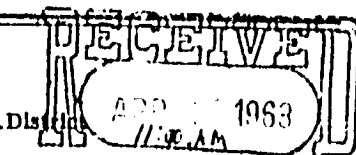


- 1037-3
1. Considered 7-17, 1963
 2. Name of Applicant ROBERT GARDIS
 3. Post Office Address VERMILION
 4. Amount of water claimed 1 c
 5. Source of water supply 105' WELL
 6. Water to be used for IRRIGATION
Acres to be irrigated 121
 7. Water to be diverted and used in CLAY County about
2.5 miles of VERMILION
 8. Proof of Publication Received FIRST ONLY
Not Received _____
 9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
 10. Remarks:

No. 1034-3Water Division No. 3 Vermillion River
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant ~~Robert Garvis~~ DR. FRANCIS M. ARMSTRONG
120 N. HARVARD
Postoffice address Vermillion, County Clay, State S. Dak.

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)
Contract
(b) Cash on hand, \$ 10,000 (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Garvis # 2
3. Amount of water claimed 1.8 cubic feet per second
4. Source of water supply Well
5. Location of point of diversion Well #1, S. 89 deg. E. 80 rods from section corners 27-28
33&34, T-92N, R-51W
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used May- November
7. To be used for:

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

- (a) Number of acres to be irrigated 120.9 acres.

(b) Legal subdivisions to be irrigated NW, NW, NE, NW, Sec. 34 & Portions SE, SW & SW SE Sec. 27
(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. 675-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
(e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height ----- feet; ----- 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 ----- 9 ----- years.
12. Choice of newspaper for publication of notice of intention to appropriate ----- Vermillion Plain Talk -----

STATE OF SOUTH DAKOTA

County of Clay } ss.

I, Robert Garvis

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

Robert Garvis

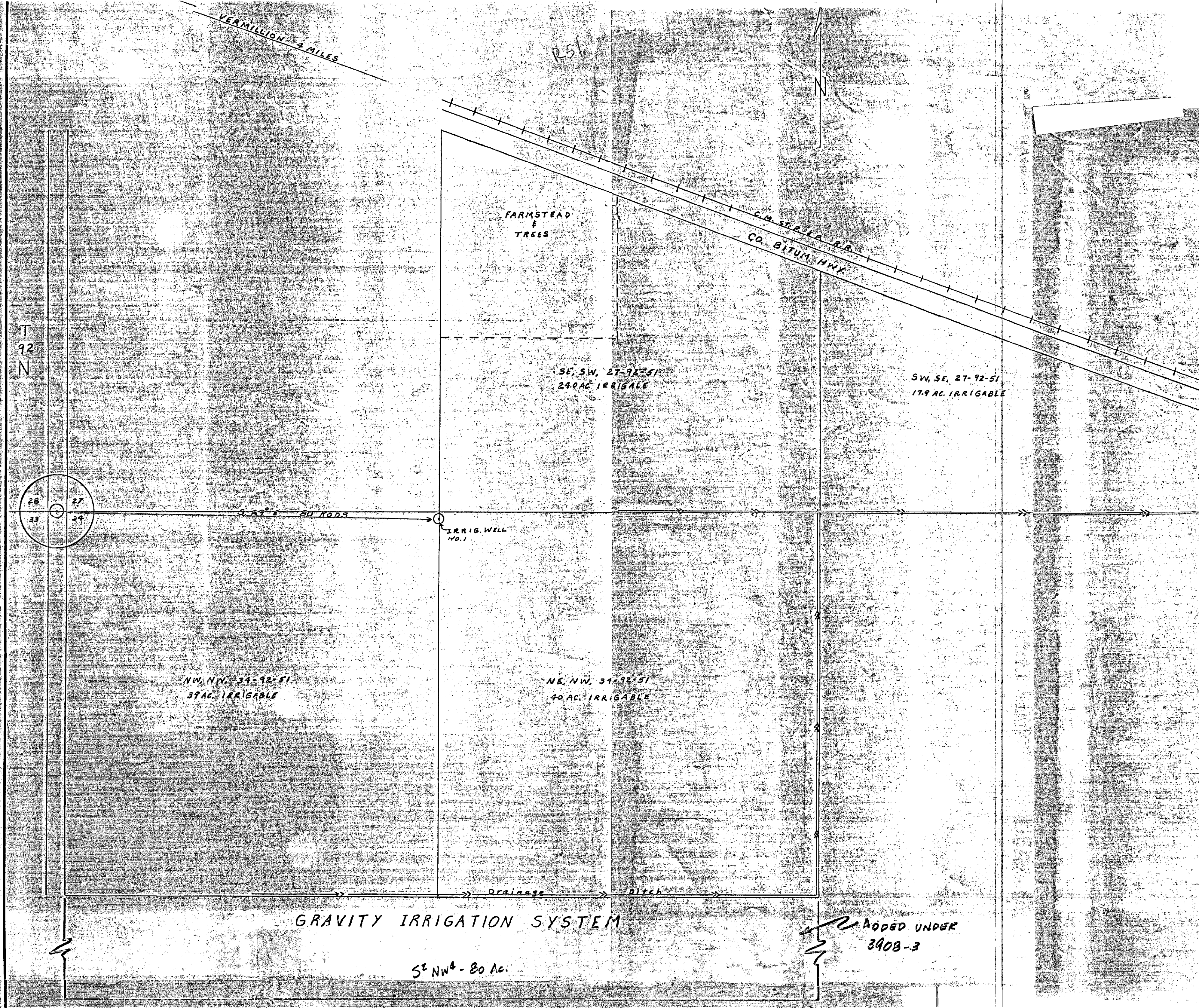
Subscribed and sworn to before me this 11th day of April 1969.

