25.7 Acres	(AA)
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.6 Acres	(AB)
TOTAL	116.3 ACRES	

(4) Pursuant to §46-5-30.1 Kenneth E. Berry
of Box 17, Milesville, South Dakota 57553
the holder(s) and/or owner(s) of Water Permit No. 995-2 is issued a license to appropriate water, the right to use
1.66 cubic feet per second of water from the Bad River with a priority date
of July 1, 1969 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 995-2 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

December 6, 1983

Permit No. 995-2Bad River Water District
10140102**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Kenneth E. Berry of Milesville, SD holder of Permit No. 995-2, bearing the priority of July 1 19 69 authorizing the diversion of 2.00 cu. ft. per second of the waters of the Bad River for irrigation purposes, in Haakon County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water: PTO driven pumps:Crisafulli
S.N. 1535Crisafulli
S.N. 8175Capacity-3000gpm
imp. 12inCapacity-9000
imp. 16in

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

Canals : Depth 2 or 3 ft
 Width 5 ft
 Length 1.4 miles

C. Works used to apply water to beneficial use: numerous small, gated dikes
3 to 4 ft highThe system is in the following condition good

The point of diversion is located On Bad River : 1914 ft W and 660 S of NE corner sec 23 ;
561 ft E and 1980 ft N of SW corner sec 14 ; all in T1N, R22E

The works are capable of diverting and conveying to the place of use 20.00
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: all in T1N, R22E

		Acres			Acres
<u>NE 1/4 SE 1/4</u>	<u>sec 14</u>	<u>4.3</u>	<u>NE 1/4 NW 1/4</u>	<u>sec 23</u>	<u>7.8</u>
<u>SE 1/4 SE 1/4</u>	<u>sec 14</u>	<u>34.5</u>	<u>NE 1/4 NE 1/4</u>	<u>sec 23</u>	<u>25.7</u>
<u>SW 1/4 SE 1/4</u>	<u>sec 14</u>	<u>22.9</u>	<u>NW 1/4 NE 1/4</u>	<u>sec 23</u>	<u>6.6</u>
<u>SE 1/4 SW 1/4</u>	<u>sec 14</u>	<u>14.5</u>			

comprising a total of 116.3 acres of land and the license should be issued for 1.66 cfsApplicable permit qualifications have been complied with Yes NoExceptions to compliance are: _____ Date July 28, 1983

Ron Dawall
(signature)

LICENSE FOR PERMIT NUMBER 995-2

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 5 ft wide
b) type earth
c) length 1.4 miles

numerous small, gated dikes
2 to 3 ft high

4. Dam Information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES	NO	Check Items
-----	----	-------------

- | | | |
|-----|-----|---|
| ___ | ___ | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. |
| ___ | ___ | 2. Special Qualifications to permit being abided by. |
| ___ | ___ | 3. All Structures, wells and lands on map. |

REMARKS: PTO driven pumps :

Crisafulli

S.N. 1535

Capacity - 3000gpm

imp. 12in

Crisafulli

S.N. 8175

Capacity - 9000gpm

imp. 16in.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 21, 1983

Kenneth E Berry
Milesville,
South Dakota 57553

Dear Mr. Berry:

On July 28, 1983, I visited your farm for the final inspection of your water permit No. 995-2. 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.

The developed acreage shown in blue on the enclosed map matches the acreage on Permit No. 995-2; therefore, no corrections are needed to license your permit. However, I would like some more information about your system. I have marked in red the ditches and pumping points which you showed me. Please indicate on the map how water is spread on acreage "A" and on acreage "B", both which are outlined in green. A brief explanation of what you draw on the map would be very helpful. I would also like to know if you have any irrigation equipment other than your Crisafulli pumps, such as pipeline. Indicate the diameter and the length of any pipeline which may exist. Finally, I would like to know the capacity of your pumps (gallons per minute), if possible. I am requesting this information so I can complete the paper work necessary to license your permit. Please answer these questions as accurately as possible.

A final inspection fee of \$50.00 is also needed before Permit No. 995-2 can be licensed. Issuance of the water license is the final step in obtaining a water right. Please return the enclosed map with your additions and the final inspection fee. Thank you for your time and consideration.

Sincerely,

RON DUVALL
Water Resources Engineer

RD:ks

enclosure

Pond

Milaville, S. Dak.

11-29-83

Dear Sir,

In answering your letter the ditch continues as I have marked in black. There are dikes built to control the water in each of the areas with gates that can be opened in various places so the area which needs water can get it.

I have no pipeline other than hose at the pumps.

I have a 16 inch Chisafulli pump which is advertised to pump 9000 gal. per min. and a 12 in. at 3000 gal. per min. I use which ever I can depending on amount of water in river.

Thank you.

Kenneth Berry

RECEIPT

Division of Water Rights

No 4 9420

South Dakota Department of Water and Natural Resources

Pierre, December 1, 1983

RECEIVED OF Kennetn E. Berty, Box 17, Milesville, SD 57553

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. 995-2	50	00
Fee for Filing Transfer Form _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH/ms

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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

December 7, 1983

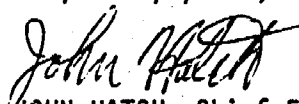
Kenneth E. Berry
Box 17
Hillsville, South Dakota 57553

Dear Mr. Berry:

Enclosed herewith is, Water License No. 995-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

Enclosures

WNR-817 3/83
Transmittal of Water License



995-2

DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 1, 1991

KENNETH E BERRY
HCR 1 BOX 17
MILESVILLE SD 57553

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 804-2, 995-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Amend Permit No(s) 804-2, 995-2 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 15, 1991

995-2

804-2
(995-2)

Kenneth E Berry
HCR 1 Box 17
Milesville, SD 57553

Dear Mr. Berry:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Right Nos. 804-2 and 995-2. You may disregard the February 1, 1991. Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

995-2

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 995-2

Date: _____

I\We request that Water Right No. 995-2

formerly owned by: Kenneth E Berry

be transferred to: (name & address) Robert Berry, HCF, 61 Box 40, Midland, SD 57552 (Telephone No) 859-2315

Title to the following described land(s)/property has been transferred as described above:

116.3 acres SE1/4, SE1/4 SW1/4 Section 14, NE1/4 NW1/4 Section 23, N1/4NE1/4 Section 23, T1N, R22E

I\We understand that the validity of Water Right No. 995-2 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

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

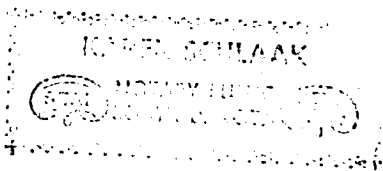
STATE OF SOUTH DAKOTA)

County of Hughes)

I\We Robert Berry 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 that I know of my own personal knowledge that the information herein stated is true.

Robert Berry
(Signed)

Subscribed and sworn to before me this 3rd day of December, 19 93.



KAREN SCHLAACK, Notary Public
MY COM. EXPIRES _____

Karen Schlaack
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

995-2
413958

Pierre, _____ December 3, 19 93

RECEIVED OF Robert Perry, RR 61 Box 40, Midland, SD 57552
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 995-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer



995-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 1993

No. 804-2
995-2

Robert Berry
HCR 61, Box 40
Midland, SD 57552

Dear Mr. Berry:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 804-2 and 995-2.

Our records now show you as the owner of Water Right Nos. 804-2 and 995-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosures

995-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

ROBERT BERRY
HIC 61 BOX 40
MIDLAND SD 57552

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 804-2 & 995-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 Nos. 804-2 & 995-2 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 questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

995-2

ROBERT BERRY
HC 61 BOX 40
MIDLAND, SD 57552

4a. Article Number

P 757 566 331

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2-13-95

5. Signature (Addressee)

Robert Berry

6. Signature (Agent)

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

PS Form 3811, December 1991 ☆ U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

995-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 1995

804-2

995-2

Robert Berry
HC 61 Box 40
Midland, SD 57552

Dear Mr. Berry:

I am writing to acknowledge receipt of your 1994 Irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaires.

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

If you have any questions, please contact me.

Sincerely,

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



995-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1997

NOTICE

TO: ROBERT BERRY, HC 61 BOX 40, MIDLAND, SD 57552

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

SUBJECT: Violation of Requirement to Submit 1996 Irrigation Questionnaire

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 804-2 & 995-2. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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 2:30 pm, March 5, 1997, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 804-2 & 995-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



995-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 1997

804-2

995-2

Robert Berry
HC 61 Box 40
Midland, SD 57552

Dear Mr. Berry:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation of the Requirement to Submit the 1996 Irrigation Questionnaire.

I completed questionnaires for you based on our March 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



995-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: ROBERT BERRY, HC 61 BOX 40, MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit Nos. 804-2 & 995-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 804-2 & 995-2 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 questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2001

804-2
995-2

Robert Berry
HC 61 Box 40
Midland, SD 57552

Dear Mr. Berry:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 804-2 and 995-2.

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

If you have any questions, please contact me.

Sincerely,

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



995-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

TO: ROBERT BERRY, HC 61 BOX 40, MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire has not been submitted for Permit Nos. 804-2 & 995-2. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 2, 2005, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 804-2 & 995-2 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 questionnaires are received in this office on/or before February 25, 2005, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 2005

804-2
995-2

Robert Berry
23331 Hwy 14
Midland SD 57552

Dear Mr. Berry:

Thank you for stopping by the office to complete your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 804-2 and 995-2.

