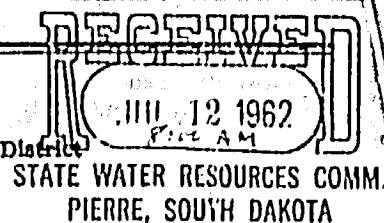


1001-3

1. Considered 9-19, 1962
2. Name of Applicant Vernard D. Burns
3. Post Office Address Harold, VT
4. Amount of water claimed 3.96
5. Source of water supply Missouri River
6. Water to be used for Irrigation
Acres to be irrigated 227.4
7. Water to be diverted and used in Washington County
24.5 miles of Frank
8. Proof of Publication Received 10/1
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1001-3Water Division No. 3 Missouri River
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant Art Gregg
Harrold, SD 57536
 Postoffice address Harrold, County Hughes, State S. Dak

I. If a corporation XXXX

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

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

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

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract, employment of others and direct labor

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Kenneth Gregg #1
 3. Amount of water claimed 3.963 cubic feet per second
 4. Source of water supply Missouri River
 5. Location of point of diversion From the NW corner of SW 1/4 Sec 26 T 108 N R 74 W of 5th
P.M. S. 31 degrees E 198 rods on NE bank Hughes County.
 6. Annual period or periods during which water is to be used May 1 to Nov 1
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity irrig(a) Number of acres to be irrigated 277.4 acres.(b) Legal subdivisions to be irrigated West 1/2 Sec 26 800 map

(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 645-3

8. Estimated cost of work:

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

(b) Pumping plant, \$--4000--

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

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

Rock, \$-----

(e) Other structures -----

\$3000

Total, \$--7000--

9. Description of diversion works:

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

Probably gravity system with pump plant, pipeline, ditches, land levelling

II. Dimensions of works.

(a) Dam: Height-----feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled -----acre feet. Surface area at highwater mark-----acres.

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

(c)* Head gate: Width-----feet; height-----feet; Material -----

(d) Canal: Total length -----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work -----5----- years.

11. Time required for complete application of water to the proposed beneficial use -----5----- years.

12. Choice of newspaper for publication of notice of intention to appropriate Pierre State News -----

STATE OF SOUTH DAKOTA

County of Hughes

ss.