Commission expires

Feb 14-1969.

J. H. [Signature]
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED				
ROBERT GARVIS-IRRIGATION PROJECT NO.2				
LOCATION	SEC.	TWP.	RGE.	ACRES
Portion SE, SW	27	92	51	24.0
Portion SW, SE	27	92	51	17.9
NW, NW	34	92	51	39.0
NE, NW	34	92	51	40.0
Total				120.9

SCALE, 1" = 200'

SURVEYOR'S CERTIFICATE
I, CARL C. WEISS DO HEREBY CERTIFY THAT
MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE L.A.
OF THE ROBERT GARVIS-IRRIGATION PROJECT NO.2
AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE
FOR THE CLAY CO. SOIL & WATER CONSERVATION DISTRICT
SIGNATURE: Carl C. Weiss
TITLE: AGR. ENGINEER
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF
January, 1963, A. D. Carl C. Weiss
NOTARY PUBLIC
MY COMMISSION EXPIRES October 12, 1963.

ROBERT GARVIS			
IRRIGATION PROJECT NO.2			
CLAY COUNTY, S. DAK.			
U. S. DEPARTMENT OF AGRICULTURE			
SOIL CONSERVATION SERVICE			
Designed	Date	Approved by	
<u>CARL C. WEISS</u>	<u>12-17-62</u>	Title	
Drawn		Title	
Traced		Title	
Checked		Sheet	Drawing No.
		No.	
		of	

R-51-W

VERMILLION 4 MILES



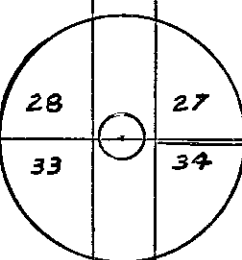
FARMSTEAD
&
TREES

C.M. ST. P. & P. R.R.
CO. BITUM. HWY.

SE, SW, 27-92-51
24.0 AC. IRRIGABLE

SW, SE, 27-92-51
17.9 AC. IRRIGABLE

T
92
N



S. 89° E. 80 RODS

IRRIG. WELL
NO. 1

NW, NW, 34-92-51
39 AC. IRRIGABLE

NE, NW, 34-92-51
40 AC. IRRIGABLE

GRAVITY IRRIGATION SYSTEM

S² NW² - 80 AC.

ADDED UNDER
3908-3

LOCATION OF LAND TO BE IRRIGATED				
ROBERT GARVIS-IRRIGATION PROJECT NO. 2				
LOCATION	SEC.	TWP.	RGE.	ACRES
Portion SE, SW	27	92	51	24.0
Portion SW, SE	27	92	51	17.9
NW, NW	34	92	51	39.0
NE, NW	34	92	51	40.0
TOTAL				120.9

SCALE, 1" = 200'

SURVEYOR'S CERTIFICATE

I, CARL C. WEISZ DO HEREBY CERTIFY THAT
MAP IDENTIFIES A REASONABLY ACCURATE RECORD OF THE LAND
OF THE ROBERT GARVIS-IRRIGATION PROJECT NO. 2
AND HAS BEEN PREPARED BY THE SOIL CONSERVATION SERVICE
FOR THE CLAY CO. SOIL & WATER CONSERVATION DISTRICT

SIGNATURE: Carl C. Weisz

TITLE: AGR. ENGINEER
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23 DAY OF

January, 1962, A. D.

