

1172-3

1. Considered 5-17, 1965
2. Name of Applicant Lawrence B. Wright
3. Post Office Address Redfield
4. Amount of water claimed 260
5. Source of water supply Stone River
6. Water to be used for irrigation
Acres to be irrigated 260
7. Water to be diverted and used in Spink County about
3.4 miles of Redfield
8. Proof of Publication Received 1965
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1172-3Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

District

MAR 8 - 1965

STATE WATER RESOURCES COMM.

PIERRE, SOUTH DAKOTA

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

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

1. Name of applicant LAURENCE G. WRIGHT
Postoffice address REDFIELD, County SPINK, 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)
DIRECT LABOR
- (b) Cash on hand, \$ ADAPTABLE (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work WRIGHT PROJECT NO. 1
3. Amount of water claimed _____ cubic feet per second 2.6
4. Source of water supply JAMES RIVER
5. Location of point of diversion: 260 Rds. S.W. of Rt. 1 indicated on Sec 22-117-43
135th St. S.W. of Rt. 1 indicated on both banks SPINK County.
6. Annual period or periods during which water is to be used MAY 1 - NOV 1
7. To be used for:

I. Irrigation or domestic use; Gravity, overhead sprinkling or combination system? COMBINATION(a) Number of acres to be irrigated 260 acres.(b) Legal subdivisions to be irrigated 260 Acres Sec 21-22-43 - 21-22-43 - 22-43-43

(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. 798-3

8. Estimated cost of work:

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

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height.....feet; 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 filledacre feet. Surface area at highwater markacres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
 Material
 (d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE Feet/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 work5.....years.

11. Time required for complete application of water to the proposed beneficial use5..... years.

12. Choice of newspaper for publication of notice of intention to appropriate
REDFIELD PRESS REDFIELD S.D.A.K.

STATE OF SOUTH DAKOTA
 County of SPIRIT } ss.

I, Lawrence G. Wright, 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.

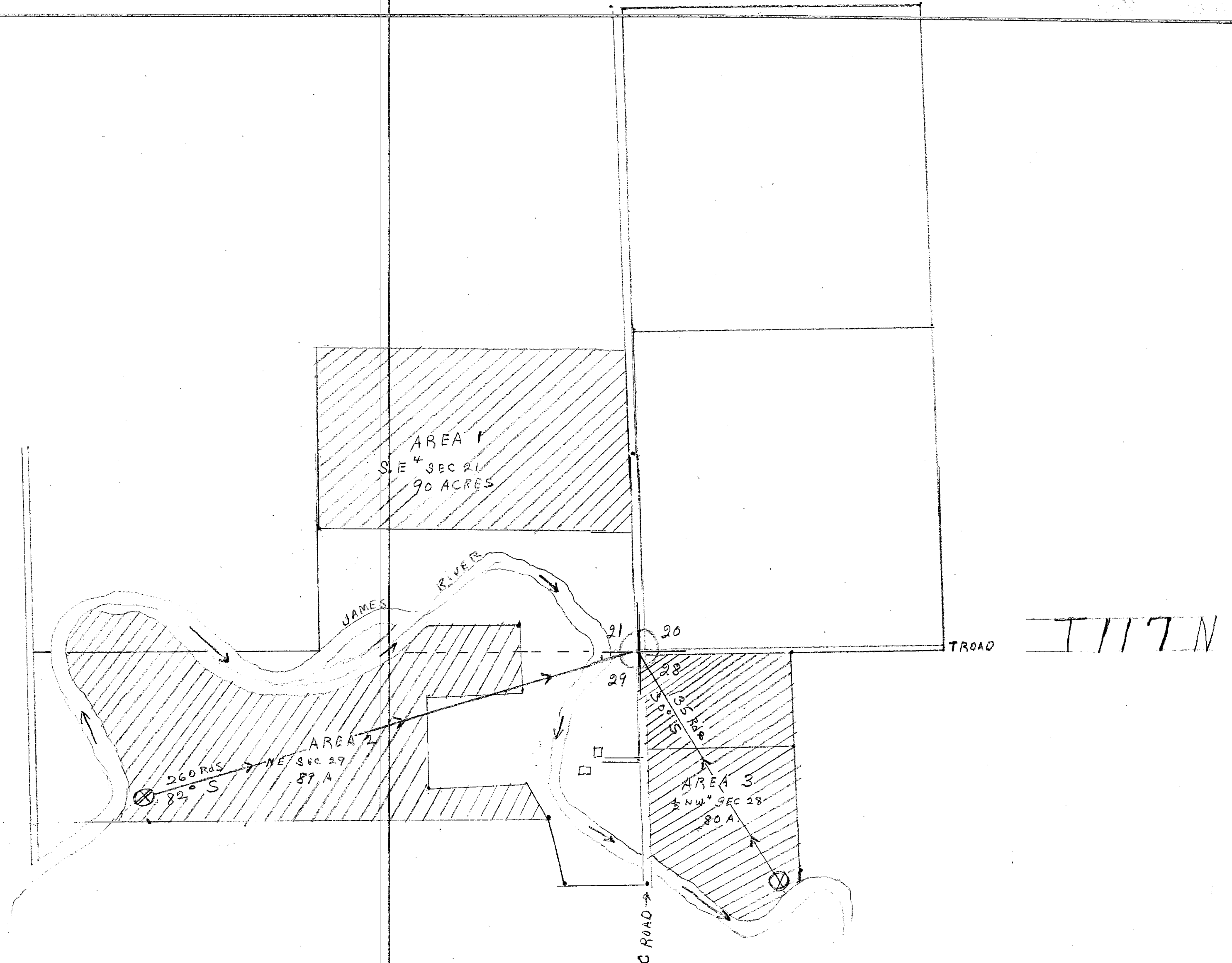
Signed Lawrence Wright

Subscribed and sworn to before me this 5th day of March 1915

J. B. Wood
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Commission expires 11-12-16



R 63 W

IRRIGABLE AREAS

PUMP STATION

GOVT. SECTION

ALL LANDS DESCRIBED OWNED BY LAURENCE G WRIGHT

LOCATION OF LANDS TO BE IRRIGATED					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	SE 1/4	21	117	63	90
2	NE 1/4	29	117	63	90
3	1/2 NW 1/4	28	117	63	80

