

1086-2

1. Considered 5-6, 1914
2. Name of Applicant Ed H James Curry
3. Post Office Address Elk Point
4. Amount of Water Claimed 2.25
5. Source of water supply ground water
6. Water to be used for irrigation
 Acres to be irrigated 155.5
7. Water to be diverted and used in Union County about
2E 2S Miles of Elk Point
8. Proof of Publication Received ✓
 Not Received
9. Application Approved
 Subject to
 Not Approved
 Action deferred
10. Remarks:

No. 1086-3
 Water Division No. 3 Big Sioux River District
 (Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COM. L.
 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 Ed. and James Curry
 Postoffice address Box 245, Elk Point County Union, State S. Dak.

- I. If a corporation No
- (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, \$ \$4000. (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work None
 3. Amount of water claimed 2.25 cubic feet per second
 4. Source of water supply Dug Well
 5. Location of point of diversion See enclosed map
1075' on _____ bank _____ County.
 6. Annual period or periods during which water is to be used Spring, summer and fall.

7. To be used for:

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

(a) Number of acres to be irrigated 157.5 acres. (157.50)

(b) Legal subdivisions to be irrigated Sec. 32 T 91 R 49

(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.) Same

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 720-3

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:

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

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 DE	EACH OUTLET-ACRES	FEET	ACRE-FOOT 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.....years.

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

12. Choice of newspaper for publication of notice of intention to appropriate.....
 Leader-Courier, Elk Point, S. Dak.

STATE OF SOUTH DAKOTA

County of.....} ss.