NOTARY PUBLIC
MY COMMISSION EXPIRES June 12, 1963.

ROBERT GARVIS
IRRIGATION PROJECT NO. 2
CLAY COUNTY, S. DAK.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by
<u>CARL C. WEISZ</u>	<u>12-12-62</u>	<u>Carl C. Weisz</u>
Drawn		Title
Traced		Title
Checked	Sheet	Drawing No.
	No.	
	of	

MAP NO. 675-3 (APPL. NO. 3908-3)
Form SCS-214 (November 1955)

Remarks by State Water Resources Commission:

The well granted under this Permit is located near domestic wells and other irrigation wells which may obtain water from the same aquifer. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect those water supplies.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, AUGUST 13, 1963

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock
a.m. upon the 15TH day of APRIL, 1963

State Water Resources Commission

By:

Arthur J. Fure
Chief Engineer, Executive Officer

Number of permit 1034-3

Date of first receipt of application APRIL 15, 1963

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 APRIL 15, 1963

Approved JULY 17, 1963 and in Book 8 Page 112

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

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

JANUARY 17, 1966

2nd. The whole of said work is to be completed on or before JULY 17, 1968

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

JULY 17, 1972

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

and beneficially applied for irrigation on or before JULY 17, 1972; said water to be used during the following described annual period:

MAY - NOVEMBER
Witness my hand this 13TH day of AUGUST, 1963

State Water Resources Commission

By:

Arthur J. Fure
Chief Engineer, Executive Officer

Certificate of Construction issued NOVEMBER 10, 1969

Water License issued NOVEMBER 10, 1969

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36", Depth 105

Type of casing Concrete
(wood, concrete, steel, etc.)

Size of casing 19", Thickness of casing 2½"

Length of casing 105' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Concrete perforated pipe

Size of perforated screen (diameter) (length)

Thickness of gravel pack 6", length of gravel pack 105'

(c) Water Bearing Materials

Distance to water 19' Character of water bearing materials Coarse sands and gravels

Thickness of water bearing material

(d) Pump and Motor

Type of pump Western Land Roller, Turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller, size 10"

Kind of motor Tractor-Diesel
(gasoline, electric, diesel, etc.)

Horsepower 100, Name of Motor Minneapolis/ Moline

(e) Complete well

Capacity 1250 at drawdown of 12 Estimated cost

(f) Owner of land upon which well is located Robert Garvis,
Name

Vermillion, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 90 rods, On property owned by others 150 rods

Permit No. 1034-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Francis M. Armstrong

_____ the holder _____ of
Permit No. 1034-3, issued upon Application No. 1034-3, bearing date of priority of April 15,
1963 authorizing the diversion of 1.8 cu. ft. per second of the waters of _____
ground water _____ County of Clay, State of South Dakota at 6
point S. 89° E., 80 rods from the NW Corner, Section 34, 192N, R51W
_____, for irrigation

_____ purposes, has u 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 2.77 cu. ft. per second of water.

Date November 10, 1968

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1034-3

(1) WHEREAS, On the 15th day of April A. D. 19 63
Robert Garvin
 made Water Right Application No. 1034-3 for a permit to use 1.8 cubic feet per second of the waters
 of ground water
 County of Clay State of South Dakota, for Irrigation
 purposes; and

(2) WHEREAS, On the 13th day of August A. D. 19 63
 Permit No. 1034-3, with a date of priority of April 15, 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 17th day of July A. D. 19 68 and for the
 application to beneficial use of said water on or before the 17th day of July A. D. 19 72
 and, Whereas on the 10th day of November, 1969, the permit was transferred to
Francis M. Armstrong, Vermillion, South Dakota,

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 1.72 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 T92N, R51W

Section 27	SE $\frac{1}{4}$ SW $\frac{1}{4}$	24.0 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	17.9 acres
Section 34	NW $\frac{1}{4}$ NW $\frac{1}{4}$	39.0 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0 acres
	Total	120.9 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 confer to Francis M. Armstrong

_____ of Vermillion, South Dakota

the holder _____ and owner _____ of said permit No. 1034-3 a water right, dating from April 15, 1963

