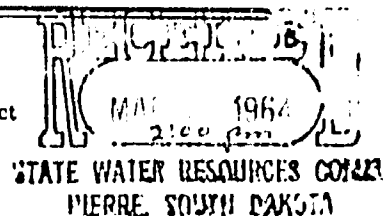


1089.3

1. Considered 5-6 : 1914
2. Name of Applicant William Arch
3. Post Office Address Harrold
4. Amount of Water Claimed 5.64
5. Source of water supply Missouri River
6. Water to be used for irrigation
 Acres to be irrigated 395
7. Water to be diverted and used in Huachu County about
20E 18S Miles of Pierre
8. Proof of Publication Received ✓
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 1089-3
 Water Division No. 3 Missouri River District
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant William Arch TRANSFERRED 2-15-80
603 N. EUCALYPTUS PIERRE, S.D. DALG. BLISSON
 Postoffice address Hirshel, County Hughes, 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, \$ Adequate (c) Treasury stock, \$

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

2. Name of diversion work Arch Irrigation Project3. Amount of water claimed 5.64 cubic feet per second4. Source of water supply Missouri River MW# 1155. Location of point of diversion between a point where the N section lineof Section 12 intersects the Reservoir and a point where the centerline of Section 12 intersects the reservoir - Section 12, T108N, R26W6. Annual period or periods during which water is to be used April thru October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination(a) Number of acres to be irrigated 345.0 acres.(b) Legal subdivisions to be irrigated See attachment

(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 723-3

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.)

Pumping plant w/ gated Pipe

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.....

() 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.....4 years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

Capital Journal, Pierre, S.D.