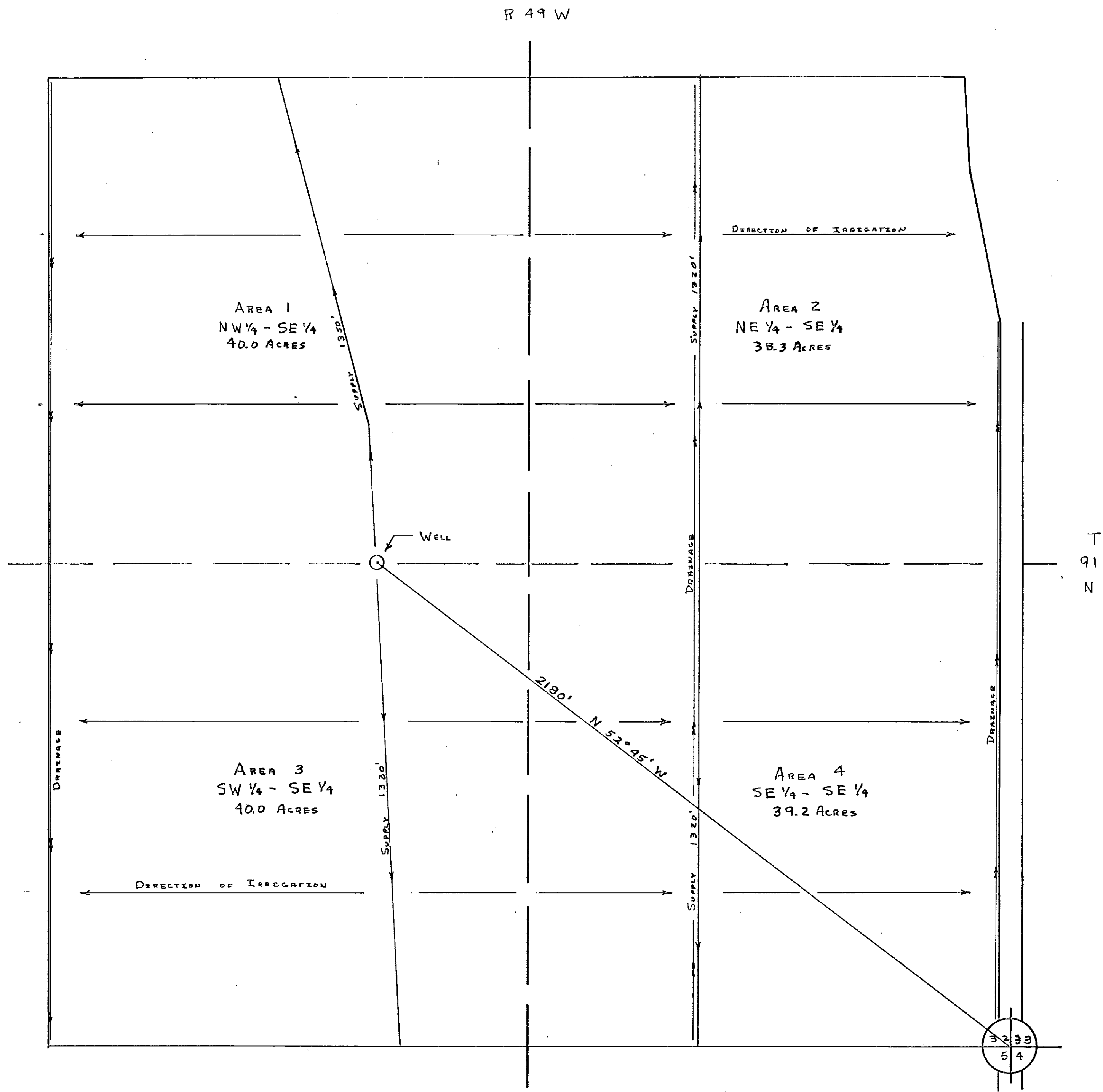
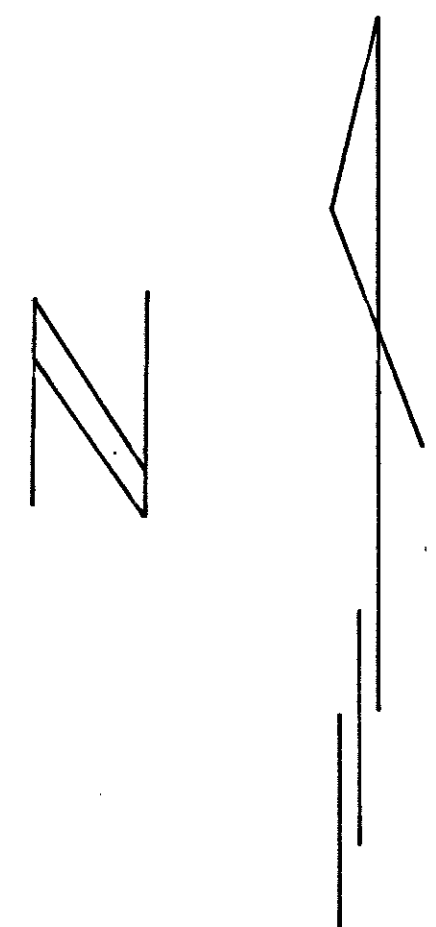
I, James D. Curry, being first duly sworn or my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated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

Signed.....

Subscribed and sworn to before me this.....day of.....19.....

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	NW 1/4 - SE 1/4	32	ELK POINT	R. 49 W	40.0
2	NE 1/4 - SE 1/4	32	ELK POINT	R. 49 W	38.3
3	SW 1/4 - SE 1/4	32	ELK POINT	R. 49 W	40.0
4	SE 1/4 - SE 1/4	32	ELK POINT	R. 49 W	39.2
TOTAL ACRES = 157.5					
LAND OWNED BY EDMUND L. & JAMES D. CURRY					

SURVEYOR'S CERTIFICATE
I, FRED A. SCHMER do hereby certify that this map identifies a reasonable accurate record of the land of the EL. & J.D. CURRY IRRIGATION PROJECT No. 1 and has been prepared without cost as a public service.
Signature: Fred A. Schmer
Title: ELK AREA IRRIGATION ENGINEER
Subscribed and sworn to before me this 6th day of June, 1963, A.D.
Emily J. Peterson
Notary Public, S. D.
My Commission expires Dec. 12, 1963