_____ to use of _____ 1.72 cubic feet per second of the waters of ground water

in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point S. 89° E., 80 rods from the NW Corner,

Section 34, T92N, R51W

and conduct to and upon portions of Sections 27 and 34, T92N, R51W, described on the face of
this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1034-3 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 November A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Office, J. W. GRIMES

on or before June 22
(First Publication , 1963)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 5, 1963

Notice is hereby given that Robert Garvis whose postoffice address is Vermillion 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 1.3 cubic feet of water per second of time from the ground water through the Garvis #2, the point of diversion of which is to be located on the ~~bank of the stream~~ in the NW 1/4 of the NW 1/4 of Section 34 Twp. 92N Range 51W. Said water to be used for the purpose of providing irrigation on the following described land:

N 1/2 NW 1/4, Section 34; SE 1/4 SW 1/4 & SW 1/4 SE 1/4, Section 27, all in T92N, R51W

XXXXXX purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, 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.

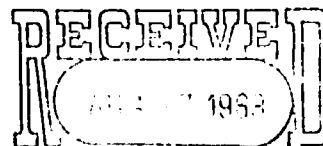
State Water Resources Commission

By:

BUFFON F. JONES
Water Right Specialist

CC: Mr. Wm. S. Gibson, Publisher
Vermillion Plain Talk
Vermillion, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss.
County of ClayBernice A. Schooley being duly sworn, deposes and sa, the annexed printed copy of Notice of Intention to Appropriate Water was taken from theVermillion Plain Talk 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 Vermillion County of Clay and State of South Dakota; that the said notice was published in said newspaper on the following dates:June 13
20
27
July 4in each and every issue of the full number thereof, the first publication being made on the 13 day of June 1963 and the last publication on the 4 day of July 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 Legal Advertising Mgr. the printer and publisher of the said newspaper.Bernice A. SchooleySubscribed and sworn to before me this 8th day of July A. D. 1963Lara J. Gibson
Notary Public Clay County, S. D.APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., June 4, 1963.Notice is hereby given that Robert Garvis whose postoffice address is Vermillion, 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 1.8 cubic feet of water per second of time from ground water through the Garvis No. 2, the point of diversion of which is to be located in the NW¹/₄ of the NW¹/₄ of Section 34 Twp. 82N Range 51W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
NW¹/₄ of Section 34; SE¹/₄ of Section 37, all in T82N, R51W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1963, 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: BUIR F. JONES
Water ght SpecialistSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Form 20.

N 1034-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date October 31, 1969

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

formerly owned by ROBERT GARNIS

has been transferred to FRANCIS ARMSTRONG

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1034-3 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 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 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

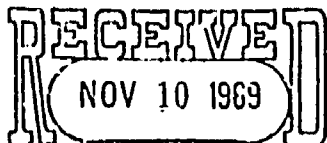
STATE OF SOUTH DAKOTA)
County of CLAY) ss.

I, FRANCIS M. ARMSTRONG, 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.

Francis M. Armstrong
(Signed)

Suscribed and sworn to before me this 31st day of October, 1969

Vera Erickson
(Notary Public)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 1034-3Water Division 3 VERMILLION 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 FRANCIS M. ARMSTRON of VERMILLION holder of Permit No. 1034-3, bearing date of priority of APRIL 15, 1963 authorizing the diversion of 1.8 cu. ft. per second of the waters of GROUND WATER for IRRIGATION purposes, in CLAY 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:

105' DEEP WELL W/ 19" CONCRETE CASING
WESTERN LAND ROLLER 10" PUMP - PTO
POWERED BY WD9-INTERNATIONAL TRACTOR

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

200' OF 10" PIPE TO DITCHES
APPROX 2 MILES OF MAIN DITCHES

C. Works used to apply water to beneficial use.

80-INCH SYPHON TUBES GET WATER TO
LEVELLED LAND

The system is in the following condition: GOODThe point of diversion is located S 89° E, 80 RODS FROM NW CORNER, SECTION 34, T92N, R51The works are capable of diverting and conveying to the place of use 2.77cu. 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 T92N, R51W

SECTION	27	SECTION	34
SE ⁴ SW ⁴	24.0 ACRES	NW ⁴ NW ⁴	39.0 ACRES
SW ⁴ SE ⁴	17.9 "	NE ⁴ NW ⁴	40.0 "

comprising a total of 120.9 acres of land.

