

1. Considered 5-1, 1963 1032-3
2. Name of Applicant W. B. HALL
3. Post Office Address HARRIS
4. Amount of water claimed 1.9
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigate 133
7. Water to be diverted and used in Lincoln County
about 14.525 miles of PIERRE
8. Proof of Publication Received ☒
Not Received ☐
9. Application Approved ☒
Subject to ☐
Not Approved ☐
Action deferred ☐
10. Remarks:

NO. 1082-3

Water Division No. 3

(Blanks to be filled by the State Engineer.)

APPLICATION FOR PERMIT

To appropriate water within the State of South Dakota

STATE WATER RESOURCES COM. (RECEIVED SOUTH DAKOTA)

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

1. Name of applicant Harold Downes RR 3, Harold SD
~~Harold Downes, 218 W. 1st St., Rapid City, SD~~
 Postoffice address Harold, SD, County Harmon, State South Dakota 57536

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 address of directors: _____

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) Contract and direct labor
 (b) Cash on hand, \$ 5,000.00 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Virgil Hall No. 13. Quantity of water claimed 1.90 cubic feet per second.4. Source of water supply Missouri River5. Location of point of diversion From the NW corner of Sec. 23, T10N, R75W, due South, 218 rods, on the north on _____ bank.6. Annual periods during which water is to be used May 1 and November 1

7. To be used for:

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

(a) Number of acres to be irrigated 133 acres.(b) Legal subdivisions to be irrigated See 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.) None

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 673-3

8. Estimated cost of work:

(a) Head gates, \$..... (b) Pumping plant, \$ 3500.00
 (c) Plumbing, \$..... (d) Canal earth, \$ 500.00 Rock, \$.....
 (e) Other structures pipeline..... \$ 3000.00 Total, \$ 7000.00

9. Description of diversion works:

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

Pumping plant and pipeline and canal

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 of 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.....one.....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 dimension where reductions in size are made.)

10. Time required for completion of work.....five..... years.
 11. Time required for complete application of water to the proposed beneficial use.....five..... years.
 12. Choice of newspaper for publication of notice of intention to appropriate.....

Pierre Capitol Journal, Pierre, S.D.

STATE OF SOUTH DAKOTA

County ofHughes..... } ss.

I,Virgil Hall.....