TOTAL A 260

Sec 21 & 29 are irrigated

7/20/85

Don Farnell

MAP NO 798-3

(APPL NO 1172-3)

SCALE 2" = 1 MILE

LAURENCE G WRIGHT

IRRIGATION PROJECT NO 1

SPINK COUNTY SOUTH DAKOTA

Remarks by State Water Resources Commission:

----- s permit does not authorize diversion of water from the
----- as River after August 10th of each calendar year, nor at
----- time when the river flow is obviously low, unless written
----- orders have been so issued by the State Water Resources
----- Commission, or its legally appointed representative. Diversions
----- under this permit shall be in accordance with any written orders
----- issued by the Commission or its representative.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 25, 1965

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
a m. upon the 8TH day of MARCH, 1965

State Water Resources Commission

By:

Quinton Jones
for Chief Engineer, Executive Officer

Number of permit 1172-3

Date of first receipt of application MARCH 8, 1965

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right MARCH 8, 1965

Approved MAY 12, 1965, Recorded in Book 9 Page 11

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 12, 1967

2nd. The whole of said work is to be completed on or before MAY 12, 1970

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

MAY 12, 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 2.6 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 12, 1970; said water to be used during the following described annual period:

MAY 1 TO AUGUST 10

Witness my hand this 25TH day of MAY, 1965.

State Water Resources Commission

By:

Quinton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 12, 1969

Water License Issued AUGUST 12, 1969

Form 15.

Permit No. 1172-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Laurence G. Wright
_____ the holder _____ of
Permit No. 1172-3, issued upon Application No. 1172-3, bearing date of priority of March 8,
1965 authorizing the diversion of 2.6 cu. ft. per second of the waters of _____
the James River County of Sink, State of South Dakota at _____
between points S 82° W, 260 rods and S 30° E, 135 rods, both from the NE
Corner, Section 29, T117N, R63W
_____, 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 3.55 cu. ft. per second of water.

Date August 11, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1172-3

(1) WHEREAS On the 8th day of March A. D. 19 65
Laurence G. Wright

made Water Right Application No. 1172-3 for a permit to use 2.6 cubic feet per second of the waters
of the James River

County of Spink, State of South Dakota, for irrigation

purposes; and
(2) WHEREAS, On the 25th day of May A. D. 19 65
Permit No. 1172-3, with a date of priority of March 8, 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 12th day of May A. D. 19 70 and for the
application to beneficial use of said water on or before the 12th day of May A. D. 19 70

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 2.6 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 lands:

All in T 117N, R63W

Section 21 SE $\frac{1}{4}$ 90 acres

Section 28 W $\frac{1}{2}$ NE $\frac{1}{4}$ 80 acres

Section 29 N $\frac{1}{2}$ 90 Acres

Total 260 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 Laurence G. Wright

_____ of Redfield

the holder _____ and owner _____ of said permit No. 1172-3 a water right, dating from March 8, 1965

_____ to use of 2.6 cubic feet per second of the waters of the James River

in the County of Spink and State of South Dakota or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ~~at~~ between points S 82° E, 260 rods and S 30° E, 135 rods from the NE Corner, Section 29, T117N, R63W

and conduct to and up portions of Sections 21, 28 and 29, T117N, R63W, described on the
front of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1172-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of August A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRILES

on, or before April 15, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., March 19, 1965

Notice is hereby given that Laurence G. Wright whose postoffice address is Redfield S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.6 cubic feet of water per second of time from the James River through the Wright Project #1, the point of diversion of which is to be located ~~on~~ between a point in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28, and a point banks of said stream/ in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 25 portions of Twp. 117N Range 63W. Said water to be used for the purpose of providing irrigation on the following described land:

SE $\frac{1}{4}$ Section 21; NE $\frac{1}{4}$ Section 27, NW $\frac{1}{4}$ Section 28, all in T117N, R63W

~~and for~~

~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 12th day of 1, 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

CC: Harold D. Jones, Publisher
Redfield Press
Redfield, S. Dak.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Spink }Harold L. Jones being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to appropriate Water was taken from the

Redfield Press a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Redfield County ofSpink and State of South Dakota; that the said notice was published in said newspaper on the following dates:April 1, 8, 15, 22

in each and every issue of the full number thereof, the first publication being made on the 1st day of April 1965 and the last publication on the 22nd day of April 1965, 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.

Harold L. JonesSubscribed and sworn to before me this 22nd day of April A. D. 1965Notary Public Spink County, S. D.RECEIVED
MAY 24 1965STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTANo. 1172-3
APPROPRIATION OF WATER
Office of State Water
Resources Commission
Pierre, South Dakota
March 19, 1965

NOTICE IS HEREBY GIVEN that LAURENCE G. WRIGHT, whose post-office address is Redfield, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a Permit to appropriate for beneficial use 2.6 cubic feet of water per second of time from the

James River through the Wright Project number one, the point of diversion of which is to be located on both banks of said stream between a point in the SW¹/₄ NW¹/₄ Section 23, and a point in the NW¹/₄ of the NW¹/₄ of Section 29 Township 117N Range 63W.Said water to be used for the purpose of providing irrigation on portions of the following described land:
SE¹/₄ Section 21; NE¹/₄ Section 29; NW¹/₄ Section 28, all in T117N, R63W.This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the twelfth day of May, 1965, at 2:00 o'clock 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 E. JONES
Water Right Specialist
(April 1, 8, 15 and 22)

REPRODUCTIONS, REDUCTION 25% ROLL NO. 82 DATE MICROFILMED 10/28/65

December 22, 1965

Mr. Lawrence Wright
Redfield, South Dakota 57469

Last summer near the end of July, the flow of the James River above Huron became so low that the Water Resources Commission began preparations to stop, and or, reduce irrigation withdrawals from this section of the river, as provided for in the water right permits.

At this time, the first of a number of aerial inspections were made along this river section. On such inspections, it was readily apparent:

1. What land was being irrigated from the river,
2. If a water right had been issued for such irrigation,
3. If the irrigation to some degree, violated the provisions of the water right authorizing such specific irrigation.

During very early August of 1965, abundant rainfall occurred in the James River Drainage Basin in northern Brown County and in southern North Dakota. While there was considerable lag in time before this water became available for irrigation between Redfield and Huron, daily stream flow records upstream from Redfield showed there would be sufficient water for authorized irrigation downstream from Redfield.

This information is being sent to you for the following reasons:

1. So that each irrigator will know, that as water flows of the James River become seasonally reduced, the Water Resources Commission will be well aware of the flow conditions of the river and of the individual irrigation from the river and will be issuing stop orders or reducing orders to the degree necessary and as provided for in the water right permit,

C O P Y

2.

2. And so that each water right holder will check the provisions of his water right and if such provisions indicate that water will often not be available to him in late season, to plan his crops so as to afford least risk for his investment.

Sincerely,

J. W. Grimes
Chief Engineer and
Executive Officer

C O P Y

RECEIVED
AUG 12 1966

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Redfield, S. D.
Aug 9, 1966

South Dakota Water Comm.

Pierre S. D. Dak.

Dear Sirs.

As the water permit to pump water from the James River states that I am to quit pumping Aug 10. if the river is low, & I am wondering as long as the river is still up good if I could be granted another 2 weeks.

I never got started pumping until in July as my equipment never arrived until that time, and I will need about that much more time to get over my fault. My application no. Sincerely,
is 1172-3

Lawrence Wright

1172-3

August 12, 1966

Mr. Lawrence Wright
Redfield, South Dakota

Dear Mr. Wright:

Reference is made to your letter of August 9, requesting permission to use water from the James River after August 10 for irrigation under your permit 1172-3.

You may use the water as requested for the remainder of the 1966 irrigation season, unless advised differently by this office.

Sincerely,

J. W. Grimes

JWG:BFJ:ls

Permit No. 1172-3
 Water Division 3 JAMES RIVER Water District

REPORT 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 LAWRENCE G. WRIGHT of REDFIELD holder of Permit No. 1172-3, bearing date of priority of MARCH 8, 1965 authorizing the diversion of 2.6 cu. ft. per second of the waters of THE JAMES RIVER for IRRIGATION purposes, in SPIRK 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:

TRAILER MOUNTED BERKELEY 8" PUMP # 367PI
POWERED BY ALLIS CHALMERS PROPANE
MOTOR

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

2000' OF 10" GATED PIPE
900' OF 10" MAINLINE

C. Works used to apply water to beneficial use

The system is in the following condition: EXCELLENT

The point of diversion is located BETWEEN POINTS S82°W, 260 RODS
AND S30°E, 135 RODS, BOTH FROM THE NE CORNER, SECTION 29,
T117N, R63W

The works are capable of diverting and conveying to the place of use 3.55

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 T117N, R63W

<u>SECTION 21</u>	<u>SEA</u>	<u>90 ACRES</u>
<u>SECTION 28</u>	<u>W²NW⁴</u>	<u>30 "</u>
<u>SECTION 29</u>	<u>N2</u>	<u>90 "</u>

comprising a total of 260 acres of land.

Date AUGUST 8, 1969

Dustin Jones
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMM.

1172-3

J.W. GRIMES

COMMISSION

John M. Garhart, Spearfish
Fester Brue, Parker
Carl Cronin, Gettysburg
Lauren A. Davis, Belle Fourche
Milton E. Fischer, Millbank
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Dick Fisher, Cresbard

South Dakota
WATER RESOURCES COMMISSION

State Office Building #2
PIERRE, SOUTH DAKOTA 57501

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Mr. Lawrence G. Wright
Rt. #2
Redfield, South Dakota

Dear Mr. Wright:

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. 1172-3 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

JMG/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.

RECEIVED

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Redfield S.D.

Aug 9-1971

Water Sources Comm.

Pierre So. Dak.

Dear Sir:

I am requesting an
extension of 15 days past
the Aug 10 cut off
for irrigation of my
corn.

We had some break
downs and did not get
some of the corn watered
so would like to have
this extra time. My
permit or license no. is
1172-3.

(over) I thank you
Sincerely, Wright
R.R. 17. Redfield S.D.

The river seems to
be holding a constant
level and is up pretty
good.

1172-3

August 11, 1971

Mr. Laurence Wright
Rural Route #2
Redfield, South Dakota 57469

Dear Mr. Wright:

Your request to extend the irrigation specified in your Water License No. 1172-3 until August 25, 1971 inclusive, is hereby approved.

Sincerely,

Donald Driscoll
Deputy Chief Engineer
Water Resources Commission

DD/sjb

COMMISSION

South Dakota

J.W. GRINES

Carl Cronin, Garrysburg
W. Neil Evans, Watertown
Milton E. Fischer, Milbank
Gen. Garrett, Fort A, Pierre
Stanley Jensen, Ebersfeld
Richard Lammert, Harrisburg
Clarence D. Mortenson, Hayes
Eileen Vortek, Geddes

Water Resources Commission

Chief Engineer
and
Executive Officer

State Office Building #12

PIERRE, SOUTH DAKOTA 57501

PHONE 605/224-3584

Mr. Lawrence G. Wright
Route 2
Redfield, South Dakota 57469

6-112-73

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 James River Bridge east of Ashton, South Dakota and the 3rd Street Dam in Huron, South Dakota shall cease effective 6:00 P.M., July 1, 1973, and until January 1, 1974, 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. 1172-3 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 1973. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

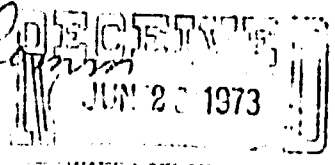
Sincerely,

J.W. GRINES

JWG/DD/bw

Redfield, S. D.

June 25-1973

State Water Re. Comm. 

Dear Sirs:

In receipt of your letter of June 22 stating that no water shall be pumped for irrigat purposes from the James river is another example of no consideration for the farmer as usual.

The river is actually no lower now than it has been for over a month and in consideration of the fact that some of us who irrigate from the river plant our corn extra high in plant population

and fertilizer extra heavy
and go to the expense of
heavy weed control would
be considered to some
extent in the use of
this water.

If we are unable to
use water from the river
and we don't get rain
soon we will lose the
whole crop that we
intended to irrigate.
Which will be a lot of
expense lost besides the
crop.

In view of the fact the
country is short of feed
grain and food grains I
would be under the
impression a farmer would
have every priority to the
water instead of people

watering there. There is in
all of these towns along
the river.

It seems that the water
that is left in the
river is just standing
there and will evaporate
anyway.

We normally start
irrigating about the
1st of July and if we
had 10 days or 2 weeks
to use the water before
the shut down we
could at least get some
results from the river.

My water license gives me
the right to irrigate 260
acres, all I would be
interested in watering at
this time would be

75 acres which I have
in loan and I ask that
you reconsider the shut
down and give me the
necessary time to irrigate
this piece of land.

We are going to be short
of hay anyway because
of the drought conditions this
summer and we will
need this feed supply to
overcome a feed shortage
this winter, so I ask if
some consideration can't be
given to our problem and
a reply from the water
commission as soon as
possible.

Water license Sincerely

1172-3

Laurence Wright

June 26, 1973

Mr. Laurence Wright
Route No. 2
Redfield, South Dakota 57469

Dear Mr. Wright:

Reference is made to your letter of June 25, 1973 asking that the June 22, 1973 letter stopping irrigation, effective July 1, 1973, from the James River between Ashton and Redfield be reconsidered to the extent of allowing you to irrigate 75 acres of corn under your Water License No. 1172-3.

This office has been measuring the water levels in the pools back of the Huron 3rd Street Dam and the James River Diversion Dam. The water level at the 3rd Street Dam on June 18, 1973 was down about one inch below the top of the stop-boards, a drop of over 1 inch as there was some flow the week before. The water level at the James River diversion dam was about five inches below the spillway crest, a drop of about 1/2 foot in a period of one week. The flow of the James River at the Ashton bridge was about 1.3 cubic feet per second on June 20, 1973.

Under the water laws of South Dakota the City of Huron is entitled to the first use of up to 10 cubic feet per second of James River flow and the stored water back of the two dams are reserved for the City of Huron and the Bureau of Reclamation for the City of Huron.

In addition the water laws specify that municipal and State of South Dakota use of water has some preference.

Your Water Permit No. 1172-3 states, " This permit does not authorize diversion of water from the James River after August 10th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the State Water Resources Commission, or its legally appointed representative. Diversions under this permit shall be in accordance with any written orders issued by the Commission or its representative." Long time flow records of the James River indicate that these obviously low flow periods may occur on an average of once every four or five years.

Mr. Laurence Wright

Page 2

June 26, 1973
1172-3

Under existing Water laws, this office had no alternative but to issue the irrigation stop order and can not authorize the irrigation of the 75 acres of corn as you request.

I am very sorry that I have to answer your letter this way and hope rains come soon enough to be helpful.

Sincerely,

J.W. GRIMES
Chief Engineer and
Executive Officer
Water Resources Commission

JWG/DD/bv

South Dakota Water Resources Comm.
Pierre S.D.

Redfield S.D.
May 14 - 1981



Dear Sirs:

I have a water license issued to me
in Mar. 8 - 1965. - no 1172-3

I have filled out the survey sheet every
year that I have irrigated from the date
above. But I think it is ridiculous to
send these survey sheets out. When in
the same year ~~the~~ irrigators receive
a stop use of water from the James River
which has happened in the last several
years.

I would gladly use the water if it
was available But since the fight goes
on whether we have water or not I guess
it is out of the question.

This water should be available to
irrigators along the James River and I
cannot see any reason why it isn't. I
hope this letter will enlighten you as to
my feelings on this situation

Sincerely,
Laurence Wright.



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

(605) 773-3352

April, 1981

1172-3

SP/JR

LAURENCE G. WRIGHT

REDFIELD
SD 57469

S

Dear Sir:

This is to remind you that the South Dakota Water Management Board has not yet received your estimate of the 1980 irrigation use. An additional data sheet is enclosed in case that you have mislaid the original data sheet sent to you.

If you did not irrigate in 1980, this also should be indicated on the enclosed data sheet, to be returned to this office. The information you can furnish is important. It is satisfactory to estimate, if you have not kept records and you can send the information in a form other than shown on the data sheets.

For your information, a water permit can be cancelled for non-development or non-use of the water. A permit owner has up to 5 years to complete the project; a permit can be cancelled following 5 years, if there is no development.

A water right can be cancelled after the initial development period, if the water is not used for a period of three years, if water is available. Submission of the irrigation questionnaire does establish a record of water use in the event there is any question on water use.

If you have already submitted your 1980 irrigation questionnaire, thank you for your cooperation and please disregard this notice.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/cy

encl

Equal Opportunity Employer

Water Rights Division - DWR

File No. 1172-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Lawrence Wright

ADDRESS: _____ COUNTY _____

DATE: 6/4/84 TELEPHONE 472-3147

RE: IQ

COMMENTS:
Son operates farm (Jesse Wright 472-3367
RR2 Redfield 57469)

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Billy Westlund



Department of Water & Natural Resources

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

April 15, 1985

Jesse Wright, operator
RR 2
Redfield, SD 57469

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) 1172-3. 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:

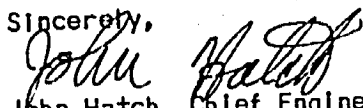
1. Amend Permit No(s). 1172-3 to require the Irrigation Water Use Questionnaire to be submitted each year;

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.



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: Jesse Wright, operator
RR #2
Redfield, SD 57469

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

SUBJECT: Amendment to Water Permit No(s). 1172-3.

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). 1172-3 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.

cc: Lawrence Wright
RR 2
Redfield SD 57469

L



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 1172-3

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). 1172-3 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

Division of Water Rights
605 773-3352

No. 1172-3

October 2, 1985

Jesse Wright
RR 2, Box 104
Redfield SD 57469

Dear Mr. Wright:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. 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.

Please advise if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Aide

May 8, 1986

Jesse Wright
RR 2, Box 104
Redfield, South Dakota 57469

Dear Mr. Wright:

In follow-up to our telephone conversation of May 8, 1986, enclosed is a partially completed "Notice of Transfer". The "Notice of Transfer" is for filing the ownership change of Water Right No. 1172-3 from Laurence Wright to you.

Please check over the form, date, sign in the presence of a Notary and return it to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. It is very important that ownership records be kept current.

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
Natural Resources Analyst

GM:ms

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

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

January 29, 1988

JESSE WRIGHT OF "RATOR
RR #2
REDFIELD, SD 57469

NOTICE

Re: Violation of Water Permit No(s). 1172-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1172-3. 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). 1172-3 qualification:

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

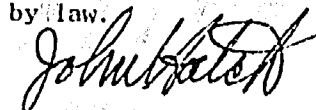
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 1172-3 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

cc: Lawrence Wright, RR #2, Redfield, SD 57459

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.

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

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

WATER RIGHTS DIVISION
(605) 773-3352

February 11, 1987

Jesse Wright
RR 2, Box 104
Redfield, South Dakota 57469

Dear Mr. Wright:

This letter will acknowledge receipt of the 1986 irrigation questionnaire and the "Notice of Transfer" you submitted for Water Right No. 1172-3. However, the "Notice of Transfer" cannot be filed without the required filing fee of \$2.50.

Please remit the \$2.50 fee as soon as possible. The transfer of Water Right No. 1172-3 can be executed upon receipt of this fee.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst

GM:ms

Dear Ms. McMath



*Please find the enclosed check for of
\$2.50 as payment of the filing fee for the "Notice
of Transfer" of Water Right no. 1172-3.
Thanks you very much.
Jesse Wright.*

REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-15

DATE MICROFILMED 3-29-88

CAMERA OPERATOR

NO. 1172-3



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:

260 acres - SE 1/4 Section 21; W 1/4 NE 1/4 Section 28; N 1/4 Section 29 all in
T117N, R63W

formerly owned by Lawrence Wright

has been transferred to Jesse Wright, RR 2, Box 101, Redfield SD 57469

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1172-3 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 Div. of Water Rights, Water Management Board 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 Spink) ss.

I, Jesse Wright 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.

Jesse Wright
(Signed)

Subscribed and sworn to before me this 9th Day of February, 1987.

Patricia J. Payant
(Notary Public)

My Commission Expires 12-11-92

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, March 14, 1988

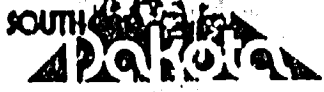
111174

RECEIVED OF Jesse Wright, RR 2, Box 104, Redfield, SD 57469
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>1172-3</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 JOHN HATCH (MS)

CAMERA OPERATOR



Department of Water & Natural Resources

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

February 25, 1988

1172-3

Jesse Wright
RR 2, Box 104
Redfield SD 57469

Dear Mr. Wright:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1172-3 and the hearing date before the Water Management Board.

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

Very truly yours,

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

No. 1172-3



**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

March 17, 1988

Jesse Wright
Rural Route 2, Box 104
Redfield, South Dakota 57469

Dear Mr. Wright:

Enclosed is receipt No. 411174 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1172-3.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

REPRODUCTIONS.

REDUCTION

25:1

ROLL NO. 11-13

DATE MICROFILMED

CAMERA OPERATOR

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

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

April 18, 1988

1172-3

Jesse Wright
RR 2, Box 104
Redfield, SD 58469

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Wright:

We have been monitoring James River flows. I am sure that you realize that unless water supply conditions change, there will not be much water for irrigation during 1988. Shutoff of irrigation above Huron is required when the flow drops to 20 cfs at the Huron Third Street Dam. Therefore, we expect to issue orders within the next two to four weeks to shut off James River Irrigation from the Third Street Dam to the ND-SD border. Below Huron to the I-90 bridge near Mitchell, irrigators can also expect a shutoff order within the next few weeks when the flows of the river drop below 20 cfs at the Forestburg Gaging Station. Below the I 90 bridge near Mitchell to the Yankton County line we may need to issue a shutoff order sometime during early summer if the flows at Scotland drop below 20 cfs.

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoure	Ludden	Columbia**	Ashion	Huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.00	21.4	34.3	55.7	122
04/14/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.0	112

* Flow in cfs (cubic feet of water per second)

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

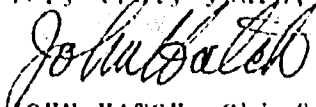
The flow in North Dakota at LaMoure, ND is 142 cfs because of releases being made at the Pipestem Dam. However, releases from Pipestem will be reduced after April 15 to 25-50 cfs because of a construction project below the dam. We do not expect significant releases from the Jamestown Reservoir in North Dakota because the water level elevation is below the flood control storage elevation.

Sand Lake Refuge is at or near full capacity and releases are being made. The quantity released will depend on inflows which are measured near the ND SD State Line.

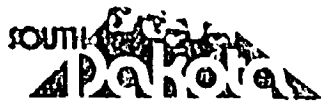
We are providing the above information to allow you to have the latest information for the entire James River and to provide you with an indication of what to expect. Unless water supply conditions change, we expect that the James River pumping will be shutoff for much of the irrigation season.

If we may answer any questions, please contact James Winterton, 773-3352.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

May 18, 1988

NOTICE OF SHUTOFF ORDER

TO: Jesse Wright 1172-3
RR 2, Box 104
Redfield, SD 58460

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division *By James M. Hatch*
605 773-3352

SUBJECT: Shut Off Order To James River Water Right Folders Located Above
Huron, Effective 12:00 Noon, May 25, 1988.

I am certain that you are aware that James River flows are not enough to supply all water rights. Therefore, to protect the City of Huron's senior water rights and to provide water for domestic use (livestock watering), effective 12:00 noon on May 25, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

The following is the latest flow information that we have on the river:
(these are provisional records - flow measured in cubic feet per second)

Date	LaMoure	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
05/09/88	5.5	156	6.97	51.4	62.0	57.7	72.0
05/10/88	4.2	48.0	16.3	43.7	65.1	65.3	87.4
05/11/88		.05	9.23	31.6	45.0	68.8	82.0
05/12/88	4.6	5.79	6.30	30.3	51.3	68.8	79.4
05/13/88	0.30	0.45	6.46	30.0	48.0	65.3	76.9
05/16/88	0.50	3.03	3.15	21.1	45.0	49.9	62.8
05/17/88	0.0	0.0	4.84	16.0	42.1	47.7	58.5
05/18/88	0.0	0.0	3.51	12.8	6.8*	39.6	50.7

* South wind affecting the reading

As the information listed above shows, there is almost no James River flow in North Dakota and the flows in South Dakota are steadily decreasing. Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

cc: City of Huron



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

May 24, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

1172-3

TO: Jesse Wright
RR 2, Box 104
Redfield, SD 57469

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



SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 1, 1988
due to Increased Flows in the James River.

The rains this past weekend over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the shutoff order to be effective at 12:00 noon, May 25, 1988 is extended to 12:00 noon, June 1, 1988.

We will continue to monitor the flows to determine whether or not an additional extension may be granted.



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

May 31, 1988

NOTICE OF EXTENSION OF SHUTOFF ORDER

TO: Jesse Wright
RR 2, Box 104
Hedfield, SD 58469

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

1172-3

John Hatch

SUBJECT: Extension of Shutoff Order to 12:00 Noon, June 15, 1988
due to increased Flows in the James River.

The rains over the James River Drainage area has produced enough runoff to provide additional flows in the James River. Therefore, the shutoff order to be effective at 12:00 noon, May 25, 1988 is extended to 12:00 noon, June 15, 1988.

We will continue to monitor the flows to determine whether or not an additional extension may be granted.



Conversation or File Documentation

NAME OF PERSON OR FILE: Laurence G. WrightADDRESS: Redfield, SD COUNTY SpinkDATE: 9/30/85 TELEPHONE _____

RE: _____

COMMENTS:

License No. 1172-3 was inspected on August 7, 1985, for the purpose of updating records regarding diversions from the James River. The acreage being irrigated has been reduced by 154.6 acres.

The original map sent in with the permit application for # 1172-3 has an error regarding the correct location of secs. 21 and 20. The mistake was carried along and was included in the licensing of permit No. 1172-3. Sections 21 and 20 are reversed on the map but the error has been corrected on the updated acreage list.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duvall

Permit No. 1172-3James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Laurence G. Wright
_____ of Redfield SD holder ofPermit No. 1172-3, bearing the priority of March 8 19 65 authorizingthe diversion of 2.6 cu. ft. per second of the waters of the James Riverfor irrigation purposes, in Spink County.I have to report on the conditions of the same as follows: The same equipment is being used
as listed on the original report of examination of
works. (8/8/69)

A. Works used to divert the water:

The total acreage being irrigated has been

B. Works used to transport water to place of use: reduced.

C. Works used to apply water to beneficial use:

The system is in the following condition FairThe point of diversion is located James River: between the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$
of sec 29 - T117N - R63WThe works are capable of diverting and conveying to the place of use 2.66cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in T117N - R63W

	Acres		Acres
<u>NW$\frac{1}{4}$NW$\frac{1}{4}$ sec 29</u>	<u>10.0</u>	<u>SW$\frac{1}{4}$SE$\frac{1}{4}$ sec. 29</u>	<u>5.4</u>
<u>NE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>30.8</u>	<u>SE$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>6.2</u>
<u>NW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>39.3</u>		
<u>NE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>14.7</u>		

comprising a total of 105.4 acres of land and the license should be issued for 1.50 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____

Date Aug. 7, 1985Ron D. Durrall
(signature)

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1172-3

(1) Laurence G. Wright of Redfield, SD was issued Water License No. 1172-3 August 12, 1969 for a water right to appropriate 2.60 cubic feet of water per second from the James River, Spink County, South Dakota for irrigation purposes. Water License No. 1172-3 with a priority date of March 8, 1965 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The Water License issued August 12, 1969 authorized diversion of 2.60 cfs from the James River to irrigate 260 acres. Based on an August 7, 1985 inspection of the water use system, Water License No. 1172-3 is being reissued to reflect what is actually being irrigated.

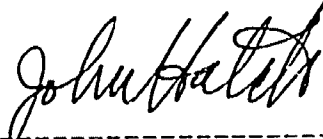
On March 14, 1988, Water Right No. 1172-3 was transferred to Jesse Wright.

(2) It is certified that the applicant 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 1.50 cubic feet of water per second for beneficial use. The location of the diversion point is: on the James River between the NW1/4 NW1/4 and the NE1/4 NE1/4 of Section 29, T117N, R63W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land in T117N, R63W:

Section 29	NW1/4 NW1/4	10.0 acres
	NE1/4 NW1/4	30.8 acres
	NW1/4 NE1/4	38.3 acres
	NE1/4 NE1/4	14.7 acres
Section 20	SW1/4 SE1/4	5.4 acres
	SE1/4 SE1/4	6.2 acres
	Total	105.4 acres

(4) Pursuant to Section 46-5-30.1 Jesse Wright of RR #2, Box 104, Redfield, SD 57469 the holder(s) and/or owner(s) of Water Right No. 1172-3 is issued a license to appropriate water, the right to use 1.50 cubic feet of water per second from the James River with a priority date of March 8, 1965 from the location specified in (2) of this license. The water is 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. 1172-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

MAR 22 1989



Department of Water & Natural Resources

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

MAR 22 1989

Jesse Wright
RR #2, Box 104
Redfield, SD 57469

Dear Mr. Wright:

Enclosed is your Water Right License No. 1172-3. The water license has been reissued to the extent of what is actually being used. The re-license is based on an August 7, 1985 inspection of your water use system.

If you have any questions concerning the enclosed Water License, please contact us.

Very truly yours,

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

enclosures

L

 **Department of
Water & Natural Resources**

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

July 17, 1989

NOTICE OF SHUTOFF ORDER

1172-3

TO: Jesse Wright
RR 2, Box 104
Redfield, SD 57469

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

SUBJECT: Shut Off Order to James River Water Right Holders
Located above Huron Effective 12:00 Noon July 20, 1989.

The flows in the James River have dropped to less than 20 cfs at Huron. Therefore to protect the City of Huron's prior rights and domestic uses (livestock watering) on the James River, effective 12:00 noon on July 20, 1989 no pumping of water from the James River is authorized until January 1, 1990 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the remainder of the 1989 irrigation season from the James River.

If you have any questions, please contact James Winterton, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



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

April 6, 1990

NOTICE OF SHUTOFF ORDER

1172-3

TO: Wright, Jesse
RR 2, Box 104
Redfield, SD 57469

FROM: *for* John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Delvin H. Brosz

SUBJECT: Shut Off Order to All James River Irrigation Water Right Holders-Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at most of the gaging stations. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) on the river below Huron, effective immediately, no pumping of water from the James River is authorized until January 1, 1991 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for the 1990 irrigation season from the James River. If conditions do improve, notices will be issued, based on senior priority dates, to allow pumping by irrigators.

Sand Lake Wildlife Refuge is approximately one foot below the full level. The Refuge is entitled to the flows from North Dakota under a senior water right. The flows from North Dakota are expected to decrease due to the lack of snow pack. The storage levels in the Jamestown and Pipestem Reservoirs are down with no expected releases.

The following is the latest flow (cfs) information on the river:

<u>Date</u>	<u>Ludden</u>	<u>Columbia</u>	<u>Ashton</u>	<u>Huron</u>	<u>Forestburg</u>	<u>Scotland</u>	<u>Yankton</u>
3/28/90	----	----	----	----	----	----	30.2
4/2/90	----	3.5	8.0	0	6.0	15.0	----
4/4/90	51.0	10.0	10.0	0	5.4	22.0	----

If you have any questions, please contact Del Brosz, Division of Water Rights, Joe Foss Building, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent

SOUTH DAKOTA
Department of
Water & Natural Resources

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

August 2, 1990

RESCISSION OF SHUTOFF ORDER

1172-3

TO: Jesse Wright
RR 2, Box 104
Redfield, SD 57469

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



SUBJECT: Rescission of April 6, 1990 Shutoff Order to James
River Water Right Holders

The present flow conditions on a portion of the James River below Ashton appear to be of sufficient quantities to allow for irrigation. The Shutoff Order of April 6, 1990 is rescinded, this notice is effective immediately, for the section of the James River downstream from Ashton to the James River Diversion Dam. The mandatory August 10 shutoff date is still in effect, but exceptions to this will be handled on a case by case basis by contacting the Water Rights Division.

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.



Department of Water & Natural Resources

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

August 8, 1990

NOTICE

1172-3

TO: Jesse Wright
RR 2, Box 104
Redfield, SD 57469

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

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. On some of the older permits this qualification though not listed is still valid and must be followed. Since there are still flows in portions of the James River, continuation of diversions beyond the shutoff date will be considered on a case by case basis. To do this you need to contact Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

<u>DATE</u>	<u>LUDDEN</u>	<u>COLUMBIA</u>	<u>ASHTON</u>	<u>HURON</u>	<u>FORESTBURG</u>	<u>SCOTLAND</u>
8/06/90	0.0	0.0	14.3	128.0	188.0	99.0
8/01/90	0.0	0.0	10.6	108.1	166.5	119.5
8/02/90	0.0	0.0	7.6	99.0	146.2	138.9

If you have any questions, please contact Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501.
Phone (605) 773-3352

cc: City of Huron, Water Superintendent

 **Department of
Water & Natural Resources**

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

April 2, 1991

1172-3

Jesse Wright
RR 2, Box 104
Reifield, SD 57469

Dear Mr. Wright:

I am contacting irrigators and water users on the James River to advise of the low flow conditions in the James River and potential of shut off orders being issued. Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is supplying the river with below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
3/28/91	79.1	0.0	6.6	2.3	19.2	23.7
3/29/91	79.1	0.0	6.3	13.0	17.9	22.8
4/01/91	79.1	0.0	6.1	11.1	18.5	10.0

Note: The flow at Ludden is from in stream ice melt with little or no runoff occurring.

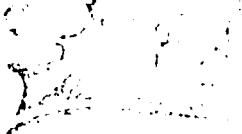
We will continue to closely monitor the flow in the river. Unless flow conditions improve in the next two to three weeks, shut off orders may have to be issued to all James River water users except for the City of Huron, which has senior water rights.

If you have any questions, feel free to contact Mark Rath or Del Brosz. Phone (605) 773-3352.

Very truly yours,

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

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

JESSE WRIGHT
RT 2, BOX 104
REDFIELD SD 57469

DEPARTMENT OF WATER & NATURAL RESOURCES

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

1172-3

NOTICE

RE: Violation of Water Permit No(s) 1172-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1172-3. 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) 1172-3 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 45-1-12, 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) 1172-3 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

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 boxes 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:

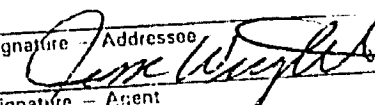
JESSE WRIGHT
RT 2, BOX 104
REDFIELD SD 57469

4. Article Number
P 694 057 490

Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X 

6. Signature - Agent
X

7. Date of Delivery
5/11/97

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Apr. 1989

U.S. G.P.O. 1989 238-315

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 26, 1991

1172-3

Jesse Wright
RR #2 Box 104
Redfield, SD 57469

Dear Mr. Wright:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Right No. 1172-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 772-2700.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ron Duvall", is written over a horizontal line.