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

I, William Arch

, 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

William Arch

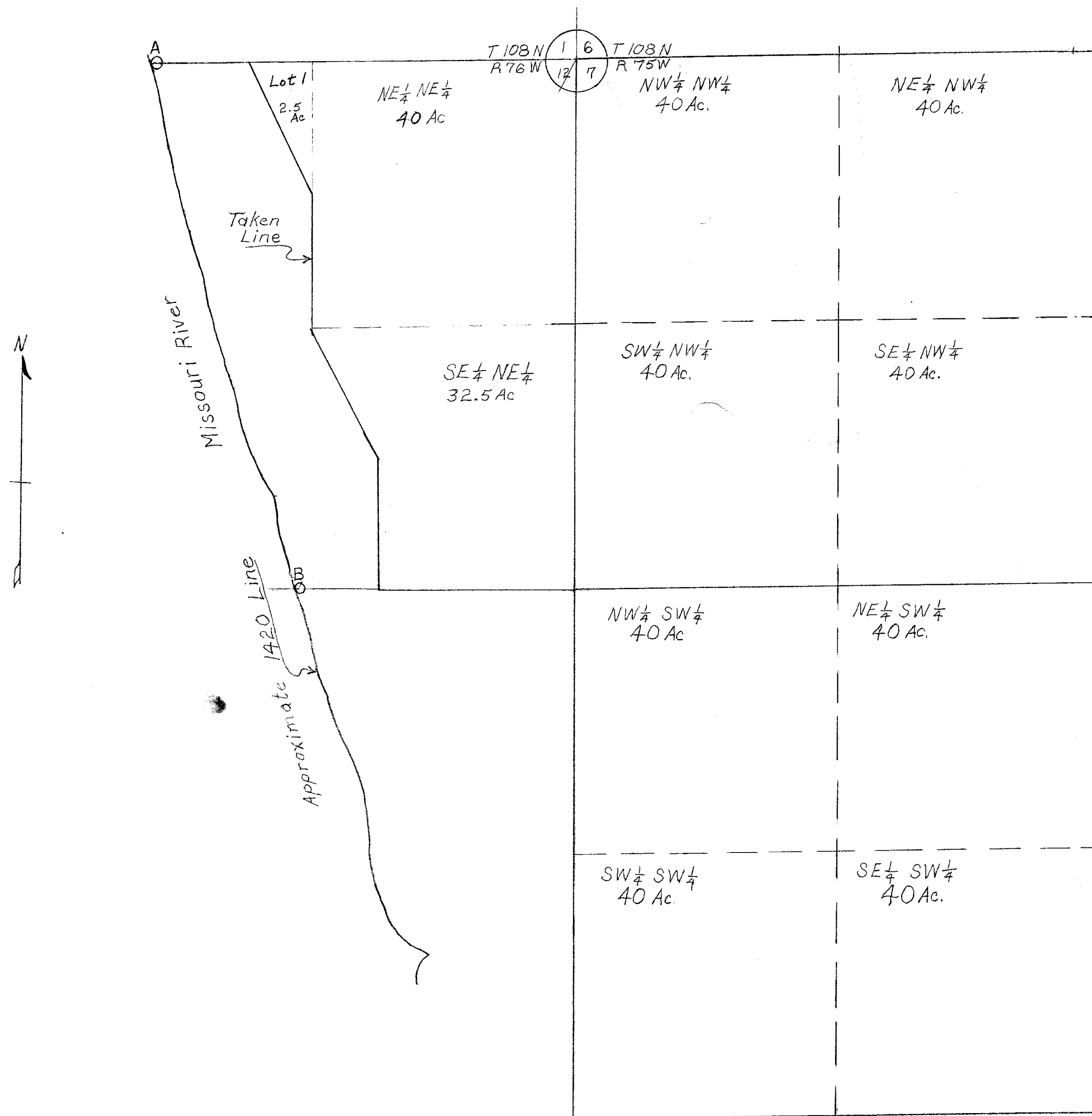
Subscribed and sworn to before me this

25th

day of

March1964Arthur M. Paul
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



LOCATION OF LAND TO BE IRRIGATED				
WILLIAM ARCH IRRIGATION PROJECT				
LOCATION	SEC.	TOWNSHIP	RANGE	ACRES
Lot 1	12	108 N	76 W	2.5
NE 1/4 NE 1/4	12	108 N	76 W	40.0
SE 1/4 NE 1/4	12	108 N	76 W	32.5
NW 1/4 NW 1/4	7	108 N	75 W	40.0
NE 1/4 NW 1/4	7	108 N	75 W	40.0
SW 1/4 NW 1/4	7	108 N	75 W	40.0
SE 1/4 NW 1/4	7	108 N	75 W	40.0
NW 1/4 SW 1/4	7	108 N	75 W	40.0
NE 1/4 SW 1/4	7	108 N	75 W	40.0
SW 1/4 SW 1/4	7	108 N	75 W	40.0
SE 1/4 SW 1/4	7	108 N	75 W	40.0
TOTAL				395.0

WILLIAM ARCH IRRIGATION PROJECT HUGHES COUNTY, SOUTH DAKOTA SCALE: 1" = 400'	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed	Date
Drawn	Approved by
Traced	Title
Checked	Title
No. 1	Drawing No.
of 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 2:00 o'clock
P m. upon the 25th day of March, 1964

State Water Resources Commission

By:

Durston Jones
for Chief Engineer, Executive Officer

Number of permit 1089-3

Date of first receipt of application March 25, 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's right March 25, 1964

Approved May, 1964, Recorded in Book 8 Page 191

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before November 6, 1966

2nd. The whole of said work is to be completed on or before May 6, 1969

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

May 6, 1973

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 5.64 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, 1973; said water to be used during the following described annual period:

April thru October
11th day of May, 1964

Witness my hand this _____ day of _____, 1964

State Water Resources Commission

By:

J.W. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued July 24, 1972

Water License Issued July 24, 1972

Lands to be irrigated

Section 7, T108N, R75W

NW ⁴ NW ⁴	40.0 ac.
NE ⁴ NW ⁴	40.0 "
SW ⁴ NW ⁴	40.0 "
SE ⁴ NW ⁴	40.0 "
NW ⁴ SW ⁴	40.0 "
NE ⁴ SW ⁴	40.0 "
SW ⁴ SW ⁴	40.0 "
SE ⁴ SW ⁴	40.0 "

Section 12, T108N, R76W

Lot 1	2.5 "
NE ⁴ NE ⁴	40.0 "
SE ⁴ NE ⁴	32.5 "

Total 345.0 ac.