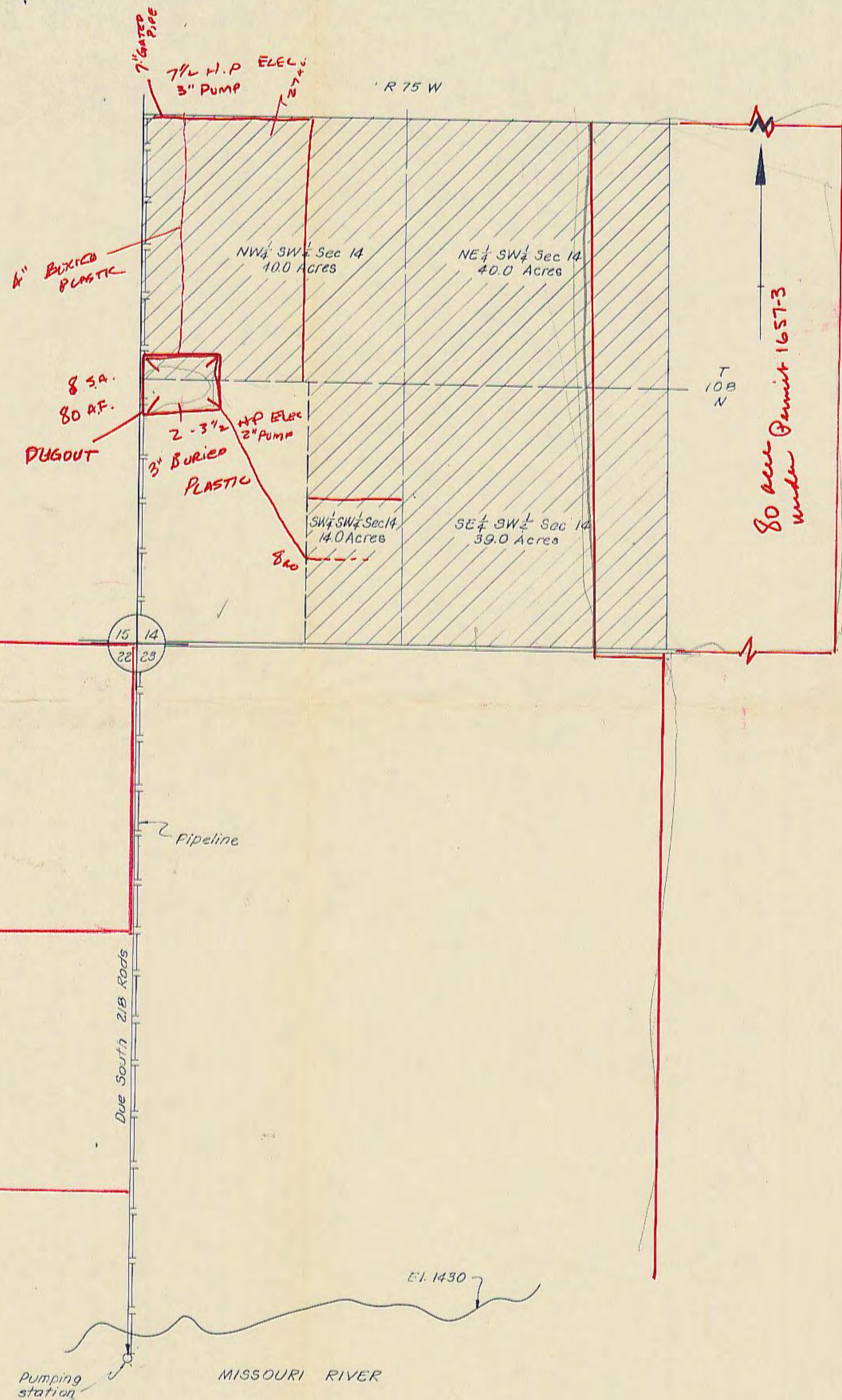
being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters herein stated and shown are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

SignedVirgil Hall.....

Subscribed and sworn to before me this 5th day of April 1963

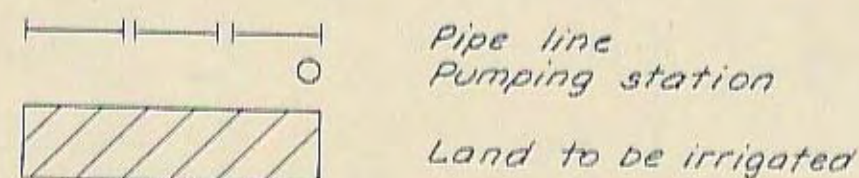
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



All lands described are owned by Virgil Hall

LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
NW 1/4 SW 1/4	14	108N	75W	40.0
SW 1/4 SW 1/4	14	108N	75W	14.0
NE 1/4 SW 1/4	14	108N	75W	40.0
SE 1/4 SW 1/4	14	108N	75W	39.0
TOTAL				133.0



SURVEYOR'S CERTIFICATE

I, _____ DO HEREBY CERTIFY THAT THIS MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND OF THE VIRGIL HALL IRRIGATION PROJECT NO. 1 AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE FOR THE HUGHES COUNTY SOIL AND WATER CONSERVATION DISTRICT.

SIGNATURE: _____

TITLE: _____

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 19____, A.D.

NOTARY PUBLIC

MY COMMISSION EXPIRES January 25, 1971

Scale: 1" = 400'

VIRGIL HALL IRRIGATION PROJECT NUMBER 1

Hughes County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

MAP NO 673-3 (APPL N)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.
Pierre, South Dakota, MAY 10, 1963

This is to certify that the foregoing application was received at this office at 2:00 o'clock
P m. upon the 5TH day of APRIL, 1963 and that after examination it
was found to comply with the South Dakota water laws, was published in accordance with the provisions
thereof and consideration given to any and all information presented.