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

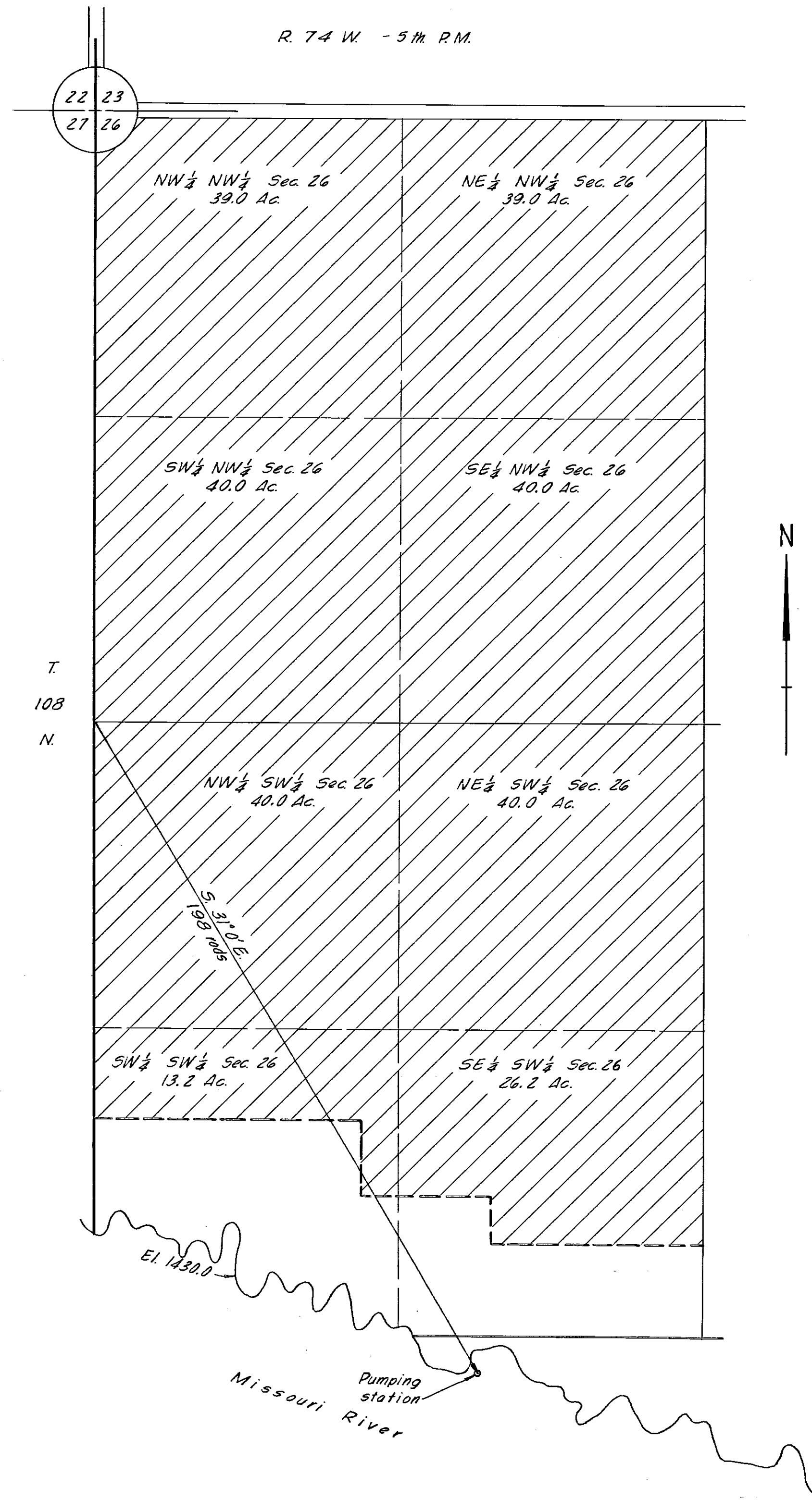
Signed

Subscribed and sworn to before me this -----9----- day of -----

19--22--

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by Kenneth Gregg

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW $\frac{1}{4}$ NW $\frac{1}{4}$	26	108N	74W	39.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	26	108N	74W	39.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	26	108N	74W	40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	26	108N	74W	40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	26	108N	74W	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	26	108N	74W	40.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	26	108N	74W	13.2
SE $\frac{1}{4}$ SW $\frac{1}{4}$	26	108N	74W	26.2
TOTAL				277.4

SURVEYOR'S CERTIFICATE

I, Gordon W. Stroup, DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE KENNETH GREGG IRRIGATION PROJECT NUMBER ONE AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE HUGHES COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: Gordon W. Stroup

TITLE: Agricultural Engineer

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF June, 1962 A.D.

Lela S. Thomas
NOTARY PUBLIC

MY COMMISSION EXPIRES LELA S. THOMAS, NOTARY PUBLIC, 1965
OCTOBER 2, 1965

Scale: 1" = 400'

**KENNETH GREGG
IRRIGATION PROJECT
NUMBER ONE**

Hughes County, South Dakota

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

Designed _____	Date _____	Approved by _____
Drawn _____	Title _____	
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. _____	of _____

MAP N^o 645-3 (APPL N^o 1001-3)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, OCTOBER 9, 1962

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 12TH day of JULY, 1962

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 1001-3

Date of first receipt of application JULY 12, 1962

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 JULY 12, 1962

Approved SEPTEMBER 19, 1962, Recorded in Book 7 Page 183

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 19, 1965

2nd. The whole of said work is to be completed on or before SEPTEMBER 19, 1967

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

SEPTEMBER 19, 1967

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 3.96 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 by 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 19, 1967; said water to be used during the following described annual period:

MAY 1 TO NOVEMBER 1

Witness my hand this 9TH day of OCTOBER, 1962

State Water Resources Commission

By:

John R. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued DECEMBER 7, 1971

Water License issued DECEMBER 7, 1971

Form 15.