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

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

drawn
10/28/22
w/ 995-2





995-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: ROBERT BERRY, 23331 HWY 14, MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire has not been submitted for Permit No(s) 804-2 & 995-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 804-2 & 995-2 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



995-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 16, 2017

804-2
995-2

Robert Berry
23331 Hwy 14
Midland SD 57552

Dear Mr. Berry:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 804-2 and 995-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



995-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: ROBERT BERRY, 23331 HWY 14, MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 804-2 & 995-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 804-2 & 995-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: NDFRHR**

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



995-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

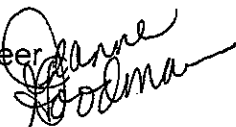
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2020

NOTICE OF ENTRY OF ORDER TO AMEND WATER RIGHTS

TO: Robert Berry, 23331 Hwy 14, Midland SD 57552

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Amendment to Water Right Nos. 804-2 and 995-2

On February 27, 2020, the Water Management Board amended Water Right Nos. 804-2 and 995-2 to add the following qualification:

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

This action was taken for your failure to return the 2019 irrigation questionnaires. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2020 regarding Water Management Board action taken February 26, 2020 for Irrigation Questionnaire violations addressed as stated below:

One Year Suspensions:

Water Right No. 6947-3

Joel Adler, 48353 149th St, Milbank SD 57252

Water Permit No. 7655-3

Thomas Brady, 265 Antler Dr., Yankton SD 57078

Water Right Nos. 2698-2 & 2721-2

Neil & Lupita Fanning, 220 Rangely Ct., Simi Valley CA 93065

Water Right No. 5947-3

Sean Davis, Fish Lake Country Club, 24385 393rd Ave., Letcher SD 57359

Water Permit Nos. 7008A-3 and 7009A-3

Roger D Hanson, 615 E 72nd St., Kansas City MO 64131

Water Right No. 7043-3

Corey Johannsen, 502 Main St., Tolstoy SD 57475

Donald & Dianna Stotz, 14850 328th Ave, Tolstoy SD 57475

Water Right No. 876-1

Gene E Johnson, 19610 US Hwy 85, Belle Fourche SD 57717

Water Right No. 1213B-1

Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788

Water Right No. 410B-2

Kathi Koester, PO Box 206, Custer SD 57730-0206

Water Permit No. 8253-3

James Makens, Makens Oak Tree LLP, 42563 168th St, Clark SD 57225

Water Permit Nos. 5849-3 and 6194-3

Josh Oakley, Meadow Creek Golf Course, PO Box 511, Volga SD 57071-0511

Water Right Nos. 2521-3 and 2934-3

Henry Decker, Pembroke Hutterian Inc., 35955 139th St, Ipswich, SD 57451 7103

Water Right Nos. 5566-3 & 7615-3 and Water Permit No. 7616-3

Wayne Reiersen, 30048 Reiersen Pl., Pollock SD 57648

Water Permit No. 2350-3

Bill Boyer, President, River Valley Farms, PO Box 486, Alcester SD 57001 0486

Water Right No. 4737-3

RUS Farms Real Estate LLC, 3283 Dogwood Ave., Rock Valley IA 51247

Water Right No. 2954-3

Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Water Right Nos. 6131-3 and 6132-3

Daniel Ulmer, PO Box 433, Menno SD 57045 0433

Water Right Nos. 2631A-3 and 5451-3
Merritt Ulmer, PO Box 433, Menno SD 57045-0433
Merritt & Marie Ulmer, 1402 S Cage #217, Pharr TX 78577

Water Right No. 553-1
Richard W Kieffer, 14555 Hamlet Pl, Sturgis SD 57785

Three Year Suspensions:

Water Right No. 6168-3
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536

Water Right No. 2106-2
Stuart Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701

Amendments:

Water Right Nos. 804-2 & 995-2
Robert Berry, 23331 Hwy 14, Midland SD 57552

Water Right No. 766-2
Gene Fortune, PO Box 60, Interior SD 57750 0060

Water Right Nos. 516-1 and 715-1
Lawrence Woodward, PO Box 220, Dupree SD 57623 0220

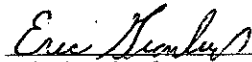
Both Suspend and Amendments

Water Right No. 960-3 and Water Permit No. 472A-3
Chad Binger, 18309 383rd Ave, Tulare SD 57476

Water Right Nos. 2579-3, 4353-3, 5774-3, 6424-3, 6606-3, 6870-3, 7193-3, 7490-3 & 7491-3
Jonathan Wollman, Claremont Colony, 46271 184th St, Castlewood SD 57223

Water Right Nos. 3012-3 and 7323B-3
Mark Morlock, 33820 112th St., Eureka SD 57437-6005
Marvin Morlock, 11072 339th Ave, Eureka SD 57437-6003

Water Right No. 399-2 and Water Permit No. 2668-2
Steve L Simunek, 27851 S Buffalo Gap Rd, Oral SD 57766



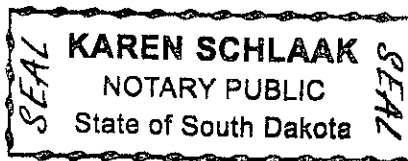
Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.



Karen Schlaak
Notary Public
My Commission expires April 1, 2025





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: ROBERT BERRY, 23331 HWY 14, MIDLAND, SD 57552

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

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 804-2 & 995-2. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 804-2 & 995-2 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 804-2 & 995-2 in accordance with applicable provisions of SDCL 46-1-12;
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 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: QKGDMT**

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

995-2



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 1, 2022

804-2
995-2

Robert Berry
23331 Hwy 14
Midland SD 57552

Dear Mr. Berry:

I am writing to acknowledge receipt of the information for your 2021 irrigation questionnaires. Thank you for visiting with me on the phone. I completed the questionnaires for you based on our conversation.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 804-2 and 995-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us