Number of permit 1032-3
Date of first receipt of application APRIL 5, 1963
Date of return to applicant for correction _____, 19____
Date of receipt of corrected application _____, 19____
Date from which applicant may claim right APRIL 5, 1963
Approved MAY 1, 1963 Recorded in Book 8 Page 80

This is to certify that I have examined the foregoing application for a permit to appropriate
water of the State of South Dakota, and I 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 1, 1965
- 2nd. The whole of said work is to be completed on or before MAY 1, 1968
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is MAY 1, 1968
- 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 Da-
kota, 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 1.9
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 neces-
sary for the production of crops in the exercise of the best husbandry; and further, said appropria-
tion 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 MAY 1, 1968; said water to be used during the following described an-
nual period:

MAY 1 THRU NOVEMBER 1

Witness my hand this 10TH day of MAY, 1963

Certificate of Construction issued JUNE 10, 1971
Water License issued JUNE 10, 1971
Joe G. Ginn
CHIEF ENGINEER
EXECUTIVE OFFICER

Form 15.

Permit No. 1032-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harold J. Downes

_____ the holder _____ of
Permit No. 1032-3, issued upon Application No. 1032-3, bearing date of priority of April 5,
1963 authorizing the diversion of 1.90 cu. ft. per second of the waters of _____
the Missouri River County of Logan, State of South Dakota at _____
a point 2620' East and 3200' South of the NW Corner, Section 23, T108N, R75W

_____, for _____

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.33 cu. ft. per second of water.

Date June 10, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. . . . 1032-3

(1) WHEREAS, On the 5th day of April A. D. 19 63

Virgil Hall

made Water Right Application No. 1032-3 for a permit to use 1.90 cubic feet per second of the waters of the Missouri River

County of Hughes, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 10th day of May A. D. 19 63

Permit No. 1032-3, with a date of priority of April 5, 1963

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 1st day of May A. D. 19 68 and for the application to beneficial use of said water on or before the 1st day of May A. D. 19 68

and, Whereas, on the 1st day of April, 1969, the Permit was transferred to Harold J. Downes

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 1.9 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 14, T108N, R75W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 14 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 39 acres

Total 133 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 Harold J. Downes

_____ of Pacific Palisades, California
the holder _____ and owner _____ of said permit No. 1032-3 a water right, dating from April 5, 1963
_____ to use of 1.9 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 2620' East and 3200' South of the NW Corner
Section 23, T108N, R75W

and conduct to and upon portions of the SW $\frac{1}{4}$, Section 14, T108N, R75W, described on the
face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1032-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of June A. D.
Nineteen Hundred and Seventy-One

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer , J.V. GRILES

No. 1032-3

on or before April 8
(First Publication

19 63)

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak., April 5

Notice is hereby given that Virgil Hall 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 1.90 cubic feet of water per second of time from the Missouri River through the

Virgil Hall #1, the point of diversion of which is to be located on the left bank of said stream in the 11W $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23 Twp. 108N Range 75W. Said water to be used for the purpose of providing irrigation on the following described land:
SW $\frac{1}{4}$ Section 14, T108N, R75W

~~XXXXXX~~

This application will be taken up by the State Water Resources Commission at their office in Pierre for consideration upon the 1st day of May, 19 63, 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

CC: Robert B. Hipple, Publisher
Capital Journal
Pierre, South Dakota

By:
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.

J. H. HIPPLE being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____

DAILY CAPITAL JOURNAL a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

CITY of PIERRE County of HUGHES and State of South Dakota; that the said notice was published in said newspaper on the following dates:

4-8, 4-15, 4-22, 4-29-1963

in each and every issue of the full number thereof, the first publication being made on the 8 day of April 1963 and the last publication on the 4-29 day of April 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Mgr. the printer and publisher of the said newspaper.

John H. Hipple

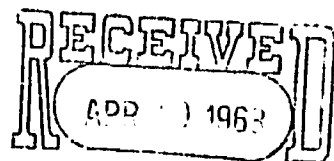
Subscribed and sworn to before me this 29 day of April A. D. 1963

Frank H. Gordon

Notary Public
South Dakota
Commission Expires March 25, 1968

Notary Public HUGHES County, S. D.

