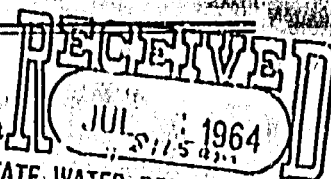


111-3

1. Considered 5-10, 1948
2. Name of Applicant FRED KLEMP
3. Post Office Address MITCHELL
4. Amount of water claimed .38
5. Source of water supply JAMES RIVER
6. Water to be used for IRRIGATION  
Acres to be irrigated 26.6
7. Water to be diverted and used in HANSON County about  
36 35 miles of MITCHELL
8. Proof of Publication Received ☒  
Not Received ☐
9. Application Approved ☐  
Subject to ☐  
Not Approved ☐  
Action deferred ☐

10. Remarks:

No. 111-3Water Division No. 3 James River District  
(Blank to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

ERNEST RUMBOLD, JR. (NOTE—Draw a line through items not applicable.)

1. Name of applicant Ernest Rumbold, Jr.Postoffice address 315 E 10th315 E 10thCounty HansonState SD

I. If a corporation

Goldie &amp; Delores Arbelter

RR #1, Box 237

(a) Name of same

(b) Date and place of incorporation

Huron, SD 57350

(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)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Pasture sprinkler3. Amount of water claimed 30.38 cubic feet per second4. Source of water supply James River or spring on property5. Location of point of diversion Hanson Township, 4 miles East MitchellBETWEEN A POINT IN THE SEC 31 T103N R57W AND A POINT IN THE NE 1/4 SEC 31 T103N R57W on left bank HANSON County.6. Annual period or periods during which water is to be used Only during flowing water.

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling on combination system? Overhead(a) Number of acres to be irrigated 20 acres(b) Legal subdivisions to be irrigated Only 30 Acres next to River

(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.) Only sprinkling

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Drinking water is flowing(b) Amount of power to be generated 9.270 horse power.Amount claimed for engine cooling none air cool(c) Location of plant Patible next to river(d) Method of developing power Waterwheel Motor Pump 3 in(e) Point where water will be returned to stream same

Map NO 744-3

## 8. Estimated cost of work:

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

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

(e) Other structures -----

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

(b) Pumping plant, \$ 335.00

Rock, \$-----

Total, \$ 335.00

## 9. Description of diversion works:

I. 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 5 ft; slope at back face -----

material used in construction -----

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

| DEPTH AT<br>OUTLET-FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-FEET<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
| <u>10 ft</u>            |                                                |      | <u>4 in</u>           |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

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

Material -----

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

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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 3 years.11. Time required for complete application of water to the proposed beneficial use 2 years.

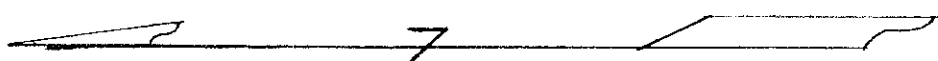
12. Choice of newspaper for publication of notice of intention to appropriate -----

ALEXANDRIA HERALD, ALEXANDRIA, S.D.A.C.

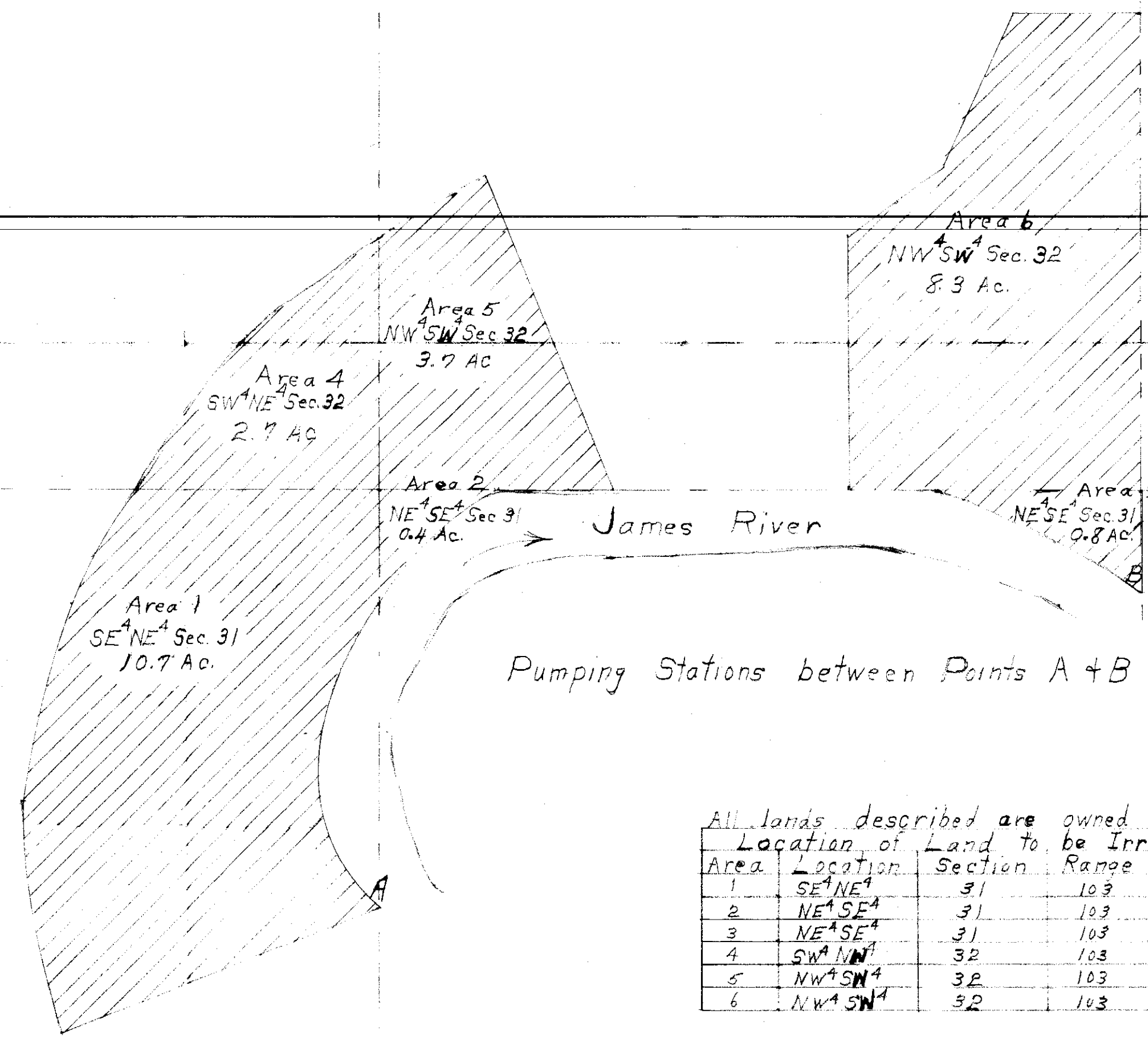
STATE OF SOUTH DAKOTA

County of Sioux ss.I, Fred Klump, 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 Fred KlumpSubscribed and sworn to before me this 3rd day of July 1964Ed. Mentel  
Notary Public (or other qualified officer.)

~~AS 1111 1111~~



30.29  
31.32



Land to be Irrigated

All lands described are owned by Fred Klemp

| Area  | Location of Land to be Irrigated | Section | Range | Township | Acres |
|-------|----------------------------------|---------|-------|----------|-------|
| 1     | SE 1/4 NE 1/4                    | 31      | 103   | 59       | 10.7  |
| 2     | NE 1/4 SE 1/4                    | 31      | 103   | 59       | 0.4   |
| 3     | NE 1/4 SE 1/4                    | 31      | 103   | 59       | 0.8   |
| 4     | SW 1/4 NW 1/4                    | 32      | 103   | 59       | 2.7   |
| 5     | NW 1/4 SW 1/4                    | 32      | 103   | 59       | 3.7   |
| 6     | NW 1/4 SW 1/4                    | 32      | 103   | 59       | 8.3   |
| Total |                                  |         |       |          | 26.6  |

Scale 1"=200'

|                                                               |                  |
|---------------------------------------------------------------|------------------|
| Fred Klemp<br>Irrigation Project No 1<br>Hanson County, S. D. |                  |
| U. S. DEPARTMENT OF AGRICULTURE<br>SOIL CONSERVATION SERVICE  |                  |
| Designed.....                                                 | Date.....        |
| Drawn.....                                                    | Approved by..... |
| Traced.....                                                   | Title.....       |
| Checked.....                                                  | Title.....       |
|                                                               | Sheet.....       |
|                                                               | No.....          |
|                                                               | of.....          |
|                                                               | Drawing No.....  |

Remarks by State Water Resources Commission:

Withdrawals of water under this permit are contingent upon there being sufficient water flowing past your diversion point, after diversion, to provide that amount of water needed for downstream domestic and prior water right use.

STATE OF SOUTH DAKOTA  
County of HUGHES ss.

Pierre, South Dakota, MARCH 12, 1965

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock

a m. upon the 6<sup>TH</sup> day of JULY, 1964

State Water Resources Commission

By:

For Austin Jones  
Chief Engineer, Executive Officer

Number of permit 1111-3

Date of first receipt of application JULY 6, 1964

Date of return to applicant for correction, amendments or changes required as follows: JULY 14, 1964

Date of receipt of corrected application JANUARY 22, 1965

Date from which applicant may claim right JANUARY 22, 1965

Approved MARCH 10, 1965, Recorded in Book 8 Page 314

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

SEPTEMBER 10, 1966

2nd. The whole of said work is to be completed on or before MARCH 10, 1968

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

MARCH 10, 1970

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 58 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 MARCH 10, 1970; said water to be used during the following described annual period:

DURING PERIODS WHEN RIVER IS FLOWING

Witness my hand this 12<sup>TH</sup> day of MARCH, 1965

State Water Resources Commission

By:

For Ross Brimer  
Chief Engineer, Executive Officer

Certificate of Construction issued NOVEMBER 7, 1969

Water License issued NOVEMBER 7, 1969

Remarks by the Applicant:

I have a 9.2 H.P. Motor Pump.  
and "15" - 30 ft. Pipe with sprinklers  
for watering small patches along the  
River some of these I can sprinkle  
from my running Spring which  
is the source for cattle drinking water.  
I don't intend to enlarge very much  
more, only the 30 acres along River  
Thank you?

Permit No. 1111-3

Water Diversion No. 3 JAMES RIVER Water District

**CERTIFICATE OF CONSTRUCTION**

This is to Certify, That Ernest Rumbolz, Jr.

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 1111-3, issued upon Application No. 1111-3, bearing date of priority of January 22,  
1965 authorizing the diversion of .38 cu. ft. per second of the waters of \_\_\_\_\_  
the James River County of Hanson, State of South Dakota at \_\_\_\_\_  
between points in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and in the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 31, T103N, R59W

\_\_\_\_\_, for irrigation

purposes, has 8 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 .78 cu. ft. per second of water.

Date November 7, 1969

**WATER RESOURCES COMMISSION**

By:

**J.W. GRIMES, Executive Officer**

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 1111-3

(1) WHEREAS, On the 6th day of July A. D. 19 64

Fred Klemp

made Water Right Application No. 1111-3 for a permit to use .38 cubic feet per second of the waters of the James River

County of Hanson, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 12th day of March A. D. 19 65

Permit No. 1111-3 with a date of priority of January 22, 1965

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 10th day of March A. D. 19 68 and for the application to beneficial use of said water on or before the 10th day of March A. D. 19 70

and, Whereas on the 29th day of October, 1969, Permit No. 1111-3 was transferred to Ernest Rumbolz, Jr., of Mitchell, South Dakota.

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .38 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

for irrigating the following land in T103N, R59W

|            |                                   |            |
|------------|-----------------------------------|------------|
| Section 31 | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 10.7 acres |
|            | NE $\frac{1}{4}$ SE $\frac{1}{4}$ | 1.2 acres  |
| Section 32 | SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 2.7 acres  |
|            | NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 12.0 acres |
|            | Total                             | 26.6 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 Ernest Rumbolz, Jr.

\_\_\_\_\_ of Mitchell, South Dakota  
the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 1111-3 a water right, dating from January 22, 1965  
\_\_\_\_\_ to use of .3 cubic feet per second of the waters  
of the James River  
in the County of Hanson and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted between points in the SE 1/4 NE 1/4 and in the NE 1/4 SE 1/4,  
Section 31, T103N, R59W

and conduct to and upon portions of Sections 31 and 32, T103N, R59W, described on the face  
of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1111-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 7th day of November A. D.  
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

on or before February 11, 1965  
(First Publication)

## APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 28, 1965

Notice is hereby given that Fred Klemp whose postoffice address is Mitchell 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 .38 cubic feet of water per second of time from the James River through the Klemp Irrigation Project #1 the point of diversion of which is to be located on the left bank of said stream in the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 31 portions of Twp. 103N Range 59W. Said water to be used for the purpose of providing irrigation on the following described land:

SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 31, SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  & NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 32, all in T103N, R59W

XXXXXX for XXXXXX purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of March, 1965, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

CC: Mr. J. Fred Hart, Publisher  
Alexandria Herald  
Alexandria, S. Dak.

By:  
BURTON F. JONES  
Water Right Specialist

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Hanson } ss.

L. Fred Hart being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Alexandria Herald 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 Alexandria County of Hanson and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 4, 1965  
February 11, 1965  
February 18, 1965  
February 25, 1965

In each and every issue of the full number thereof, the first publication being made on the 4<sup>th</sup> day of February 1965 and the last publication on the 25<sup>th</sup> day of February 1965, upon which days or times of publication, foresaid 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.

## APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., January 23, 1965

## NOTICE IS HEREBY GIVEN

that Fred Klemp, whose postoffice address is Mitchell, 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 .38 cubic feet of water per second of time from the James River through the Klemp Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of said stream between a point in the SE¼ NE¼ and a point in the NE¼ of the SE¼ of Section 31, Township 103N, Range 59W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE¼ NE¼, NE¼ SE¼, Section 31, SW¼ NW¼ and NW¼ SW¼, Section 32, all in Township 103N, Range 59W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of March, 1965, at 2 P. M. All interested persons may appear and be heard.

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

STATE WATER

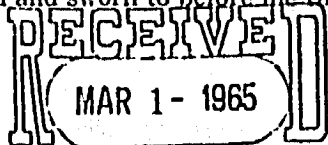
RESOURCES COMMISSION

By:

Burton F. Jones,  
Water Right Specialist

5-8

Subscribed and sworn to before me this 25<sup>th</sup> day of February A. D. 1965



STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

Notary Public Hanson County, S. D.

Form 20.

111-3

NOTICE OF TRANSFER OF WATER PERMIT

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

Date OCTOBER 29, 69

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

IN WATER PERMIT NO 111-3

formerly owned by

FRED KLEMP

has been transferred to

ERNEST RUMBOLTZ, JR.

531 S. BURR MITCHELL

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No.

111-3

as provided for in Section 61.127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

STATE OF SOUTH DAKOTA )

County of HUGHES ) ss.

I, ERNEST RUMBOLTZ, JR 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.

Ernest Rumboltz Jr  
(Signed)

Suscribed and sworn to before me this 29<sup>TH</sup> day of OCTOBER, 19 69.

Betty Westlund  
(Notary Public)  
*Notary Assistant to Not.*

Permit No. 1111-3Water Division 3 JAMES 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 ERNEST RUMBOLTZ, JR. of MITCHELL holder of Permit No. 1111-3, bearing date of priority of JANUARY 22, 1965 authorizing the diversion of .38 cu. ft. per second of the waters of THE JAMES RIVER for IRRIGATION purposes, in HANSON 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:

BERKELEY 4" PUMP, POWERED BY FARMALL "H" GASOLINE TRACTOR P.T.O.

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

900' OF 4" MAINLINE

## C. Works used to apply water to beneficial use.

600' 2" SPRINKLER LINE  
W/ RAINBIRD #30 SPRINKLER HEADS @ 30' SPACINGS  
1/64 NOZZLES

The system is in the following condition: GOOD

The point of diversion is located BETWEEN POINTS IN THE SE<sup>4</sup>NE<sup>4</sup> AND IN THE NE<sup>4</sup>SE<sup>4</sup>, SECTION 31, T103N, R59W

The works are capable of diverting and conveying to the place of use .78 cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows: ALL IN T103N, R59W

| SECTION 31                      |          | SECTION 32                      |          |
|---------------------------------|----------|---------------------------------|----------|
| SE <sup>4</sup> NE <sup>4</sup> | 10.7 AC. | SW <sup>4</sup> NW <sup>4</sup> | 2.7 AC.  |
| NE <sup>4</sup> SE <sup>4</sup> | 1.2 AC.  | NW <sup>4</sup> SW <sup>4</sup> | 12.0 AC. |

comprising a total of 26.6 acres of land.Date OCTOBER 29, 1969

Darlene Jones  
(Signature)

WATER RIGHT SPECIALIST  
WATER RESOURCES COMMISSION

COMMISSION

John F. Garhart, Spearfish  
Lester Blue, Parker  
Carl Cronin, Gettysburg  
Lauren A. Davis, Belle Fourche  
Milton E. Fischer, Milbank  
Richard Lommen, Harrisburg  
Clarence D. Mortenson, Hayes  
Dick Fisher, Cresbard

1111-3  
South Dakota

WATER RESOURCES COMMISSION

State Office Building #2  
PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer  
and  
Executive Officer

PHONE  
224-3584  
Area Code 605

August 7, 1970

Mr. Ernest Rumbolz, Jr.  
531 S. Burr  
Mitchell, South Dakota

Dear Mr. Rumbolz:

The South Dakota Water Laws provide "That the use of water for domestic purposes is the highest use of water; and takes precedence over all appropriative rights." and "That the right of a municipality to acquire and hold rights to the use of water should be protected to the fullest extent necessary for existing and future uses, ---".

The South Dakota water laws provide also, "The full control of all waters in the definite streams of this State is vested in the Commission. The Commission shall regulate and control the development, conservation and allotment of waters of the State according to the principles of beneficial use and priority of appropriation established by this Act." The Commission referred to is the Water Resources Commission.

Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the south boundary of Hanson County shall cease effective 6:00 P.M., August 10, 1970, and until January 1, 1971, or until further notice.

This order is necessary in order to maintain domestic use, including stock-water, and municipal water supplies to the extent possible under the scanty runoff yield of water to the James River.

Please govern your use of irrigation water under your Water Right No. 1111-3 in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

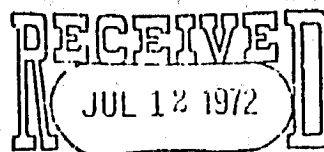
Sincerely,

*J.W. Grimes*  
J.W. GRIMES

JWG/DD/bw

P.S. The Water Permits of almost every water right holder receiving this letter contains the August 10th irrigation stoppage qualification or a low flow qualification which prohibits the diversion of water from the existing low flows of the James River, even if this special order were not issued.

# NOTICE OF TRANSFER OF WATER PERMIT



STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

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

This is to notify you that MR ERNEST RYAN JR. J.P.  
531 S. Burr Mitchell

who previously owned the land described below has sold his interests to Norman G. Gidley  
315 EAST 10th  
Mitchell, S.D.

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 411-3  
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

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

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

STATE OF SOUTH DAKOTA

County of Danvers } ss.

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

Signed Robert Gidley

Subscribed and sworn to before me this 10th day of July 19 72

Lucas Nicolson  
Notary Public

Water Rights, Water Management Division  
(605) 773-3352

April 16, 1980

Ed Arbeiter  
1940 Wisconsin SW  
Huron, SD 57350

Dear Mr. Arbeiter:

In answer to your questions concerning the James River, the State of South Dakota does consider the James River as navigable. I have enclosed a copy of Official Opinion No. 77-61 which answers some of the questions that relate to ownership of navigable stream beds.

Your question on the availability of water in the James River in Beadle County, I will assume, was answered at the Water Management Board hearings in Huron on the 10th of April.

If there is anything else in which this office can be of assistance, please do not hesitate to contact us.

Very truly yours,

JAMES E WINTERTON  
Water Resources Engineer IV

JEW/gy

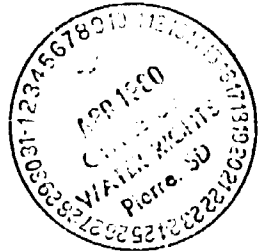
encl



# Department of Water & Natural Resources

Joe Foss Building  
Pierre, South Dakota 57501

Water Rights, Water Management Division  
(605) 773-3352



March 25, 1980

Ed Arbeiter  
1940 Wisconsin SW  
Huron, SD 57350

Dear Mr. Arbeiter:

On December 17, 1979 we wrote you concerning the transfer of Water Right No. 1111-3 in the name of Norbert Geidel which covers irrigation of 26.6 acres in portions of Sections 31 & 32, T103N, R59W. To date, we have not heard from you on this matter.

If you have misplaced the transfer form previously sent to you, enclosed please find an additional form. Please sign, have notarized, and return it to this office with the required filing fee of \$2.50. The permit will then be transferred to your name.

If you are not the present owner of the land covered under this Water Right, please notify this office as to who does own it. If you have any questions, please contact this office.

Sincerely,

Genny Young  
Staff Assistant

gy

encl

*Question Can you please tell me if the James River is considered a Navigable stream by the State of South Dakota? Please advise soon. I can conclude the above questions. Ed.*

*Dear Sir. This water permit was transferred this summer to the town of Golden & Dexters Arbeiter. Huron Rt 1- Box 237. I have repeatedly asked your dept how much water you have to appropriate South of Huron in Beale Co. But you know or is this suppose to be a secret? I want to know so please make up your mind and tell me or tell me you don't know. I have recently wrote to several depts for information and never get an answer. Is this the present policy to ignore the public? There must be a lack of communication between the director and employees. If you wish to ignore my questions, I intend to find out what the trouble is. I am a Republican but this is getting to me.*

*Ed Arbeiter - Box 237 - Huron, SD*

RECEIPT  
WATER RIGHTS COMMISSION  
State of South Dakota

No 4 7530

RECEIVED OF Goldie Arbeiter, Renville, MN 56284  
the following amount in fees for services rendered as provided for by law:

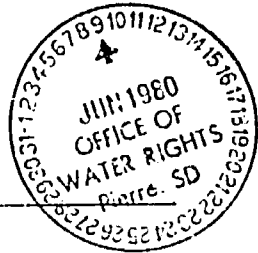
|                                                                                                                     |      |
|---------------------------------------------------------------------------------------------------------------------|------|
| Fee for Application for Permit to Appropriate 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 _____                                                                                                |      |
| Fee for certified copy of _____                                                                                     |      |
| Fee for Print copy of map _____                                                                                     |      |
| Fee for Certifying _____                                                                                            | 2.50 |
| Fee for <u>transfer of WR 1111-3</u>                                                                                |      |
| (any other work as provided by law)                                                                                 |      |
| TOTAL                                                                                                               | 2.50 |

WATER RIGHTS COMMISSION  
By John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH / b

## NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights  
Foss Building  
Pierre, SD 57501

Date: \_\_\_\_\_



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

total of 26.6 acres in N $\frac{1}{2}$  Sec. 31, & W $\frac{1}{2}$  Sec. 32, T104N, R59W

formerly owned by Norbert Geidel, 315 E 10th Street, Mitchell, SD

has been transferred to Goldie & Dalores Arbeiter, RR #1, Box 237, Huron, SD

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

Water Right Permit No. 1111-3 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 )  
 ) ss.  
County of \_\_\_\_\_ )

I, Goldie Arbeiter  
Dalores Arbeiter 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.

Goldie Arbeiter  
Dalores Arbeiter  
(Signed)

Subscribed and sworn to before me this 5 Day of June, 1980.

[Signature]  
(Notary Public)

Address:  
Goldie Arbeiter  
Rt. 1 Box 237  
Huron S. D. 57350

MEMO

TO: File, Mr. Ed Arbeiter, WR#1111-3 and 1950-3

SUBJECT: Crossing on Jim River, Section 32-T103N-R59W

On September 24, 1981, I met with Mr. Arbeiter and investigated the situation. Mr. Arbeiter owns land on both sides of the river with the farm buildings located in the NE $\frac{1}{4}$  of Section 31-T103N-R59W. Mr. Arbeiter said he wants the crossing because he would have to travel 7 or 8 miles to get from the farm buildings to the fields on the other side of the river. He expressed his concern for safety to himself and the general public if he has to travel the hilly and windy roads with farm machinery. He also would like to winter some cattle in the fields on the other side of the river and would like them to be able to cross the river to get to water by the farm buildings.

The crossing is constructed of material consisting of dirt and field stones with one 36 inch diameter CMP culvert which is set nearly on the bottom of the river. The crossing is constructed approximately one-half of the way across the river with the height of the crossing approximately 1 foot above the water level of the river. I told Mr. Arbeiter that the Corps of Engineers have been notified and he would have to wait until they issued him a 404 permit before he could complete the crossing. I also told him he would need more than the one culvert and that he would have to comply to the regulations of the 404 permit. He said he would add another culvert or lower the height of the crossing whatever the permit required. He also said he does not want to backup any water.

Mr. Don Barber, Lower James Conservancy Subdistrict, called me and said he has received several complaints on the situation. It appears that the complaints are not dealing directly to the crossing but to the fact that Mr. Arbeiter has cleared trees from his land and piled them along the river bank. I told him that Mr. Arbeiter did not want the trees directly along the river bank but 40 or 50 feet back and had plans on either moving them back or removing them for firewood. Mr. Barber also talked about several others who would like a crossing on the Jim River. I told him they will have to go through the Corps of Engineers 404 permit process and if they provide adequate by-pass so they don't interfere with upstream or downstream water right holders the crossings would be ok with us.

  
Timothy G. Schaal  
Water Resources Engineer

**South Dakota Department of  
Water & Natural Resources**

Jan Foss Building  
Pierre, South Dakota 57501

Water Rights Division  
(605) 773-3352

WR # 101 1 1988 8

October 29, 1981

Mr. Ed Arbeiter  
RR #1  
Huron, SD 57350

Dear Mr. Arbeiter:

As I stated yesterday at the meeting concerning your crossing, we will require you to place two 36 inch diameter culverts through your crossing. These culverts should be placed as near the bottom of the channel as possible without placing them in the mud, and should have no more than one foot of fill material above them. Stream flow records for the last ten years show a low flow average of approximately 60-80 cfs in that area. The two 36 inch diameter culverts will be able to pass approximately 90 cfs.

If you have any questions concerning this matter, please call this office.

Sincerely,

TIMOTHY G SCHAAL  
Water Resources Engineer

TGS/gy

*Equal Opportunity Employer*

1111-3

Water Rights Division  
605 773-3352

January 4, 1983

Goldie & Delores Arbeiter  
RR 1 Box 237  
Huron SD 57350

Dear Mr. Arbeiter:

I am in receipt of your 1982 Irrigation questionnaire and your note requesting some information concerning your irrigation permits. In regard to the management of the James River during the irrigation season this office regulates pumping from the river by section according to the flow at selected gauging stations. For example, when the river reaches 20 cfs or lower at Huron all irrigators are shut off above Huron. The same is true for the section from Huron to the gauge at Forestburg and from Forestburg to the Yankton County line. All these gauges are constantly monitored by this office during the irrigation season. I'm not sure I understand your question "Where do we stand on time to use water?" Your permit authorizes you to pump until August 10 of each year unless notified otherwise by this office. Your priority dates for your two permits are: Permit No. 1111-3, January 22, 1965 and Permit No. 1950-3, July 12, 1972. However as I stated earlier, at the present time irrigation from the James River is regulated by section and not individual priority dates. I hope this answers your questions. If you have any further questions, please contact this office.

Thank you,

KEVIN C LARSON  
Water Resources Engineer

KCL:ks

**State of South Dakota**  
**Water License No. 1950-3**

(1) Herbert Galdel  
of Mitchell, South Dakota  
made Application No. 1950-3, July 12, 1972 for a water permit to appropriate  
1.71 cubic feet per second of water from the James River,  
Hanson County, South Dakota for irrigation purposes.  
Permit No. 1950-3, with a priority date of July 12, 1972  
was approved September 6, 1972 and issued to applicant(s) for diversion of water with construction of the described  
water supply system to be completed on or before September 6, 1975 and for the application to beneficial use of said  
water on or before September 6, 1977.

On August 14, 1979 Water Permit No. 1950-3 was transferred to Goldie and/or Delores Arbeiter.

The applicable portions of Water Right No. 1111-3 have been incorporated into this License. A priority date of January 22, 1965 (Water Right No. 1111-3) has been retained for irrigation of 25.9 acres (described in #3 of this license) and diversion of 0.37 cfs. A priority date of July 12, 1972 (Permit No. 1950-3) is retained for irrigation of the remaining 69.6 acres (described in #3) and diversion of 0.99 cfs.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.36 cubic feet per second of water for beneficial use. The location of the diversion point(s) is on the James River: any point between  
and including the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 31, T103N, R59W.