REPRODUCTION, REDUCTION 23.7
DATE MICROFILMED
COLUMBIA UNIVERSITY

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1089-3

(1) WHEREAS, On the 25th day of March A. D. 19 64
William Arch DALE BISSON TRANS. 2-15-80

made Water Right Application No. 1089-3 for a permit to use 5.64 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 11th day of May A. D. 19 64

Permit No. 1089-3, with a date of priority of March 25, 1964

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 6th day of May A. D. 19 69 and for the application to beneficial use of said water on or before the 6th day of May A. D. 19 73

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 5.64 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 described land:

	Acres
Section 12, T108N, R76W Lot 1	2.5
NE $\frac{1}{4}$ NE $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32.5
Section 7, T106N, R75W NW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0
Total	395.0 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 William Arch

_____ of Harrold, S.D.

the holder _____ and owner _____ of said permit No. 1089-3 a water right, dating from March 25, 1964

_____ to use of 5.64 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 1360' West of the Elk Corner, Section 12,

T108N, R76W

and conduct to and upon Portions of Section 12, T108N, R76W and Section 7, T108N, R75W,
more fully described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1089-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 24th day of July A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J. W. GRIMES

Form 15.

Permit No. 1089-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That William Arch DALE BISSON

_____ the holder _____ of
Permit No. 1089-3, issued upon Application No. 1089-3, bearing date of priority of March 25,
1964 authorizing the diversion of 5.64 cu. ft. per second of the waters of _____
the Missouri River County of Hughes, State of South Dakota at _____
a point 1360' West of the E $\frac{1}{2}$ Corner, Section 12, T108N, R76W

_____, for irrigation

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 5.77 cu. ft. per second of water.

Date July 24, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

on or before
(First Publication April 18, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 27, 1964

Notice is hereby given that William Arch 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 5.64 cubic feet of water per second of time from the Missouri River through the Arch Irrigation Project, the point of diversion of which is to be located on the between a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and a point bank of said stream in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12 Twp. 108N Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

Lot 1 and E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 12, T108N, R76W, NW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 7,
T108N, R75W

~~XXXX~~

~~XXXX~~

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.

cc: R.B. Hipple-Publisher
Capital Journal
Pierre, South Dakota

State Water Resources Commission

By:

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County HUGHES } ss.

J. H. HIPLIE 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:

3-30, 4-6, 4-13, 4-20-1964

in each and every issue of the full number thereof, the first publication being made on the 30 day of March 1964 and the last publication on the 20 day of April 1964, 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. Hiiple

Subscribed and sworn to before me this 20 day of April A. D. 1964

Notarial Commission of
Sarah Gordon
Expires March 25, 1966

Notary Public HUGHES County, S. D.

No. 10599

4-1 daily, Mar. 30, April 6-13-20.

No. 1059-3

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., March
27, 1964.

Notice is hereby given that William Arch 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 5.61 cubic feet of water per second of time from the Missouri River through the Arch Irrigation Project, the point of diversion of which is to be located on the left bank of said stream between a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and a point in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12 Twp. 108N Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

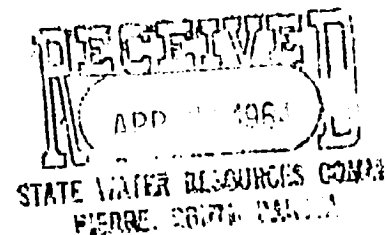
Lot 1 and E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 12, T108N, R76W, SW $\frac{1}{4}$ and SW $\frac{1}{4}$, Section 7, T108N, R75W.

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 Right Specialist



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

ON BIG BEND DAM, LAKE SHARPE PROJECT, SOUTH DAKOTA

NO. DACW45-2-67-5207

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

Harrold, South Dakota

hereinafter designated as the grantee, for a period ~~not exceeding~~ ^{an} ~~indefinite period~~ ^{coextensive with State} Water Permit No. 1089-3, ~~an easement for a right of way for~~ the installation, operation and maintenance of a portable irrigation water pipeline and portable pump unit

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit A, entitled Segment 5, Big Bend Dam and Lake Sharpe attached hereto and made a part hereof, and described as follows:

That portion of the South 33.00 feet of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, Township 108 North, Range 76 West of the Fifth Principal Meridian, Hughes County, South Dakota, lying easterly of the easterly shore line of Lake Sharpe, and containing 0.38 acres, more or less.

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of
Fifty and no/100 Dollars \$ 50.00)
, payable in advance. Compensation shall be made payable to the
Treasurer of the United States and forwarded by the grantee to the District Engineer,
Omaha District, Corps of Engineers, 6012 U. S. Post Office and Courthouse,
Omaha, Nebraska 68102.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

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

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

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

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

15. That this easement and right of way is granted for the exercise of established water rights. It is understood and agreed that no right to use water from the reservoir is created by this grant.

16. That the grantee shall not discharge waste or effluent from the granted property in such a manner that such discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

That Conditions Nos. 15 and 16 were added prior to execution of this easement.

This easement is not subject to Title 10, United States Code, Section 2652.

IN WITNESS WHEREOF I have hereunto set my hand this 27th
day of June 1967

/s/ Dale Kent
DALE KENT
Chief, Real Estate Division
Ordnance District, Corps of Engineers

Permit No. 1089-3Water Division 3 MISSOURI RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by WILLIAM
ARCH of HARROLD holder
of Permit No. 1089-3, bearing date of priority of MARCH 25, 1964
authorizing the diversion of 5.64 cu. ft. per second of the waters of MISSOURI RIVER
for IRRIGATION purposes, in HUGHES County.

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

The Water Use System consists of,

A. Works used to divert the water:

CORNELL PUMP MODEL 6NH-2 RH 10" INLET &
12" OUTLET
POWERED BY CUMMINS INDUSTRIAL DIESEL MOTOR
RATED @ 265 H.P.

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

3600' OF 12" MAINLINE

C. Works used to apply water to beneficial use.

3200' OF 10" GATED PIPE TO LEVELLED
LAND

The system is in the following condition: VERY GOOD

The point of diversion is located A POINT 1360' W OF THE E 1/4
CORNER, SECTION 12, T108N, R76W

The works are capable of diverting and conveying to the place of use 5.77 (2600 G.P.M)
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:

SECTION 12, T108N, R76W		SECTION 7, T108N, R75W	
LOT 1	2.5 AC.	NW ¹ NW ¹	40.0 AC
NE ¹ NE ¹	40.0 "	NE ¹ NW ¹	40.0 "
SE ¹ NE ¹	32.5 "	SW ¹ NW ¹	40.0 "
		SE ¹ NW ¹	40.0 "
		NW ¹ SW ¹	40.0 AC.
		NE ¹ SW ¹	40.0 "
		SW ¹ SW ¹	40.0 "
		SE ¹ SW ¹	40.0 "

comprising a total of 395 acres of land.Date OCTOBER 14, 1971

Burton J. [Signature]
(Signature)

WATER RIGHTS SPECIALIST
WATER RESOURCES COMMISSION

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7323

PIERRE, February 15, 1981

RECEIVED OF Dale Bisson, 603 N. Euclid, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for Inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for Inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing transfer of Water Right No. 1089-3	2	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH pth

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: February 15, 1980

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

Lot 1 and E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 12-T108N-R76W- NW $\frac{1}{4}$ & SW $\frac{1}{4}$ 7-108-75

formerly owned by William Arch, Harrold, SD

has been transferred to Dale Bisson, 603 N. Euclid, Pierre, SD

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1089-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, Dale Bisson 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.

Dale Bisson
(Signed)

Subscribed and sworn to before me this 15th Day of February, 1980.

Tom L. Thompson
(Notary Public)

Mr. Bisson was in the office; he was given his receipt at that time.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3131

April 15, 1985

Dale Blisson
Box 614
Pierre SD 57501

Notice

Re: Violation of Requirement To Submit 1984 Irrigation Questionnaire

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 1089-3. The request for the Questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 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 10:30 a.m., May 15, 1985 in the Civil Defense Room, State Capitol Building, Pierre, South Dakota.

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:

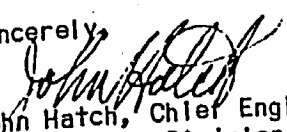
1. Amend Permit No(s). 1089-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

NOTE: If the questionnaire(s) is received in this office before the May 15th hearing date, your name will be deleted from the agenda for the hearings.

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Dale Blisson
Box 614
Pierre, SD 57501

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352 *John Hatch*

SUBJECT: Amendment to Water Permit No(s). 1089-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1089-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

South Dakota
Department of
Water & Natural Resources

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

Attachment to Water Permit No(s). 1089-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 1089-3 to add the following qualification:

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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181
March 26, 1986

NOTICE

Dale Blisson
Box 614
Pierre, SD 57501

Re: Violation of Water Permit No(s). 1089-3

Our records indicate that the 1985 Irrigation Questionnaire has not been received for Water Permit No(s). 1089-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1089-3 qualification:

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

The hearing(s) will be at 2:00 p.m., May 14, 1986, Joe Foss Building, Room 216, Pierre, South Dakota. The hearing(s) 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. Suspend Permit No(s). 1089-3 until either the 1985 Questionnaire is submitted or for a period of up to one 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.

Sincerely,

John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

 **Department of
Water & Natural Resources**

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

May 16, 1986

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Dale Bisson
Box 614
Pierre SD 57501

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

John Hatch
by Del Brong

SUBJECT: One Year Suspension of Water Permit No(s). 1089-3
If the 1985 Irrigation Questionnaire Is Not Received By
June 1, 1986

Pursuant to the provisions of the notice dated March 26, 1986 and following the Hearing May 14, 1986, the Water Management Board ordered:

That Water Permit No(s). 1089-3 be suspended until December 31, 1986, unless the required 1985 Irrigation Water Use Questionnaire is received by June 1, 1986.

Suspension of a permit means water may not be pumped during the 1986 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

Equal Opportunity Employer

 **Department of
Water & Natural Resources**

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

Permit No. 1089-3

Dale Bisson
Box 164
Pierre SD 57501

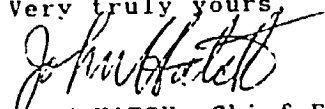
Dear Mr. Bisson:

I am writing to acknowledge receipt of your 1985 Irrigation Questionnaire. A notice was sent to you May 16, 1986 regarding the Board action taken May 14, 1986 to suspend your permit(s) if the 1985 irrigation questionnaire was not received before June 1, 1986.

You may disregard the May 16 notice. With receipt of your 1985 questionnaire(s), your permit(s) will not be suspended.

If you have any questions, please contact us.

Very truly yours,



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



Department of Water & Natural Resources

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

March 23, 1987

DALE BISSON
BCX 514
PIERRE, SD 57501

NOTICE

Re: Violation of Water Permit No(s). 1089-3

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1089-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1089-3 qualification:

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

The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 1089-3 until either the 1986 Questionnaire is submitted or for a period of up to one 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 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

May 14, 1987

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DALE BISSON
BOX 614
PIERRE, SD 57501

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: One Year Suspension Of Water Permit No(s). 1089-3 If
The 1986 Irrigation Questionnaire Is Not Received By
June 1, 1987

Pursuant to the provisions of the Notice dated March 23, 1987,
and following the Hearing May 6, 1987, the Water Management Board
ordered:

That Water Permit No(s). 1089-3 be **SUSPENDED** until December 31,
1987 unless the required 1986 Irrigation Water Use Questionnaire
is received by June 1, 1987.

Suspension of a permit means water may not be pumped during the
1987 Irrigation Season. Decisions of the Board may be appealed
to the Circuit Court and the Supreme Court as provided by law.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

May 29, 1987

Permit No. 1089-3

Dale Bisson
Box 614
Pierre, SD 57501

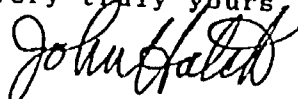
Dear Mr. Bisson:

I am writing to acknowledge receipt of your 1986 Irrigation Questionnaire. A notice was sent to you May 14, 1987 regarding the Board action taken May 6, 1987 to suspend your permit if the 1986 irrigation questionnaire was not received before June 1, 1987.

You may disregard the May 14 notice. With receipt of your 1986 questionnaire, your permit will not be suspended.

If you have any questions, please contact us.

Very truly yours,



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

● SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested. 1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.	
3. Article Addressed to: DOLE BISON BOX 614 DUNSMITH, WY 82521	4. Article Number P 516 309 755- Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X	6. Addressee's Address (ONLY if requested and fee paid)
5. Signature — Agent X <i>Mary Helen Bison</i>	
7. Date of Delivery	

PS Form 3811, Feb. 1975

MAY 15 1987

DOMESTIC RETURN RECEIPT

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

DALE BISSON
BOX 614
PIERRE, SD 57501

NOTICE

Re: Violation of Water Permit No(s). 1089-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1089-3. 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 permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1089-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 1089-3 until either the 1987 Questionnaire is submitted or for a period of up to one 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, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DALE BISSON
BOX 614
PIERRE, SD 57501

FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352

SUBJECT: One Year Suspension Of Water Permit No(s). 1089-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 1089-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.



DEPARTMENT OF
WATER & NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

1ST NOTICE
3-21-88
2ND NOTICE
3-23-88
RETURN
Do not place in box
or from 3-23-88
Oct. 1983

Claim Check
No. 488547
Date ☐ Hold

Water Rights

DALE BISSON
BOX 614
PIERRE, SD 57501

302 E Missouri



Put a line over top of envelope to return to sender for the return addr.
CERTIFIED
P-501 758
MAIL



Department of Water & Natural Resources

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

May 2, 1988

1089-3

Dale Bisson
302 E Missouri
Pierre, SD 57501

Dear Mr. Bisson

I am writing to acknowledge receipt of your 1987 irrigation questionnaire. You completed the questionnaire while in our office on April 22, 1988. The Water Management Board took action to suspend Water Permit No. 1089-3 at their March 2, 1988 meeting. This action was taken since the questionnaire data was not in our office prior to the hearing.

You indicated at the time you were completing your questionnaire that you did not receive the questionnaire or the follow-up notices concerning violation of your permit. The 1987 irrigation questionnaire and subsequent notices were mailed to PO Box 614, Pierre, SD instead of 302 E Missouri, which you currently use.

Since the questionnaire and notices were mailed to the wrong address, you did not receive proper notice. Water Right No. 1089-3 has been deleted from the list of permits suspended at the March 2, 1988, Water Management Board Meeting.

If you have any questions, please contact us.

Very truly yours,

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



South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

DALE BISSON
1213 N EUCLID
PIERRE SD 57501

1089-3

NOTICE

RE: Violation of Water Permit No(s) 1089-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1089-3. 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 permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1089-3 qualification:

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

The hearing 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.

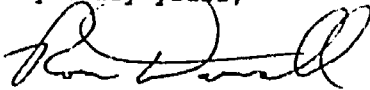
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 1089-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and 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

March 6, 1991

1089-3

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DALE BISSON
1213 N EUCLID
PIERRE, SD 57501

FROM: Ron Duvall, Natural Resources Engineer IV
Water Rights Division
(605) 773-3352 *Ron Duvall*

SUBJECT: One Year Suspension of Water Permit No(s).
(1089-3)

Pursuant to the provisions of the notice dated February 1, 1991, and following the hearing of February 27, 1991, the Water Management Board has ordered:

That Water Permit No(s). 1089-3 be SUSPENDED until December 31, 1991. Suspension of the permit(s) does not excuse the permit owner from the requirement to submit the 1990 irrigation questionnaire.

Suspension of a permit means water may not be pumped during the 1991 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: DALE BISSON 1213 N EUCLID PIERRE SD 57501	4. Article Number P 430 906 215
5. Signature — Addressee X	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
6. Signature — Agent X	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery 3-7-91	

PS Form 3811, Apr. 1989

• U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

1089-3



Water management Board -

In reference to water permit #1089-3
a would like to appear before the board
to reinstate the permit for 1991.

Wale Birson



DEPARTMENT OF WATER & NATURAL RESOURCES

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

1089-3

March 27, 1991

NOTICE

TO: Dale Bisson, 1213 N Euclid, Pierre, SD 57501

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Right No. 1089-3

The hearing on your March 22, 1991 request to the Water Management Board to reconsider suspension of Water Right No. 1089-3 has been scheduled for 9:00 am, May 1, 1991, at Chef Louie's, 601 E Havens, Mitchell, SD.

As stated in the notice to you dated February 1, 1991, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permit, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or the State Supreme court as provided by law.

cc: Diane Best, Assistant Attorney General

1059-3

CERTIFICATION

I hereby certify that on March 27, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice of Hearing to Consider Request for Reconsideration of Suspended Water Right No. 1089-3 addressed as stated on the Notice.

Jaci R. Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of March, 1991.

Karen Schlacht
Notary Public

KAREN JOHN SMITH

1089-3

Dale Bisson
Water Right No. 1089-3

GENERAL

Application submitted by:	William Arch, Harrold, SD
Permit Approved:	May 11, 1964
Priority Date:	March 25, 1964
Permit Licensed:	July 24, 1972

Transferred February 15, 1980 to: Dale Bisson

Water Right was Amended May 5, 1985 to include the irrigation questionnaire qualification for violation of the requirement to submit the 1984 irrigation questionnaire.

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

Year	Date Request Mailed	Date Irrigation Questionnaire Returned	Date of Any Board Action
1986	November, 1986	May 29, 1987	SUSPENDED/May 6, 1987*
1987	October, 1987	April 22, 1988	SUSPENDED/March 2, 1988**
1988	October, 1988	December 27, 1988	none
1989	October, 1989	January 6, 1990	none
1990	October, 1990	March 22, 1991	February 27, 1991

*Water Right No. 1089-3 was SUSPENDED until December 31, 1987 unless the required 1986 Irrigation Water Use Questionnaire was received prior to June 1, 1987 (Questionnaire received May 29, 1987)

**A Notice was sent to Mr. Bisson, March 14, 1988, informing him of Board Action taken March 2 to suspend his permit. The Notice was returned by the Post Office marked "Unclaimed". On April 22, 1988, Mr. Bisson stopped in the office to complete his 1987 questionnaire. He stated he had not received the irrigation questionnaire mailed in October, nor the followup notice because they were mailed to PO Box 614, Pierre, SD instead of the 302 E Missouri address he was currently using. Water Right No. 1089-3 was deleted from the list of permits suspended at the hearing due to improper notice.

1990 IRRIGATION QUESTIONNAIRE VIOLATION

1. February 1, 1991, Dale Bisson, 1213 N Euclid, Pierre, SD was sent (Certified Mail-Return Receipt Requested) a Notice of Violation for non-return of the 1990 questionnaire and of the hearing scheduled before the Water Management Board February 27, 1991. (The return-receipt card was returned, signed by Mary Bisson)
2. March 6, 1991, Dale Bisson was notified by Certified Mail-Return Receipt Requested, of the Board action February 27, 1991 to Suspend his water right until December 31, 1991. (The return-receipt card was returned, signed by Dale Bisson)

Dale Bisson
Water Right No. 1089-3
Page 2

3. March 22, 1991, Mr. Bisson stopped in the office and completed his 1990 irrigation questionnaire and submitted a letter directed to the Water Management Board requesting time on the May meeting agenda to meet with the Board regarding the suspension.

Genny McMath
Genny McMath
Natural Resources Analyst
March 27, 1991



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

May 6, 1991

1089-3

NOTICE

TO: Dale Bisson
1213 N. Euclid
Pierre, SD 57501

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Reinstatement of Suspended Water Right No. 1089-3

Pursuant to provisions of the Notice dated March 27, 1991, the Water Management Board reinstated Water Right No. 1089-3, effective immediately. This action, taken at the May 1, 1991 hearing allows you to irrigate during the 1991 irrigation season.

You should be aware that failure to submit future required irrigation questionnaires may result in a one year suspension without reinstatement. If you have any questions regarding this Board's action, please contact Eric Gronlund (605) 773-3352.

1089-3

Cheryl F. Frost
Secretary

Sworn to, before me, this 8th day of May, 1991.

John Hatch
Notary Public

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 26, 1991

1089-3
1089A-3
5537-3

Mary Nachtigal
RR #3 Box 171
Platte, SD 57369

Dear Ms Nachtigal:

Enclosed are partially completed "Notice of Transfer" forms for use in filing ownership changes on Water Right No. 1089-3 and Water Permit Nos. 1089A-3 and 5537-3. They are currently listed in the name of Dale Bisson. It is our understanding that Nachtigal Farms now owns the land described in these permits.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (total of \$7.50).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1089-3

Date: Dec. 3, 1991

I\We request that Water Right No. 1089-3

formerly owned by: Dale Bisson

be transferred to: (name & address)