Permit No. 1001-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Kenneth Gregg

Permit No. 1001-3, issued upon Application No. 1001-3, bearing date of priority of July 12,
1962 authorizing the diversion of 3.96 cu. ft. per second of the waters of
Missouri River County of Hughes, State of South Dakota at
a point South 31⁰ East, 198 rods from the W $\frac{1}{2}$ Corner, Section 26, T108N,
R74W
for irrigation

purposes, he 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 5.0 cu. ft. per second of water.

Date December 7, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1001-3

(1) WHEREAS, On the 12th day of July A. D. 19 62
Kenneth Gregg

made Water Right Application No. 1001-3 for a permit to use 3.96 cubic feet per second of the waters of the Missouri River

County of Hughes, State of South Dakota, for irrigation

(2) WHEREAS, On the 9th day of October A. D. 19 62
 Permit No. 1001-3, with a date of priority of July 12, 1962

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 19th day of September A. D. 19 67 and for the application to beneficial use of said water on or before the 19th day of September A. D. 19 67

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 3.96 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 26, T110N, R74W

	Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	13.2
SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.2
Total	277.4 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 Kenneth Gregg

_____ of Harrold
the holder _____ and owner _____ of said permit No. 1001-3 a water right, dating from July 12, 1962
_____ to use of 3.96 cubic feet per second of the waters
of the Missouri River
in the County of Hughes and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point South 31 East, 198 rods from the W $\frac{1}{2}$ Corner,
Section 26, T108N, R74W

and conduct to and upon the W $\frac{1}{2}$, Section 26, T108N, R74W, more fully described on the
face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1001-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of 8 December A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

No.-----1001-3-----

On or before
(First Publication)-----August-23-----, 1962--)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., -----July-3-----, 1962--

Notice is hereby given that Kannath Gregg whose postoffice address is Harrold 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 3.96 cubic feet of water per second of time from the Missouri River through the Gregg #1 the point of diversion of which is to be located on the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35 bank of said stream in the 108N Range 74W Twp. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 26, T 108N, R 74W

~~XXXXXX~~ ----- purposes. ~~XXXXXX~~
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of September, 1962, at 2-P M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

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

cc: **Dennis Cosgrove - Publisher**
Pierre State News
Pierre, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Hughes } ss.

F. N. Cosgrove, Publisher being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

Pierre State News a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

Pierre of _____ County of _____

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

August 8 1962

August 15 1962

August 22 1962

August 29 1962

in each and every issue of the full number thereof, the first publication being made on the 8 day of August 1962 and the last publication on the 29 day of

August 1962 upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was in-charge as W. N. Cosgrove and publisher of the said newspaper.

Legal Notices

NOTICE OF INTENTION TO APPROPRIATE WATER

Office of State Water Resources Commission, Pierre, S. Dak., July 30, 1962.

Notice is hereby given that Kenneth Gregg whose postoffice address is Harrold, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.96 cubic feet of water per second of time from the Missouri River through the Gregg #1, the point of diversion of which is to be located on the left bank of said stream in the NE 1/4 of the NW 1/4 of Section 35, Twp. 108N, Range 74W, said water to be used for the purpose of providing irrigation on the following described land: NW 1/4 and SW 1/4, Section 26, T 108N, R 74W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of September, 1962, at 2 P.M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission: By: Burton F. Jones, Water Right Specialist.

Published in Pierre State News August 8, 15, 22 and 29, 1962.