EDMUND L. & JAMES D. CURRY IRRIGATION PROJECT NUMBER 1

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 11, 1964

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
a m. upon the 12th day of March, 1964

State Water Resources Commission

By:

Sutton Jones
for Chief Engineer, Executive Officer

Number of permit 1086-3

Date of first receipt of application March 12, 1964

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 March 12, 1964

Approved May 6, 1964, Recorded in Book 8 Page 189

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 _____

May 6, 1965

2nd. The whole of said work is to be completed on or before May 6, 1966

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

May 6, 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 2.25 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 May 6, 1967; said water to be used during the following described annual period:

Spring, Summer, Fall

Witness my hand this 11th day of May, 1964

State Water Resources Commission

By:

Sutton Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 17, 1966

Water License Issued JANUARY 17, 1966

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1086-3

WHEREAS, On the 12th day of March A. D. 1964
 of Elk Point County of Union and State of
 South Dakota duly made application (No. 1086-3) to us for a permit to use 2.25
 cubic feet per second of the waters of ground water
 County of Union, State of South Dakota, for irrigation
 purposes; and

WHEREAS, On the 11th day of May A. D. 1964
 Permit No. 1086-3 was issued to said applicant for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the 6th day of
 May A. D. 1966 and for the application to beneficial use of said
 water on or before the 6th day of May A. D. 1967
 and,

WHEREAS, On the 13th day of January A. D. 1966
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.25
 cubic feet per second of said waters, as evidenced by our Certificate No. 1086-3
 dated January 17, 1966 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2.25 cubic feet per second of water, with date of
 priority of March 12, 1964 and,

WHEREAS, On the 13th day of January A. D. 1966
 proof was duly made of the application to beneficial use of 2.25 cubic feet per second of said water;
 for irrigating 157.5 acres in the SE 1/4, Section 32, T91N, R49W

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 Ed and James Curry

of Elk Point the holder and owner of said permit No. 1086-3

a water right, dating from March 12, 1964 to the use of 2.25

cubic feet per second of the waters of ground water

In the County of Union and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinbelow mentioned, to be diverted at a point N52° 45'W, 2180 feet

from the SE corner, Section 32, T91N, R49W

and conducted to and upon the SE 1/4 Section 32, T91N, R49W

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 17th day of January A. D. Nineteen
Sixty-Six
Hundred and _____

State Water Resources Commission

By:

J. W. CRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 1086-3Water Division No. 3 Big Sioux River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Ed and James Curry

of Elk Point, County of Union, and State of South Dakota, the holder of Permit No. 1086-3, issued upon Application No. 1086-3, bearing date of priority of March 12, 1964, authorizing the diversion of 2.25 cu. ft. per second of the waters of ground water

County of Union, State of South Dakota, at a point N 52° 45' W
2180 feet from the SE corner, Section 32, T91N, R49W

for irrigation purposes, have fully 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 2.25 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE 1/4 Section 32, T91N, R49W

Witness my hand this 17th day of January A. D. 1966

State Water Resources Commission

By:

J. W. GRIMES
 Chief Engineer, Executive Office

Curry

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36 " , Depth 126 ft.

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

Size of casing 18 " , Thickness of casing 4 1/2 "

Length of casing 4 ft. If collection gallery, length, size and depth of
gallery No

(b) Screens

Type of perforated screen Fine

Size of perforated screen 18 " 4 ft/
(diameter) (length)
9 " 126 ft.

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 17 ft. Character of water bearing materials

Sand, grave., loose rock and gravel.

Thickness of water bearing material 55 ft.

(d) Pump and Motor

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

Name of pump Western Land Roller , size 8 "

Kind of motor Propane or Natural gas
(gasoline, electric, diesel, etc.)

Horsepower 50 , Name of Motor Continental # 244 cu. in.

(e) Complete well

Capacity 1100 gal at drawdown of 9 ft. Estimated cost \$2900.

(f) Owner of land upon which well is located Ed and James Curry
Name# 245, Elk Point, S. Dak.
Address

(g) Distance to nearest existing wells

On same owner's property 3 mi. 1 1/2 miles
On property owned by others rods

On or before April 8, 1964
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 24, 1964

Notice is hereby given that Ed and James Curry whose postoffice address is Elk Point 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 2.25 cubic feet of water per second of time from the ground water through their diversion, the point of diversion of which is to be located on the ~~XXXXXXXXXXXX~~ in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32 Twp. 91N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, Section 32, T 91N, R 49W.

~~XXXXXXXX~~

~~XXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964, at 2:00 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.

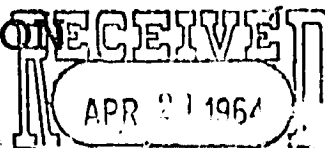
State Water Resources Commission

By:

cc: Byron Helgersen-Publisher
Leader-Courier
Elk Point, S.D.

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION



STATE OF SOUTH DAKOTA } ss.
County _____

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

_____ Byron Helgerson _____ being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the _____

_____ The Leader Courier _____ a newspaper which during the whole itme of publication of said notice herein after stated, has been and is printed and published in the

_____ city _____ of Elk Point _____ County of

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

_____ April 2, 1964 _____

_____ April 9, 1964 _____

_____ April 16, 1964 _____

_____ April 23, 1964 _____

in each and every issue of the full number thereof, the first publication being made on the 2nd day of April

19 64 and the last publication on the 23rd day of

April 19 64, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was editor the printer and publisher of the said newspaper.

Byron Helgerson

Subscribed and sworn to before me this 23rd day of April A. D. 19 64

Edith Helgerson

Notary Public Union County, S. D.

Office of State Water Resources Commission, Pierre, S. Dak., March 24, 1964.

Notice is hereby given that Ed and James Curry whose post-office address is Elk Point, 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 2.25 cubic feet of water per second of time from ground water through their diversion, the point of diversion of which is to be located in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 32 Twp. 91N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$, Section 32, T 91N, R 49W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 6th day of May, 1964, at 2:00 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 Rights Specialist
(Pub. Apr. 2, 9, 16, 23)

Permit No. 1086-3
BIG STICKWater Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

1964, I have this day made a thorough examination of the diversion works constructed by _____ED & JAMES CURRY, of ELIC POINTUNION County, South Dakota, holder of Permit No. 1086-3, issuedupon Application No. 1086-3, bearing date of priority of MARCH 12, 1964, authorizing thediversion of 2.25 cu. ft. per second of the waters of GROUND WATER for IRRIGATION

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 125' 18" CONCRETE CASED WELL WITH
8" WESTERN LAND PUMP #46357 (14" BOWLS) POWERED
BY BOHP CONTINENTAL INDUSTRIAL MOTOR (PROPANE) 3/8
MILE 8" GATED PIPE (40" GATES) APPROX 90 ACRES LEVELLED

and the system is in the following condition: EXCELLENT

The point of diversion is located N52°45'W, 2180 FEET FROM THE
SE CORNER, SECTION 32, T91N, R49W

The works are capable of diverting and conveying to the place of use 1500 G.P.M.
1500 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are:

SE⁴, SECTION 32, T91N, R49Wcomprising a total of 157.5 acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

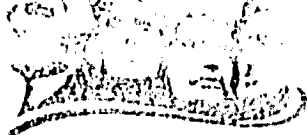
Witness my hand, this 13TH day ofJANUARYA. D. 1966

—SEAL—

Examining Engineer

OFFICER

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

JJ Curry and Sons
CURRY SEED CO, OPERATOR
BOX 517
ELK POINT SD 57025

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1133-3, 1086-3, 306-3, 237-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