No. 1032-3 at daily April 15-22-29
No. 1032-3
APPROPRIATION OF WATER
Office of State Water Resources
Commission
Pierre, S. Dak., April 5, 1963.
Notice is hereby given that Virgil
Hall, whose postoffice address is
Harold S. Dak., has made an appli-
cation in accordance with the pro-
visions of the water laws of South
Dakota for a permit to appropriate
for beneficial use 1.90 cubic feet of
water per second of time from the
Missouri River through the Virgil
Hall No. 10 the point of diversion of
which is to be located on the left
bank of said stream in the NW 1/4 of
the SW 1/4 of Section 23 Twp. 108N
Range 75W. Said water to be used
for the purpose of providing irriga-
tion on the following described
land: SW 1/4 of Section 14, T108N,
R75W.
This application will be taken up
by the State Water Resources Com-
mission at their office at Pierre for
consideration upon the 1st day of
May, 1963, at 2 P.M. All interested
persons may appear and be heard.
Appropriate action will be taken
by the Water Resources Commis-
sion 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



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

NOTICE OF TRANSFER OF WATER PERMIT

APRIL 1, 1969

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that

VIRGIL H. HALL

who previously owned the land described below has sold his interests to

HAROLD DOWNES

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 1032-3
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of _____

} ss.

I, _____ being first duly sworn on my
oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed

Virgil H. Hall

Subscribed and sworn to before me this

25th

day of

March

1969

Manda Redgum
Notary Public

MAF 7-10-67
Notary Public
My Comm. Expires
1-1-68

Permit No. 1032.3
 Water Division 3 MISSOURI RIVER Water District

REPORT 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 HAROLD J. DOWNES of PACIFIC PALISADES, CALIF holder of Permit No. 1032-3, bearing date of priority of APRIL 5, 1963 authorizing the diversion of 1.90 cu. ft. per second of the waters of MISSOURI RIVER for _____ purposes, in _____ 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 8" INLET 10" OUTLET PUMP *
POWERED BY GMC 150 HP INDUSTRIAL
ENGINE, PROPANE #702V12

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

4800' OF 12" MAINLINE
1600' OF 10" MAINLINE

C. Works used to apply water to beneficial use.

6 - 1/4 MILE 4" TOWNLINES W/ RAINISHED 14600
SPRINKLER HEADS 11/64

The system is in the following condition: VERY GOOD

The point of diversion is located 2620' E AND 3200' S OF THE
NIN CORNER, SECTION 23, T108N, R75W

The works are capable of diverting and conveying to the place of use 3.33 *

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 SW⁴ SECTION 14, T108N, R75W

<u>NW⁴ SW⁴</u>	<u>40</u>	<u>ACRES</u>
<u>SW⁴ SW⁴</u>	<u>14</u>	<u>"</u>
<u>NE⁴ SW⁴</u>	<u>40</u>	<u>"</u>
<u>SE⁴ SW⁴</u>	<u>39</u>	<u>"</u>

comprising a total of 133 acres of land.

EQUIPMENT & DIVERSION RATE INCLUDES
 THIS PERMIT NO 1032-3 AND PERMIT NO 1657-3

Date APRIL 27 1971

[Signature]
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION



January 16, 2002

NOTICE

1032-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: HAROLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4949-3 & 5345-3, 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.

1032-3

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HAROLD J DOWNES
1301 SHCREBIRD LANE
CARLSBAD CA 92009

COMPLETE THIS SECTION ON DELIVERY

A. Receiver's Name (Please Print Clearly)

HAROLD DOWNES

B. Delivery

1-23-01

C. Signature

x Harold Downes

☐ Agent☐ Addressee

D. Is delivery address different from item 17

☒ Yes☐ No

If YES, enter delivery address

3. Service Type

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

6469151616

4. Restricted Delivery? (Extra Fee)

☐ Yes

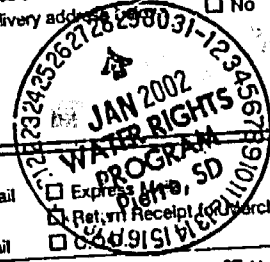
2. Article

7001 2510 0004 4797 5774

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2002

Harold J Downes
1301 Shorebird Lane
Carlsbad, CA 92009

RE: Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Permit or Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 & 5345-3.

I completed questionnaires for you based on our January 23rd telephone conversation. The forms I completed reflect that you did not irrigate in 2001. The systems were turned on briefly at the end of the season to determine if they worked properly.

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

Garland Erbele, Chief Engineer Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol.
Pierre, South Dakota 57501-3182

RECEIVED

OCT 24 2003

WATER RIGHTS
PROGRAM

Dear Sir:

Since we first started irrigating on the Joe Creek Terrace nearly 50 years ago, before Lake Sharpe was formed, we have seen many changes. We have always found the personnel in your department most helpful and cooperative. Relying on the precedents thus set, we are submitting herewith our water rights reports along with notes accurately reporting the facts as we know them. This year catches us in a state of flux or change in that we have found it no longer economically desirable to pursue further the flood and gated pipe way of distributing water on our crops. While the pivot systems are somewhat more capital intensive, they offer the advantages of less water use, more efficient distribution, less labor intensive, less erosion, and less pollution. We took the first steps in switching over by replacing all the diesel operated pump stations with electric systems in 1997 admittedly with more than a little pressure from the Corps of Engineers.

Accordingly, we are progressively changing to pivot systems. We installed our first pivot this year and hope to have four more installed by the end of this year or at least in time for the 2004 crop season. By the 2005 season we hope to have completed the pivotization of all our irrigable holdings on the Joe Creek Terrace. So much for the big picture.

Several of the permits obviously will need amendment. We would like to wait until we have finished the current redevelopment before making those changes. However we need the advice of your department on this point. Would you please ask whoever is charged with the responsibility for reading these reports to cast one eye on this letter and the notes included herewith to better understand what we are trying to do?

We expect to be at Joe Creek from October 25-30. The farm phone is 875-3384 and my cellphone is 760-419-8951.

Sincerely,



Harold and Mary Ann Downes

1301 Shorebird Lane

Carlsbad, CA 92009

October 21, 2003

Note to # 5345-3: If this is the 25- acre strip adjacent Lake Sharpe, we lost the lease and don't believe we will recover it under current Corps of Engineers policies. Accordingly this permit may be a candidate for revision or cancellation. It was represented to us by the Corps at the time of non-renewal of our lease that the land was to be used as a wild life preserve. However, it has been farmed and crop has been taken from it in the form of hay in recent years in apparent contradiction of the use used as a basis for non-renewal of our long standing lease arrangement. If the Corps were to change its policies we would want to lease it again and make use of this permit.

If, on the other hand, this pertains to land on Joe Creek Terrace itself, we are currently irrigating it by gravity and gated pipe and are currently in the planning stages of installing additional center pivots on Secs 23 and 24 to replace the gated pipe system which has been employed since the date of permit #1000-3. We hope to have the new systems operational for the 2004 season.

Note to 4949-3: We are currently lessees of the land in Sec 21 but do not currently hold the lease in Sec 16. Accordingly, this permit should be amended to eliminate reference to the land in Sec 16. Also, we are in planning stages of installing a center pivot to replace the gated pipe system which we have always used in Sec 21. When this comes to pass, we would want to change the diversion point shown in this permit to that employed in #2105 for the land in the NW quarter of 22 and the NW quarter of 15 108-75 since the use of center pivots requires less water more efficiently distributed with less erosion than the flood systems. This change is tentatively foreseen for crop year 2005. We would like to withhold amending this permit until some of the things we are planning become fait accompli so as to incorporate all the changes with a single amendment or updating.



1032-3

**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: HAROLD J DOWNES, 1301 SHOREBIRD LANE, CARLSBAD, CA 92009
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4949-3 & 5345-3 qualification:

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

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. 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) 4949-3 & 5345-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1000-3, 1032-3, 1657-3, 2105-3 & 4293-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (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.



1032-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2005

Harold J Downes
1301 Shorebird Lane
Carlsbad CA 92009

RE: Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3

Dear Mr. Downes:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Permit/Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3, 4949-3 and 5345-3.

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,

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

1000-3

1032-3

1657-3

2105-3

4293-3

4949-3

5345-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Albert Hattum, 21862 West Bend Rd, Harrold SD

DATE: September 25, 2006

TELEPHONE: 605 875-3248

RE: irrigation questionnaires for former Harold Downes land

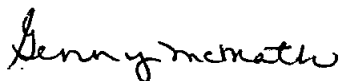
COMMENTS:

Mr. Hattum stopped by the office to complete the 2005 irrigation questionnaires for Water Right Nos. 1000-3, 1032-3, 1657-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. He farmed the land for the "Downes". Harold Downes had originally submitted the forms in November, 2005. The information contained on the forms did not appear to be correct and Mr. Hattum was contacted to review the data and make any necessary changes.

Since the updated irrigation questionnaire information for 2005 was received so late, the information did not become part of the permanent record for 2005. The completed questionnaires will still be scanned however the information will not be contained in the yearly report.

September 26, 2006: John Downes (son) and Michele Downes (daughter) to Mary Ann Downes stopped by the office to submit the "Notice of Transfer of Ownership" changes needed to transfer all Harold Downes' water rights to Mary Ann (Harold's wife). Michele Downes requested that the annual irrigation questionnaires be sent directly to her and she would work with Mr. Hattum to get them completed and submitted back to the office. Send the forms to her at:

Michele Downes	phone: 541 464-8902
1682 NW Hopper St	cell: 760 417-5711
Roseburg OR 97470	work: 541 440-1000



Genny McMath
Environmental Scientist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 26, 2006

RECEIVED OF John Downes, 723 Bay Front Ln, Oake Harbor WA 98277

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>1032-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No. :

025592

By

Darland Ebel
Chief Engineer
gn

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1032-3

Date: 9/12/06

I/We request that Water Right No. 1032-3

formerly owned by: Harold J Downes

be transferred to: (name & address) MARY ANN DOWNES

1301 SHOREBIRD LN.

CARLSBAD, CA 92011

Telephone No. (760) 602-8437

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

133 acres - SW 1/4 Section 14, T108N, R75W

I/We understand that the validity of Water Right No. 1032-3 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 with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We MARY ANN DOWNES, the new owner, certify that the above information is true and correct.

+ Mary Ann Downes
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. 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.

RECEIVED
SEP 26 2006
WATER RIGHTS
PROGRAM



1032-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2006

Mary Ann Downes
1301 Shorebird Ln
Carlsbad CA 92011

RE: Water Right or Permit Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3, 4949-3, 5345-3

Dear Mrs. Downes:

On September 26th, John and Michele Downes stopped by the office with the transfer forms you signed for changing ownership on Water Right Nos. 1000-3, 1032-3, 1647-3, 2105-3, 4293-3 and Water Permit Nos. 4949-3 and 5345-3. The transfers have been completed. The water rights and permits formerly listed in the name of Harold Downes are now listed in your name.

The receipts for the filing fees are being forwarded to John Downes by copy of this letter.

During a review of the water rights, we found the original water license for No. 2105-3 contained an error in the legal description. The error is being corrected and a new copy of the water license will be forwarded to you as soon as it is issued and signed. Also, it came to our attention that the irrigation systems described under Water Right Nos. 1000-3, 1032-3 and 1647-3 were operated interchangeably from the same diversion points. For ease of reporting information on the annual irrigation questionnaires, the water licenses are being combined into one. Nothing is lost during this process and you will retain the original priority dates. A copy of the final license will also be sent to you under separate cover once it is issued and signed by the Chief Engineer.

If I can answer any questions for you, please contact me.

Sincerely,

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

c: John Downes

1032-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

NOV 01 2008

1000-3
1032-3
1657-3
2105-3

Mary Ann Downes
1301 Shorebird Lane
Carlsbad CA 92009

Dear Mrs. Downes:

Enclosed are your Reissued Water License Nos. 1657-3 and 2105-3. Water License No. 2105-3 was reissued to correct an error in the legal description of the irrigated acreage. Water License No. 1657-3 was reissued to incorporate the applicable portions of Water Right Nos. 1000-3 and 1032-3. In each case, all original priority dates were retained.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Michele Downes w/copies of licenses