Chg Kenneth Gregg
12 92

RECEIVED
OCT 5 - 1962

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

to before me this 31 day of Aug A. D. 1962

Notary Public Hughes County, S. D.



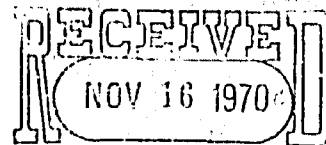
1001-3

DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
7410 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

100RE-M

12 November 1970

Regional Director
U. S. Department of Interior
Bureau of Reclamation
Regional Office, Region 6
P. O. Box 2553
Billings, Montana 59101



STATE WATER RESOURCES COMMISSION
SIOUX FALLS, SOUTH DAKOTA

Dear Sir:

Inclosed for your information and files is a conformed copy of Easement No. DACH45-2-71-6017 granting Kenneth Gregg, Harrold, South Dakota, an easement for right of way for installation, operation and maintenance of a portable irrigation water pipeline and portable pumping system on land within the boundaries of Big Bend Dam, Lake Sharpe, South Dakota for a period coextensive with South Dakota Water Permit No. 1001-3. The South Dakota Water Permit allows 3.963 cubic feet per second for use on 277.4 acres of land.

Sincerely yours,

1 Incl
as stated

L. Y. LAWTON
Chief, Real Estate Division

CF:
S.D. Water Res Com w/cy incl
AE, Big Bend " "

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

ON HIG BEND DAM, LAKE SHARPE, SOUTH DAKOTA

No. DACM45-2-71-6017

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to

KENNETH GREGG, Harrold, South Dakota,

hereinafter designated as the grantee, for a period not exceeding ~~ten~~ ^{conterminous} with South Dakota State Water Permit No. 1001-3, held by grantee, from date hereof, an easement for a right of way for installation, operation and maintenance of a portable irrigation water pipeline and portable pumping system, hereinafter referred to as "said line" over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" attached hereto and made a part hereof, and described as follows:

A parcel of land 66' wide in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26, and Lots 1 and 2, Section 35, Township 108 North, Range 74 West, Hughes County, South Dakota, lying 33' on each side of the following described line: Commencing at the NW corner of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26, thence Southeasterly along a line from the NW corner to the SE corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ for a distance of 66' to the point of beginning, thence South 24° West to the shoreline of Lake Sharpe, containing 1.00 acre, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of Eighty-five and 10/100, payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to the District Engineer, Omaha District, Corps of Engineers, 7410 U. S. Post Office & Court House, Omaha, Nebraska 68102.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

Conditions Nos. 15, 16, 17, 18 and 19 are continued on Page 3a attached hereto, and by this reference made a part hereof.

Prior to the execution of this easement Conditions Nos. 15, 16, 17, 18 and 19 were added and Condition No. 9 was deleted.
This easement is not subject to Title 10, United States Code, Section 2862.

IN WITNESS WHEREOF I have hereunto set my hand this 26th day of August 19 70.

/s/ W. R. Lausterer
W. R. LAUSTERER
Acting Chief, Real Estate Division
Ordnance District, Corps of Engineers

15. That the grantee shall comply promptly with any regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Federal Water Pollution Control Administration and/or a State Water Pollution Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions or instructions in effect or prescribed by the Federal Water Pollution Control Administration or State Agency are hereby made a condition of this grant.

16. That this easement and rights of way for water pipelines and pumping plants is granted for the exercise of water rights granted by the State of South Dakota. It is understood and agreed that no right to use water from the reservoir is created by this grant. It is further understood by the grantee that the granting of this easement does not preclude the Secretary of the Interior from requiring the grantee to enter into an appropriate water service contract in consideration of such irrigation benefits as may, in the opinion of the Secretary of the Interior, be derived from the withdrawal of irrigation water from the reservoir.

17. That the grantee shall not install erosion control devices around the intake of the irrigation systems without the approval by said officer in charge.