RR #3 Box 171

SD Telephone No.) 726-3135

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

Lot 1, E 1/2 NE 1/4 Section 12, T106N, R76W, W 1/2 Section 7, T108N, R75W

I/We understand that the validity of Water Right No. 1089-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Charles Mix)

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

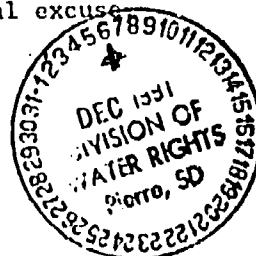
Gey Natch
(Signed)

Subscribed and sworn to before me this 3rd day of December, 1991.

(Notary Public)

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

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



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, December 6, 1991

RECEIVED OF Anita Nachtigal (Nachtigal Farms, Inc) RP 5 Box 171, Platte, SD 57369
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
Fee for Filing Transfer Form <u>Water Right No. 1089-5</u>		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

December 9, 1991

Dallas Moon
Corps of Engineers
Real Estate Project Office
Federal Building
PO Box 670
Pierre, SD 57501-0670

Dear Mr. Moon:

Enclosed are copies of transfers filed on December 6, 1991, with Water Permit Nos. 1089A-3 and 5537-3 and Water Right No. 1089-3. They were transferred from Dale Bisson to Gary, David and Donald Nachtigal, Platte, SD.

If you have any questions, please contact.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

1089-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181



January 2, 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 1089-3
1089A-3
5537-3

Anita Nachtigal
Nachtigal Farms, Inc.
RR 3, Box 171
Platte, SD 57369

Dear Ms. Nachtigal:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right No. 1089-3, Water Permit No. 1089A-3, and Water Permit No. 5537-3.

Our records now show Gary, David, and Donald Nachtigal as the owner of Water Right No. 1089-3, Water Permit No. 1089A-3, and Water Permit No. 5537-3.

Sincerely,

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

enclosure



1089-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: GARY/DAVID/DONALD NACHTIGAL
RR 3 BOX 171
PLATTE SD 57369

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Water Permit No(s) 1089-3, 1089A-3 & 5537-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1089-3, 1089A-3 & 5537-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1089-3, 1089A-3 & 5537-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, 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 SDCL 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) 1089-3, 1089A-3 & 5537-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



1089-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 1993

1089-3
1089A-3
5537-3

Gary, David & Donald Nachtigal
RR #3 Box 61
Platte, SD 57369

Dear Sirs:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires. You may disregard the January 29, 1993, Notice of Violation of Water Permit Nos. 1089-3, 1089A-3 and 5537-3.

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

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

REDUCED RATIO

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATION SIGNATURE

1089-3



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: NACHTIGAL FARMS, INC, GARY NACHTIGAL, RR 3 BOX 61, PLATTE, SD 57369

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 1089-3, 1089A-3, 5537-3 & 5008-3, 2713-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 2713-3 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) 1089-3, 1089A-3, 5537-3 & 5008-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in 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. 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) 1089-3, 1089A-3, 5537-3 & 5008-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2713-3 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 20, 1998, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

Gary Nachtigal
Nachtigal Farms
RR 3 Box 61
Platte, SD 57369

RE: Water Right/Permit Nos. 1089-3, 1089A-3, 2713-3, 5008-3 & 5537-3

Dear Mr. Nachtigal:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting information. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Right/Permit Nos. 1089-3, 1089A-3, 2713-3, 5008-3 & 5537-3.

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

File No. 1089-3 ✓
1089A-3
1515-3
5008-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

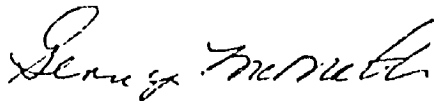
NAME & ADDRESS: Nachtigal Farms

DATE: September 17, 2002

RE: Licensing and incorporation of water permits

COMMENTS:

On September 17, 2002, Water License No. 5537-3 was issued to Nachtigal Farms. The license was based on an investigation done on June 18, 2002 by Lynn Beck. When the license was issued, the applicable portions of Water Permit Nos. 1089-3, 1089A-3, 1515-3 and 5008-3 were incorporated into the license.



Genny McMath
Environmental Scientist