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

1. Amend Permit No(s) 1133-3, 1086-3, 306-3, 237-3 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.

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

Very truly yours,

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



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES

February 11, 1991

Curry Seed Company
Box 517
Elk Point, SD 57025

RE: Irrigation Questionnaires and/or Chemical Application Use
Data for Water Permit Nos. 237-3, 306-3, 324-3, 501-3, 1086-3,
1133-3, 1126-3, 1297-3, 1530-3, 2141-3, 2189-3, 2370-3, 2371-3,
2450-3, 2940-3, 3910-3, 4438-3, 4582-3, 4598-3, 5030-3, 5201-3,
and 5254-3

Dear Sir:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and/or chemical application use data for the above listed Water Permits. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

1086-J

JJ CURRY AND SONS
BOX 517
ELK POINT
SD 57025

Liebers

Type of Power	No. acres irrigated	Total Energy used-1980
1. Electric	—	— kwh
2. Gravity	—	—
3. Gasoline	—	— gal
4. Nat. Gas pipeline	—	— cf
5. Diesel	160	2000 gal
6. Propane	—	— gal
7. Other	—	—

Type of System:	
1. Hand Moved Sprinklers	—
2. Portable booms	—
3. Center pivots (# of)	X 1
4. Gated pipes	—
5. Sidewheel	—
6. Towlines	—
7. Gun type	—
8. Hydromatic	—
9. Siphons	—
10. Flood	—
11. Other	—

Owner or address change, if any: _____

Please complete front and back.

This is the Water Management Board data sheet for recording 1980 GROUNDWATER source irrigation estimates.

UN/MI

November 1980

For Dept. use only

Please fill out and return at once.

No. Acres irrigated with Groundwater 160If you did not irrigate during 1980-check this box; ☐ No system ☐

G

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water Use		
				Crop	Acres	Water Used
April						
May						
June	4	14	1000	Corn	160	
July	12	16	1000	Corn	160	
August	8	12	1000	Corn	160	
Sept.						
Oct.						
Other Month						
Season Static Water Level: beginning _____ end _____						

Comments:

Complete and return to: WATER MANAGEMENT BOARD
Water Rights Division
Joe Foss Building
Pierre, SD 57501

Curry Seed Co.
Box 517 (Elk Point, SD)
Elk Point, SD 57025

Use Curry Seeds form
The South Dakota Office of Energy has requested your cooperation in completing the following:

1979

1978

Type of Power	No. Acres Irrigated	Total Energy Used
1. Electric	_____	_____ kwh
2. Gravity	_____	
3. Gasoline	_____	_____ gal
4. Nat. Gas pipeline	_____	_____ cf
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____

Type of Power	No. Acres Irrigated	Total Energy Used
1. Electric	_____	_____ kwh
2. Gravity	_____	
3. Gasoline	_____	_____ gal
4. Nat. Gas pipeline	_____	_____ cf
5. Diesel	_____	_____ gal
6. Propane	_____	_____ gal
7. Other	_____	_____ gal

- What is your on-farm storage capacity for gasoline _____ gallons
diesel _____ gallons
- What are your present plans for acres under irrigation for 1981?
 _____ an increase in acres
 _____ irrigate same acres
 _____ a decrease in acres
- A. Has your regular fuel supplier been able to meet your fuel needs for irrigation this past year?
 _____ yes
 _____ no
 B. If no, were you able to buy from other sources?
 _____ yes
 _____ no
- Would you continue irrigating the same number of acres in 1981 if the price of fuel increased-

10% yes _____	20% yes _____
no _____	no _____
15% yes _____	over 20% yes _____
no _____	no _____
- At what price for fuel would you cut back on irrigation activities? _____
- What is your best estimate of your fuel needs for irrigation in 1981, if we experience a
 Dry summer: _____ gallons.
 Wet summer: _____ gallons.

1086-3