18. That any fuel storage tanks and/or liquid fertilizer tanks located above ground shall be so located or protected by dikes, curbs, sumps or other suitable means as to prevent the spread of liquids in case of leakage of tank or piping therefrom causing or contributing to the pollution of any watercourse. The holding area shall have a capacity at least equal in volume to that of the largest tank in use, plus ten per cent of all other tanks inclosed.

19. The right is hereby reserved to the United States to flood the premises whenever necessary in connection with river and flood control work, and the grantee shall have no claim for damages of any character on account thereof against the United States.

Permit No. 1001-3Water Division 3 MISSOURI RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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 KENNETH GREGG of HARROLD holder of Permit No. 1001-3, bearing date of priority of JULY 12, 1962 authorizing the diversion of 3.96 cu. ft. per second of the waters of MISSOURI RIVER for IRRIGATION purposes, in HUGHES 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:

CORNELL MODEL 5H6 2B4 - 2, 10" INTAKE 12" OUTLET PUMP
POWERED BY GMC V-12 MODEL 702 INDUSTRIAL
PROPANE ENGINE, RATED @ 275 B.H.P.

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

970' OF 12" MAINLINE
2430' OF 10" "
960' OF 8" "
1080' OF 6" "

C. Works used to apply water to beneficial use.

9 - 1/4 MILE 4" TOWLINES
W/ RAINBIRD # 14600 SPRINKLER HEADS W/
11/64 NOZZLES

The system is in the following condition: VERY GOOD

The point of diversion is located S 31° E, 198 RODS FROM THE
W 1/4 CORNER SECTION 26, T10N, R74W

The works are capable of diverting and conveying to the place of use E.O.cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SEC 26, T10N, R74W

NW ⁴ NW ⁴	39 ACRES	NW ⁴ SW ⁴	40.0 ACRES
NE ⁴ NW ⁴	39 "	NE ⁴ SW ⁴	40.0 "
SW ⁴ NW ⁴	40 "	SW ⁴ SW ⁴	13.2 "
SE ⁴ NW ⁴	40 "	SE ⁴ SW ⁴	26.2 "

comprising a total of 277.4 acres of land.Date OCTOBER 14, 1971

Dustin Stone
(Signature)

WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION

NOTICE OF TRANSFER OF WATER PERMIT

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

Date February 10, 1977

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

NW $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres,	SW $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres,	SW $\frac{1}{4}$ SW $\frac{1}{4}$	31.2 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres,	NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres,	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26.2 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres,	NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres		

formerly owned by Kenneth Gregg

has been transferred to Art Gregg

together with any rights to the beneficial use of water thereon as evidenced by
 Water Right Permit No. 1001-3 as provided for in Section 61.0127 of the 1960
 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water
 Permit" in its appropriate file at the Office of Water Rights Commission as
 evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required
 under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
) ss.
 County of Hughes)

I, Art Gregg 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.

Art Gregg
 (Signed)

Subscribed and sworn to before me this 10th day of February

19 77.

Betty Heston
 (Notary Public)
 Land/Water Clerk II



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 2000

1001-3

Art Gregg
22429 Valley Rd
Harrold, SD 57536

Dear Mr. Gregg:

Enclosed is your Reissued Water License No. 1001-3.

A review of your water right found a clerical error had been made in the legal description of the acreage irrigated. The land was described as being in "T110N" and it should have been "T108N". The water license has been reissued to correct the error.

As long as you beneficially use the water as described in the Water License, South Dakota Water Laws provide that you have an continuing right to the use of the water.

If you have any questions concerning your reissued water license, please contact Genny McMath with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1001-3

(1) Kenneth Gregg was issued Water License No. 1001-3, December 7, 1971 for a water right to divert 3.96 cubic feet of water per second from the Missouri River, Hughes County, South Dakota for irrigation purposes. Water License No. 1001-3, with a priority date of July 12, 1962 was issued to the permit holder for diversion of water with construction of the described water supply system completed the application to beneficial use of said water completed.

On February 10, 1977, Water Right No. 1001-3 was transferred from Kenneth Gregg to Art Gregg.

A review of the original license found an error in the legal description of the acres irrigated. The license described the acreage as being in Section 26, T110N, R74W. The actual location of the land is in Section 26, T108N, R74W. The license is being reissued to correct the error in the legal description.

(2) It is certified that the water right holder 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 3.96 cubic feet of water per second for beneficial use. The location of the diversion point is a point S 31°E, 198 rods from the W ¼ corner Section 26, T108N, R74W (NE ¼ NW ¼ Section 35).

(3) The water right holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 26, T108N, R74W			
NW ¼ NW ¼	39.0 acres	NW ¼ SW ¼	40.0 acres
NE ¼ NW ¼	39.0 acres	NE ¼ SW ¼	40.0 acres
SW ¼ NW ¼	40.0 acres	SW ¼ SW ¼	13.2 acres
SE ¼ NW ¼	40.0 acres	SE ¼ SW ¼	26.2 acres
Total 277.4 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Art Gregg, 22429 Valley Rd, Harrold, SD 57536 the holder and/or owner of Water Right No. 1001-3 is issued a license to appropriate water, the right to use 3.96 cubic feet of water per second from the Missouri River with a priority date of July 12, 1962 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 Right No. 1001-3 and subject to South Dakota State Law.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 11 2000

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 10, 2008

1001-3

Art Gregg
22429 Valley Rd
Harrold SD 57536

Dear Mr. Gregg:

I am contacting you in regard to your Water Right No. 1001-3. The water right authorizes diversion of water from the Missouri River to irrigate 277.4 acres in the W ½ Section 26, T108N, R74W in Hughes County.

Prior to mailing out the annual irrigation questionnaires this fall, I wanted to find out if you are irrigating or if you have discontinued irrigation on the land. 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 right. The three year period is waived if legal excuse exists for the years of non-use. Enclosed are excerpts of the water laws and Water Management Board Rules dealing with these issues.

If you have discontinued irrigation, the water right will be scheduled for cancellation consideration and thereby eliminate the need for annual reporting. Cancellation of the water right does not prohibit you from making an application for the same project in the future.

Please take a few minutes to review the enclosed excerpts and contact me regarding your intent towards the water right. Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosure



1001-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 22, 2010

NOTICE

TO: ART GREGG, 22429 VALLEY RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire has not been submitted for Permit No(s) 1001-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 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 10, 2010**, 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) 1001-3 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 **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted 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.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.

[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 7910

Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 8:02 AM on February 9, 2010 in HARROLD, SD 57536. The item was signed for by G INGLE.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, February 09, 2010, 8:02 am, HARROLD, SD 57536
- Notice Left, January 23, 2010, 9:01 am, HARROLD, SD 57536
- Arrival at Post Office, January 23, 2010, 8:01 am, HARROLD, SD 57536

Notification Options

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No FEAR Act EEO Data

FOIA

ART GREGG
22429 VALLEY RD
HARROLD SD 57536

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7910



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2010

1001-3

Art Gregg
22429 Valley Rd
Harrold SD 57536

Dear Mr. Gregg:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Right No. 1001-3.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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



1001-3
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 21, 2011

NOTICE

TO: ART GREGG, 22429 VALLEY RD, HARROLD, SD 57536

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire has not been submitted for Permit No(s) 1001-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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 9, 2011**, 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) 1001-3 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 **March 4, 2011**, 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.

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Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 0997**Service(s): **Signature Confirmation™**Status: **Delivered**

Your item was delivered at 7:55 am on January 25, 2011 in HARROLD, SD 57536. The item was signed for by G INGLE.

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Enter Label/Receipt Number.

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Detailed Results:

- **Delivered, January 25, 2011, 7:55 am, HARROLD, SD 57536**
- **Out for Delivery, January 22, 2011, 9:03 am, HARROLD, SD 57536**
- **Sorting Complete, January 22, 2011, 8:53 am, HARROLD, SD 57536**
- **Arrival at Post Office, January 22, 2011, 8:07 am, HARROLD, SD 57536**

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0997	ART GREGG 22429 VALLEY RD HARROLD SD 57536	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service		
☐ First-Class Mail® parcel		
☐ Package Services parcel		

mailing.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 27, 2011

1001-3

Art Gregg
22429 Valley Rd
Harrold SD 57536

Dear Mr. Gregg:

I am writing to acknowledge receipt of your 2010 irrigation questionnaire.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right No. 1001-3. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

2020 Water Management Board Irrigation Questionnaire

Please fill out and return before December 4, 2020

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or submit your form(s) electronically over the internet at <https://denr.sd.gov/iq> Your temporary password is **GMIROI**

Permit No. 1001-3

ART GREGG
22429 VALLEY RD
HARROLD SD 57536

Any address/ownership corrections?

Email _____

Phone _____

1. Did you irrigate in 2020? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 1001-3

sufficient moisture ☒ no water available ☐

system not constructed ☒ use abandoned ☐

enrolled in CRP ☐ , through what year? _____

other ☐ , please explain in the Comment Box:

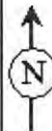
Comment Box

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2020? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. MISSOURI RIVER

5. Provide your water use on the back of this form.



Office use only

RECEIVED

OCT 30 2020

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 1001-3

(see above section map for help reading legal descriptions)

sec 26-T108N-R74W, NW1/4NW1/4 - 39.00 acres
sec 26-T108N-R74W, NE1/4NW1/4 - 39.00 acres
sec 26-T108N-R74W, SW1/4NW1/4 - 40.00 acres
sec 26-T108N-R74W, SE1/4NW1/4 - 40.00 acres
sec 26-T108N-R74W, NW1/4SW1/4 - 40.00 acres
sec 26-T108N-R74W, NE1/4SW1/4 - 40.00 acres
sec 26-T108N-R74W, SW1/4SW1/4 - 13.20 acres
sec 26-T108N-R74W, SE1/4SW1/4 - 26.20 acres

Please provide your 2020 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

1001-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 4, 2020

1001-3

Art Gregg
22429 Valley Rd
Harrold SD 58536

Dear Mr. Gregg:

I am contacting you regarding water use as authorized under Water Right No. 1001-3. The water right authorizes irrigation of 277.4 acres in the W 1/2 Section 26-T108N-R74W.

Your 2020 irrigation questionnaire and several questionnaires in the past, have been marked "system not constructed". Since there is no longer an irrigation system on this property, it appears the water right has been abandoned and subject to cancellation. I wanted to touch base with you first to find out if you have indeed discontinued irrigation on the land.

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. Legal excuse as defined by Board rules includes unavailability of water and having too much water. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Please contact our office concerning your intent towards the water right. Thank you in advance for your help.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosure

1001-3

RECEIVED

NOV 12 2020

WATER RIGHTS
PROGRAM

22429 Valley Road

Harrold, S.D. 57536

Nov. 8, 2020

Department of Environment & Natural Resources

Joe Foss Building

523 East Capital

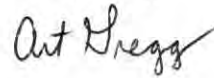
Pierre, S.D. 57501

Dear Genny McMath,

We still have the pipe from the pump site to the pivot pad and the electricity is still out to the pad too. The old pivot was worn out and we haven't put a new one up yet. The last few years we have had good moisture and good crops and with the poor prices for the crops it wouldn't pay to put a pivot up. I am sure if we lose our water rights and then put in a new pivot it would take a lot of time and red tape to get them back or may not even be able too. If you would give us few more years to decide what we want to do, it would be appreciated.

Thank you.

Sincerely,



Art Gregg