Date SEPTEMBER 18, 1969
Francis M. Armstrong
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

 **Department of
Water & Natural Resources**

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

January 29, 1988

DR FRANCIS M ARMSTRONG
120 N HARVARD
VERMILLION, SD 57069

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1006-3, 3797-3, 1034-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires 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 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, 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:

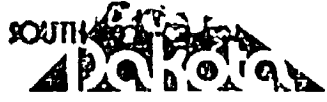
1. Amend Permit No(s). 1006-3, 3797-3, 1034-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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.



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 18, 1988

1034-3
1006-3
3797-3

Dr. Francis Armstrong
120 N Harvard
Vermillion SD 57069

Dear Dr. Armstrong:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1034-3, 1006-3, 3797-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



1034-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DR FRANCIS M ARMSTRONG, 120 N HARVARD, VERMILLION, SD 57069 2227

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1006-3, 1034-3 & 3797-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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 9:45 am, February 25, 1998, 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) 1006-3, 1034-3 & 3797-3 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 February 20, 1998, 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.

1034-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 12, 1998

1006-3

1034-3

3797-3

Dr. Francis Armstrong
120 N Harvard
Vermillion, SD 57069-2227

Dear Dr. Armstrong:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, Notice concerning reporting requirements for Water Permit No. 1006-3, 1034-3 and 3797-3.

I completed questionnaires for you based on our January 12th 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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

November 28, 2018

1006-3

1034-3

7338-3

7987-3

June Armstrong, Trustee
45567 Timber Rd
Vermillion SD 57069

Dear Ms. Armstrong:

Enclosed are four 2018 Irrigation Questionnaires. The questionnaires were returned by the post office. It is our understanding Francis Armstrong is deceased. The Clay County Assessor's office gave me this mailing address. Please forward the questionnaires to the owner or operator for completion and return all the forms to our office by **January 1, 2019**. As stated in the October 30, 2018 letter, it is important these forms are completed and returned.

Also included are four partially completed "Notice of Transfer" forms for use in filing an ownership change on each of the water rights/permits.

The transfer forms should be completed, checked over for accuracy, and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00 each.

If you have any questions, please contact me.

Sincerely,

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

enclosures

1034-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

September 28, 2020

1006-3
1034-3

Todd Heine
1020 E 320th St
Vermillion SD 57069

Dear Mr. Heine:

I am writing in follow-up to our phone conversation concerning ownership changes needed for Water Right Nos. 1006-3 and 1034-3. Both water rights are currently listed under the name of Francis Armstrong.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each. The check or money order for the fee can be made payable to the Water Rights Program.

I put a yellow spot on the forms in the areas that need completion. Enclosed are copies of the water rights for your records. As you will see, they are very old copies and some parts are not as legible as they should be.

If you have any questions, please let me know.

Sincerely,

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

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

OCT 09 2020

WATER RIGHTS
PROGRAM

No. 1034-3

Date: 10-6-2020

I/We request that Water Right No. 1034-3

formerly owned by: Francis Armstrong

be transferred to: (name & address) Todd Heine
1020 E 320th St.
Vermillion, SD 57069 Telephone No. 605-677-8566

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

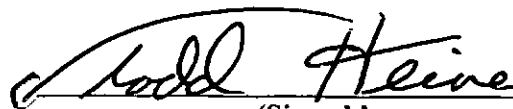
120.9 acres, SE ¼ SW ¼ SW ¼ SE ¼ Section 27 and N ¼ NW ¼ Section 34, T92N, R51W

I/We understand that the validity of Water Right No. 1034-3 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 Fifty Dollars (\$50.00) 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 Todd Heine, the new owner, certify that the above information is true and correct.


(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.

1034-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date October 9, 2020RECEIVED OF Heine Partnership 1014 E 320 St. Vermillion SD 57069

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>1034-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By Eric Gronlund
Chief Engineerme

1034-3



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

October 13, 2020

1006-3
1034-3

Todd Heine
1020 E 320th St
Vermillion SD 57069

Dear Mr. Heine:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for Water Right Nos. 1006-3 and 1034-3.

The ownership changes have been completed. The water rights formerly held by Francis Armstrong are now listed as follows:

- Water Right No. 1006-3 – Francis Heine
- Water Right No. 1034-3 – Todd Heine

Enclosed are receipts for the filing fees you paid for filing the ownership changes. If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures