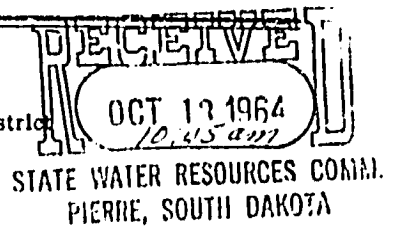


1133-2

1. Considered 1-20, 1915
2. Name of Applicant J. J. CURRY & SONS
3. Post Office Address ELK POINT
4. Amount of Water Claimed 1.13
5. Source of water supply GROUND WATER
6. Water to be used for IRRIGATION
 Acres to be irrigated 84
7. Water to be diverted and used in UNION County about
1 Miles E of ELK POINT
8. Proof of Publication Received ✓
 Not Received _____
9. Application Approved _____
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

No. 1133-3
 Water Division No. 3 Big Sioux 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 J. J. CURRY & SONS
 Postoffice address Elk Point, County Union, State S. Dakota

- 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)
Direct labor and employment of others
 - (b) Cash on hand, \$ adequate
 - (c) Treasury stock, \$
 - (d) Bonds to be issued, \$
 - (e) Other resources, \$

2. Name of diversion work Curry Irrigation Project # 2
 3. Amount of water claimed 3.41 cubic feet per second 1550 gpm
 4. Source of water supply Irrigation well
 5. Location of point of diversion NE 1-SE 1 18-91-49
 on bank County.
 6. Annual period or periods during which water is to be used April through October
 7. To be used for:

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

(a) Number of acres to be irrigated 24 acres.

(b) Legal subdivisions to be irrigated Number 1 under remarks

(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 a 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

187-3
MAP No. 1

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$1500.00...
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Gated pipe..... \$3000.00 Total, \$.....

9. Description of diversion works:

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

Pumping Plant (Irrigation Well)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....
 material used in construction.....
 (b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	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 met (i.)

10. Time required for completion of work.....5.....years.
 11. Time required for complete application of water to the proposed beneficial use.....5.....years.
 12. Choice of newspaper for publication of notice of intention to appropriate.....
 Elk Pointe Leader Courier

STATE OF SOUTH DAKOTA

County of Union ss.

I, J. J. CURRY & SONS....., 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

Subscribed and sworn to before me this 12th day of October 1914

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 21, 1965

This is to certify that the foregoing application was received by the Commission at 10:45 o'clock:
2 m. upon the 13TH day of OCTOBER, 1964

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1133-3

Date of first receipt of application OCTOBER 13, 1964

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

Date of receipt of corrected application NOVEMBER 4, 1964

Date from which applicant n. right NOVEMBER 4 OCTOBER 13, 1964

Approved JANUARY 10, 1965, Recorded in Book 8 Page 281

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

JULY 20, 1967

2nd. The whole of said work is to be completed on or before JANUARY 20, 1970

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

JANUARY 20, 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 1.12 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-reventieth (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 JANUARY 20, 1970; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 21ST day of JANUARY, 1965

State Water Resources Commission

By:

[Signature]

(Chief Engineer, Executive Officer)

Certificate of Construction issued

JANUARY 17, 1966

Water License issued

JANUARY 17, 1966

Remarks by the Applicant:

1. Land to be irrigated.

NE $\frac{1}{4}$ -SW $\frac{1}{4}$ 18-91-49
SE $\frac{1}{4}$ -SW $\frac{1}{4}$ 18-91-49
NW $\frac{1}{4}$ -SE $\frac{1}{4}$ 18-91-49
SW $\frac{1}{4}$ -SE $\frac{1}{4}$ 18-91-49

SE $\frac{1}{4}$ -SE $\frac{1}{4}$ 18-91-49
Portion NW $\frac{1}{4}$ 19-91-49

addition land to
irrigation project

2. This permit is being initiated for the inclusion of addition land to the Curry Irrigation Project #2, South Dakota Water Resources Commission, Application No. 237-3 and map No. 187-3

13-91-49

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 40" Depth 111'

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

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

Length of casing 111' If collection gallery, length, size and depth of
gallery 111'

(b) Screens

Type of perforated screen concrete

Size of perforated screen 18" (diameter) (length)

Thickness of gravel pack 6" length of gravel pack 50'

(c) Water Bearing Materials

Distance to water 165' Character of water bearing materials

63-68 gravel, fine and coarse

68-98 gravel, medium and coarse

98-111 gravel, medium

Thickness of water bearing material 48'

(d) Pump and Motor

Type of pump turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Western Land Roller size

Kind of motor Natural Gas (gasoline, electric, diesel, etc.)

Horsepower Name of Motor Ford-Industrial

(e) Complete well

Capacity 1100 at drawdown of 7.5' Estimated cost \$1500.00

(f) Owner of land upon which well is located J. J. Curry & Sons
NameElk Point, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 400 rods. On property owned by others 560 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1133-3

WHEREAS, On the 13th day of October A. D. 1964

J. J. Curry and Sons

of Elk Point County of Union and State of South Dakota duly made application (No. 1133-3) to us for a permit to use 1.13 cubic feet per second of the waters of ground water County of Union, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 21st day of January A. D. 1965 Permit No. 1133-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 20th day of January 70 A. D. 1970 and for the application to beneficial use of said water on or before the 20th day of January 70 A. D. 1970 and,

WHEREAS, On the 13th day of January A. D. 1966 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.13 cubic feet per second of said waters, as evidenced by our Certificate No. 1133-3 dated January 17, 1966 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.13 cubic feet per second of water, with date of priority of October 13, 1964 and,

WHEREAS, On the 13th day of January A. D. 1966 proof was duly made of the application to beneficial use of 1.13 cubic feet per second of said water; for irrigating 84 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 19 and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T9N, R49W

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to J. J. Curry and Sons

of Elk Point the holder.... and owner.... of said permit No. 1133-3

a water right, dating from October 13, 1964 to the use of 1.13

cubic feet per second of the waters of ground water

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

necessray for the purposes hereinbelow mentioned, to be diverted at a point N 30° 15' E, 1491 feet from
the S 1/4 corner, Section 18, T91N, R49W

and conducted to and upon portions of the N 1/2 NW 1/4 Section 19, and SE 1/4 SE 1/4 Section 18,

T91N, R49W

for the purpose irrigation of

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

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

State Water Resources Commission

By:

J. W. GRINES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.

To

Source of Supply

County

Am't c. f. s.

Point of Diversion

Place of Use

Purpose

Date of Priority

Recorded

In Book of Page

Permit No. 1133-3Water Division No. 3 Big Sioux River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

J. J. Curry & Sons

This is to Certify, That -----

of Elk Point, County of Union, and State of
South Dakota, the holder of Permit No. 1133-3, Issued upon Application
 No. 1133-3, bearing date of priority of October 13, 1964, authorizing the diversion of
1.13 cu. ft. per second of the waters of ground water

County of Union, State of South Dakota, at a point N 3° 15' E
1491 feet from the S $\frac{1}{2}$ corner, Section 18, T91N, R49W
 for irrigation

purposes, has ve fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 1.13 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,
 to-wit: All in T91N. R49W

<u>N$\frac{1}{2}$ NW$\frac{1}{4}$ Section 19</u>	<u>44</u>	<u>acres</u>
<u>SE$\frac{1}{4}$ SE$\frac{1}{4}$ Section 18</u>	<u>40</u>	<u>"</u>
<u>Total</u>	<u>84</u>	<u>"</u>

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

State Water Resources Commission

By: **J. W. CRIMES**
 Chief Engineer Executive Officer

on or before
(First Publication December 24, 1964)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 24, 1964

Notice is hereby given that J. J. Curry and Son, whose postoffice address is Elk Point, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.13 cubic feet of water per second of time from the ground water through the Curry Irrigation Project #2, the point of diversion of which is to be located on the ~~bank of said stream~~ in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18 Twp. 91N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, and a portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, section 19, T19N, R49W.

and for purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1965, at 2 P. M. All interested persons may appear and be heard.

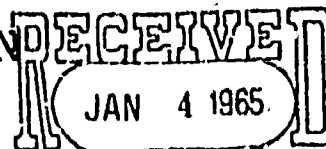
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

CC: Mr. Byron Helgersen, Publisher
Leader-Courier
Elk Point, S. Dak.

By:
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION



STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
County _____ } ss.

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

of Intention to Appropriate Water was taken from the _____
The Leader Courier a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____
City of Elk Point County of Union and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Dec 12, 1964
Dec 17, 1964
Dec 24, 1964
Dec 31, 1964

in each and every issue of the full number thereof, the first publication being made on the 16th day of Dec 1964 and the last publication on the 31st day of December 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 Editor the printer and publisher of the said newspaper.

Byron Helgeson
31st

Subscribed and sworn to before me this _____ day of December A. D. 1964

Edith Helgeson

Notary Public Union County, S. D.

APPROPRIATION OF WATER

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

Notice is hereby given that J. J. Curry and Sons whose post-office address is Elk Point, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.13 cubic feet of water per second of time from ground water through the Curry Irrigation Project No. 2, the point of diversion of which is to be located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18 Twp. 91N Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, and a portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 19, T91N, R49W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1965, at 2 P.M. All interested persons may appear and be heard.

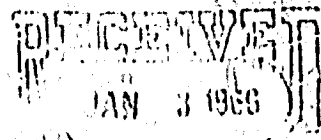
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By: BURTON F. JONES,

Water Rights Specialist

(Pub. Dec. 10, 17, 24, 31)



Permit No. 1133-7

STATE WATER RESOURCES COMMISSION
SOUTH DAKOTA

Water Division No. 3 Pierre Sioux River Water District

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Elk Point, S. Dak.

(Date) 30 Dec, 1965

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

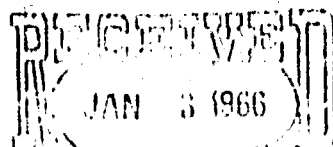
DEAR SIR: Notice is hereby given of the completion of the works for the diversion of 1.13 cu. ft. per second of the waters of the state from through the deep well for agricultural purposes in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota,

1. The name of the person or corporation holding said permit is T. J. Garry, Jr.
2. The postoffice address of such person or the place of business of such corporation is #245 Elk Point County of Union State of S. Dak.
3. The number of such permit is 1133-3 and the date set for the completion of such work is 1 Mar. 1966
4. Said water to be used for agricultural purposes
5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plan accompanying the application for such permit, is 1.13 cubic feet per second.
6. The amount of land for which said water is available is 84 A. acres, particularly described as follows: SE 1/4 18-91-49 Portion NW 1/4 19-91-49

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Permit No. 1133-3

Water Division No. 3 Big Sioux Water District
River

STATE WATER RESOURCES COMMISSION

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Elk Point, S. Dak.

(Date) 30 Dec, 65

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 1st day of April 1965, at ~~MINN~~ Elk Point County of Union State of South Dakota, before _____ proof will be submitted of the application to beneficial use of 1.13 cubic feet per second of the waters of deer well _____ in accordance with the terms and conditions of Permit No. 1133-3 heretofore issued by the Water Resources Commission of South Dakota.

- The name and postoffice address of the person or corporation holding said permit are J.J. Curry & Sons, #245, Elk Point, S. Dak.
- The use to which said water has been applied is agricultural crops
- The amount applied to beneficial use is 1.13 cubic feet per second
- The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) SE 1/4 18-21-49 and Portion NW 1/4 19-21-49
- The name of the canal or ditch or other works by which said water is conducted to such place of use is n/a
- The right to take the water from such works is based upon permit No. 1133-3
- The source of supply from which such water is diverted is Deer well
- The date of priority which said user is prepared to establish is Oct. 64

(Sign) _____

Permit No. 1133-3
BIG STICKWater Division No. 3 RIVER Water District

Certificate of Examination of Works

Report of Examining Engineer

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

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

I have this day made a thorough examination of the diversion works constructed by

J. J. CURRY & SONS of ELK POINTUNION County, South Dakota, holder of Permit No. 1133-3, issuedupon Application No. 1133-3 bearing date of priority of OCTOBER 13, 1964, authorizing thediversion of 1.13 cu. ft. per second of the waters of GROUND WATER for IRRIGATION

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

The diversion works comprise: 100' 18" CONCRETE WELL WITH 8"
WESTERN LAND PUMP - HEAD 12 8M-030 AND 2-12B-11;
U.S. GEAR DRIVE #30-NRR; FORD 100 ENGINE, MODEL #223;
1 1/4 MILE 8" GATED PIPE (40" GATES) 44 ACRES LEVELLED
(SAME WELL FOR WIR 237-3)and the system is in the following condition: VERY GOODThe point of diversion is located N 30 15' E, 1441 FEET FROM THE
S⁴ CORNER, SECTION 18, T91N, R99W.The works are capable of diverting and conveying to the place of use 1.13 cu. ft. per second of water,
which is to be used forThe legal sub-divisions to be irrigated are: ALL IN T91N, R99W
N² NW⁴, SECTION 19 - 44 ACRES
SE^{1/4} SE^{1/4}, SECTION 18 40 ACREScomprising a total of 84 acres of land.
The domestic use intended comprises

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

Witness my hand, this 13TH day of JANUARY, A. D. 1966

-SEAL-

Burton J. Price
Examining Engineer
OFFICER

WATER RIGHTS DIVISION

March 31, 1982

Bill Curry
Curry Seeds
Elk Point, South Dakota 57025

Dear Bill:

I'm enclosing a map of the location of the various permits as they were issued.

Permit No. 3854-3 does not show on the map, but is for a triangular piece of land in Section 4, T-90N, R-40W, and Section 33, T-91N, R-49W. William Connolly's Permit No. 4598-3, Cal Chaussee's Permits No. 324-3 and 2141-3 and Mary Margaret Brown's Permit No. 2450-3 also are not included on this map.

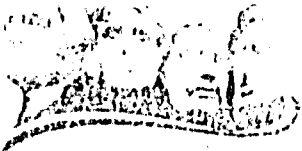
I realize that some of these lands have been traded, ie Permit No. 179-3 and No. 306-3, but figured you could come up with what you are irrigating. We discussed the name changes or transfers, but guess I'll wait until I can get down there to fill out transfer forms.

I'm enclosing some additional forms if you need them. Let me know if you have further questions.

Sincerely,

Burton F. Jones
Water Rights Specialist

BFJ:ms
Encl.



GREAT FACES. GREAT PLACES.

February 1, 1991

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

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

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

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

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

1. Amend Permit No(s) 1133-3, 1086-3, 306-3, 237-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

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

Very truly yours,

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



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

GREAT FACES. GREAT PLACES.

February 11, 1991

Curry Seed Company
Box 517
Flk Point, SD 57025

RE: Irrigation Questionnaires and/or Chemical Application Use
Data for Water Permit Nos. 237-3, 306-3, 324-3, 501-3, 1086-3,
1133-3, 1136-3, 1297-3, 1530-3, 2141-3, 2189-3, 2370-3, 2371-3,
2450-3, 2940-3, 3910-3, 4438-3, 4582-3, 4598-3, 5030-3, 5201-3,
and 5254-3

Dear Sir:

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

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

Sincerely,

Ron Duvali, Natural Resources Engineer IV
Water Rights Division

1133-3

JJ CURRY AND SONS
BOX 517
ELK POINT
SD 57025

UN/MI

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

November 1980

For Dept. use only

6

Please fill out and return at once.
No. Acres irrigated with Groundwater 1100

If you did not irrigate during 1980-check this box ☐ No system ☐

Rock Garden

Type of Power	No. acres irrigated	Total Energy used-1980
1. Electric	<u>1100</u>	<u>47,500</u> kWh
2. Gravity		
3. Gasoline		gal
4. Nat. Gas pipeline		cf
5. Diesel		gal
6. Propane		gal
7. Other		

Type of System:

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

Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated and Estimated Water Use			
				Crop	Acres	Water	Water
April							
May							
June	<u>5</u>	<u>20</u>	<u>1000</u>	<u>Corn</u>	<u>1100</u>		
July	<u>20</u>	<u>20</u>	<u>1000</u>	<u>Corn</u>	<u>1100</u>		
August	<u>6</u>	<u>20</u>	<u>1000</u>	<u>Corn</u>	<u>1100</u>		
Sept.							
Oct.							
Other Month							

Season Static Water Level: beginning _____ and _____

Comments:

Complete and return to: WATER MANAGEMENT BOARD

Water Rights Division
Joe Foss Building
Pierre, SD 57501

Curry Seed Co.
Box 517 (Rock Garden)

Elk Point, SD 57025

Owner or address change, if any:

Please complete front and back.

The South Dakota Office of Energy has requested your cooperation in completing the following:

1979

198

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

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

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

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

1133-3

Water Rights Division - DENR

237-3

1133-3

Conversation or File Documentation

Name of Person: **J.J. Curry and Sons** File No. **237-3 and 1133-3**
Address: **Box 517, Elk Point, SD 57025** County: **Union**
Date: **Nov. 18, 1999** Telephone: **(605) 356-3366**
RE: **Reissue Water Right Nos. 237-3 and 1133-3.**

Comments:

Water Right 237-3 was licensed for irrigation of 160 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T91N, R49W using 2.28 cfs from one well. Water Right No. 1133-3 was licensed for irrigation of 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 and 44 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19 T91N, R49W using 1.13 cfs. These two water rights are owned by J.J. Curry and Sons.

Water Right No. 4438-3 was licensed for irrigation of 33 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$; 33 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$; and 33 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 using 1.41 cfs. This water right is owned by Kenneth Jolin. All the above lands were originally irrigated using flood irrigation methods.

The lands are now irrigated using a combination of a center pivot and flood irrigation. The portion of the flood irrigated acres use the well authorized by Water Right No. 237-3. The portion of the lands irrigated with the center pivots use the well authorized by Water Right Nos. 4438-3 and 1133-3.

Reissue and incorporate Water Right 237-3 and 1133-3 for the following:

These lands are irrigated using a center pivot:

All in Section 18, T91N, R49W

Acres irrigated by *div. pt. #2*: 1320' W and 2640' N of the SE corner Section 18, T91N, R49W.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

Acres irrigated by *div. pt. #1*: 2724' W and 1489' N of the SE corner Section 18, T91N, R49W.

These lands are flood irrigated:

All in Section 18, T91N, R49W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 8 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2 acres (priority date August 13, 1956)

For a total of 130 acres and 1.86 cfs. 90 acres at 1.29 cfs and a priority date of August 13, 1956 and 40 acres at 0.57 cfs and a priority date of October 13, 1964.

Need a change in diversion point for the portions of land under the reissued Water Right Nos. 237-3 and 1133-3 that are irrigated by the center pivot from *div. pt. #2*. Diversion point #3, located in the center of the SE $\frac{1}{4}$ Section 18, T91N, R49W, is a standby well for center pivots under Water Right Nos. 237-3, 1133-3, 1530-3, and 4438-3.

The center pivot on the above lands also irrigates 33 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ which is owned by Kenneth Jolin and authorized by Water Right No. 4438-3. *Well #2* used for the center pivot in the SE $\frac{1}{4}$ is also authorized by 4438-3. This will need to stay separate as it is a different land owner.

A handwritten signature in cursive script that reads "Lynn Beck". The signature is written in black ink and is positioned above the printed name and title.

Lynn Beck
Natural Resources Engineer

Approval of Location Change and/or Additional Diversion Point(s)**NAME:** J.J. Curry and Sons**ADDRESS:** Box 517, Elk Point, SD 57025**DATE:** November 22, 1999 **COUNTY:** Union **TELEPHONE:** (605) 356-3366**AUTHORITY:**

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

An additional diversion point located 1320' W and 2640' N of the SE corner of Section 18, T91N, R49W in the same water source with no additional water being used.

- **If irrigation, no new land is irrigated**

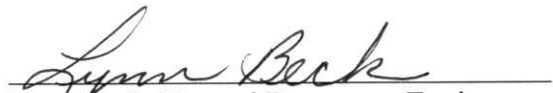
Irrigated lands covered under Water Right Nos. 237-3 and 1133-3.

- **Review of Existing Diversions**

There are four other diversion points in Section 18 used to irrigate lands owned by Ed Curry or J.J. Curry and Sons. In addition there is a standby well. One of the diversion points and the standby well are also used for Water Right No. 4438-3 owned by Kenny Jolin. The additional diversion point in this report is licensed under Water Right No. 4438-3 and the lands under WR 4438-3 are irrigated by center pivots owned by Ed Curry and J.J. Curry and Sons.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

1133-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 08 2005

1133-3 & 2370-3

J J Curry and Sons
Box 517
Elk Point SD 57025

Dear Sirs:

Enclosed is Reissued Water License No. 1133-3 and Water License No. 2370-3. These are the final water right documents completing the process of obtaining a Water Right. Also, enclosed is the receipt for the license fee which was paid several years ago for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 1133-3 and 2370-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1133-3

(1) J.J. Curry and Sons, Box 517, Elk Point SD 57025 were issued Water License No. 1133-3, January 17, 1966 for a water permit to appropriate 1.33 cubic feet of water per second (cfs) from groundwater (one well), Union County, South Dakota for irrigation purposes, with a priority date of October 13, 1964.

Water License No. 237-3 with a priority date of August 13, 1956, appropriates 2.28 cfs from same well authorized by No. 1133-3 to irrigate 140 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18-T91N-R49W.

Since the time Nos. 237-3 and 1133-3 were originally licensed, the water use systems have been updated and changed. This reissued license reflects those changes with priority dates listed below. The applicable portions of No. 237-3 have been incorporated into No.1133-3.

The investigation conducted for relicensing purposes found two additional diversion points (one well is backup supply) developed under No. 237-3 and 1133-3. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion points do not increase the potential for interference with existing water rights.

(2) It is certified that the water right holder 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 1.86 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 – 2,724 feet west and 1,489 feet north (NE $\frac{1}{4}$ SW $\frac{1}{4}$); Well #2 – 1,320 feet west and 2,640 feet north (NW $\frac{1}{4}$ SE $\frac{1}{4}$); Standby well – 1,320 feet west and 1,320 feet north (center SE $\frac{1}{4}$); all from the southeast corner of Section 18- T91N-R49W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 18-T91N-R49W		Priority date
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	August 13, 1956
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	August 13, 1956
SE $\frac{1}{4}$ SE $\frac{1}{4}$	40 acres	October 13, 1964
NE $\frac{1}{4}$ SW $\frac{1}{4}$	8 acres	August 13, 1956
SE $\frac{1}{4}$ SW $\frac{1}{4}$	2 acres	August 13, 1956
Total 130 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 J.J. Curry and Sons, Box 517, Elk Point SD 57025 the holder and/or owner of Incorporated Water License No. 1133-3 is reissued a license to appropriate water, the right to use 1.86 cubic feet of water per second from groundwater (three wells) with priority dates of August 13, 1956 (1.29 cfs) and October 13, 1964 (0.57 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Right No. 1133-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 08 2005

date



File No. 237-3

1133-3

2370-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

DATE: July 11, 2005

RE: Water License and Incorporated License Nos. 237-3, 1133-3 and 2370-3

File Clarification:

Water License No. 2370-3 included portions of No. 237-3 and 1133-3;

Water License No. 1133-3 was reissued to include the remaining portions of No. 237-3
(*nothing remains under No. 237-3*).

Water Rights Division - DENR

237-3

1133-3

Conversation or File Documentation

Name of Person: **J.J. Curry and Sons** File No. **237-3 and 1133-3**
Address: **Box 517, Elk Point, SD 57025** County: **Union**
Date: **Nov. 18, 1999** Telephone: **(605) 356-3366**
RE: **Reissue Water Right Nos. 237-3 and 1133-3.**

Comments:

Water Right 237-3 was licensed for irrigation of 160 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 18, T91N, R49W using 2.28 cfs from one well. Water Right No. 1133-3 was licensed for irrigation of 40 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 and 44 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 19 T91N, R49W using 1.13 cfs. These two water rights are owned by J.J. Curry and Sons.

Water Right No. 4438-3 was licensed for irrigation of 33 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$; 33 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$; and 33 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 using 1.41 cfs. This water right is owned by Kenneth Jolin. All the above lands were originally irrigated using flood irrigation methods.

The lands are now irrigated using a combination of a center pivot and flood irrigation. The portion of the flood irrigated acres use the well authorized by Water Right No. 237-3. The portion of the lands irrigated with the center pivots use the well authorized by Water Right Nos. 4438-3 and 1133-3.

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All in Section 18, T91N, R49W

Acres irrigated by div. pt. #2: 1320' W and 2640' N of the SE corner Section 18, T91N, R49W.

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

Acres irrigated by div. pt. #1: 2724' W and 1489' N of the SE corner Section 18, T91N, R49W.

These lands are flood irrigated:

All in Section 18, T91N, R49W

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (priority date August 13, 1956)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 7 acres (originally authorized by Water Right No. 1133-3 priority date October 13, 1964)

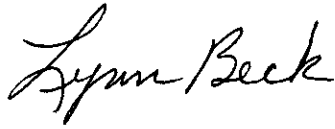
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For a total of 130 acres and 1.86 cfs. 90 acres at 1.29 cfs and a priority date of August 13, 1956 and 40 acres at 0.57 cfs and a priority date of October 13, 1964.

Need a change in diversion point for the portions of land under the reissued Water Right Nos. 237-3 and 1133-3 that are irrigated by the center pivot from div. pt. #2. Diversion point #3, located in the center of the SE $\frac{1}{4}$ Section 18, T91N, R49W, is a standby well for center pivots under Water Right Nos. 237-3, 1133-3, 1530-3, and 4438-3.

The center pivot on the above lands also irrigates 33 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ which is owned by Kenneth Jolin and authorized by Water Right No. 4438-3. *Well #2* used for the center pivot in the SE $\frac{1}{4}$ is also authorized by 4438-3. This will need to stay separate as it is a different land owner.

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Lynn Beck
Natural Resources Engineer

Approval of Location Change and/or Additional Diversion Point(s)**NAME:** J.J. Curry and Sons**ADDRESS:** Box 517, Elk Point, SD 57025**DATE:** November 22, 1999**COUNTY:** Union**TELEPHONE:** (605) 356-3366**AUTHORITY:**

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RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program