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 5, 1991

NOTICE

1172--3

TO: Jesse Wright
RR 2, Box 104
Redfield, SD 57469

FROM: *for* JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Helvin W. Brosz

SUBJECT: The August 10 Automatic Shutoff Date For Water
Diversions from the James River

The August 10 automatic shutoff date for water diversions from the James River is still in effect. Although flows in the James River continue to be good, the gates at the Columbia Road Dam below Sand Lake Refuge were shut on August 1, continued good flows, particularly in the upper river reaches, are questionable. Continuation of diversions beyond the August 10 shutoff date will be considered on a case by case basis. To do this you need to contact the Water Rights Division in Pierre.

The following is the latest flow (cfs) information on the river.

DATE	LUDDEN	COLUMBIA	ASHTON	HURON	FORESTBURG	SCOTLAND
7/31/91	6.7	63	130	139	142	148
8/02/91	17	58	125	134	139	154
8/05/91	0.3	36	101	128	140	166

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 East Capitol, Pierre, SD 57501. Phone (605) 773-3352

cc: City of Huron, Water Superintendent



April 14, 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-5181

NOTICE OF SHUTOFF ORDER

1172-3

TO: JESSE/CHRISTINE WRIGHT
RR 2 BOX 104
REDFIELD, SD 57469

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Shut Off Order to All James River Water Right Holders
Above Huron, Effective Immediately.

The flows in the James River are below 20 cubic feet per second (cfs) at the gaging stations above Huron. Therefore to protect the City of Huron's prior rights from diversions above Huron and domestic uses (livestock watering) below Huron, effective immediately, no pumping of water from the James River above Huron is authorized until January 1, 1993 or until further notice.

Unless flow conditions change, it appears that no pumping will be allowed for 1992 from the James River above Huron diversion dam. If conditions improve, notices will be issued, based on senior priority dates, to allow pumping by water users.

Due to the continuing drought, the James River basin, in both North Dakota and South Dakota, is receiving below normal runoff.

The following is the latest flow (cfs) information on the river:

Date	Ludden	Columbia	Ashton	Huron	Forestburg	Scotland
4/7/92	83	.4	9	32	40	57
4/10/92	54	.5	7	20.5	---	57
4/13/92	6	.6	4	20.5	---	55

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501, phone (605) 773-3352.

cc: City of Huron, Water Superintendent



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 22, 1992

RESCISSION OF SHUTOFF ORDER

1172-3

TO: JESSE WRIGHT
RR 2 BOX 104
REDFIELD, SD 57469

FROM: *for* John Hatch, Chief Engineer *Alvin D. Brosz*
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of April 14, 1992 Shutoff Order
to James River Water Right Holders above the
Huron Third Street Dam to Ashton.

The present flow conditions on the James River are sufficient to allow for diversions. The Shutoff Order of April 14, 1992 is rescinded, effective immediately, for all James River Water Right Holders between the Huron Third Street Dam and the Ashton gaging station. We will continue to monitor the flows of the James River through the summer. The present increase in flow may only be temporary. If the present flow conditions continue, pumping will be allowed until the mandatory August 10 shutoff date. Pumping after the August 10 shutoff date will be handled on request and requires written approval from the Chief Engineer.

If you have any questions, please contact Norma Job or Del Brosz, Division of Water Rights, 523 East Capitol, Pierre, SD 57501 Phone (605) 773-3352.

cc: City of Huron, Water Superintendent

1172-3



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

October 26, 1993

Fran Esser
RR #2
Redfield, SD 57469

Dear Mr. Esser:

I am contacting you with regard to land irrigated under Water Right No. 1172-3 (copy enclosed). The water right is currently listed in the name of Jesse Wright. It is my understanding that you "cash rent" the land from Mr. Wright and that the land is not being irrigated. With this information, I have completed a 1993 Irrigation questionnaire for Mr. Wright. These forms are required each year.

It would be helpful, for future correspondence, to have Mr. Wright's mailing address in Boston. If he still owns the land, it will be necessary to keep him apprised of everything dealing with his water right.

Thank you for your assistance in this matter. If you have any questions, please contact me.

Sincerely,

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

enclosure



January 30, 1996

NOTICE

1172-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TO: JESSE WRIGHT, 21 ATWOOD ROAD, HAVERHILL, MA 01830

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

SUBJECT: Violation of Water Permit No(s) 1172-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 1172-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 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) 1172-3 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, March 6, 1996 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1172-3 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.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1996, 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 at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- This Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Jesse Wright
3 Bittersweet Lane
Atkinson, NH 03811-2103

5. Signature (Addressee)
Jesse Wright

6. Signature (Agent)

I also wish to receive following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

Z 161 984 005

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

2/13

8. Addressee's Address (Only if requested and fee is paid)

DOMESTIC RETURN RECEIPT

1172-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 1996

1172-3

Jesse Wright
10 Bittersweet Ln
Atkinson NH 03811

Dear Mr. Wright:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 1172-3.

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 1a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Address ☐ 1a's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 11723

4. Article Number
P378 080 590

JESSE WRIGHT
10 BITTERSWEET LN
ATKINSON NH 03811

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

JESSE WRIGHT
5. Received By: (F.)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee)
Jesse Wright

Thank you for using Return Receipt Service.



1172-3

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

February 4, 1997

NOTICE

TO: JESSE WRIGHT, 10 BITTERSWEET LN, ATKINSON, NH 03811

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

SUBJECT: Violation of Water Permit No(s). 1172-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 1172-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 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) 1172-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1172-3 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.

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, 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 at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 1997

1172-3

Jesse Wright
10 Bittersweet Ln
Atkinson NH 03811

Dear Jesse:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, Notice of Violation of Water Permit No. 1172-3.

I completed a questionnaire for you based on our February 18th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1172-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: JESSE WRIGHT, 10 BITTERSWEET LN, ATKINSON, NH 03811
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1172-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1172-3 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1172-3 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.

If the questionnaire(s) is(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 at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1172-3

JESSE WRIGHT
10 BITTERSWEET LN
ATKINSON NH 03811

4a. Article Number

119 141 519

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

11/5/98

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

Carol Wright

6. Signature: (Addressee or Agent)

X Carol Wright

PS Form 3811, December 1994

10295-01-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



1172-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

January 15, 1998

1172-3

Jesse Wright
10 Bittersweet Ln
Atkinson, NH 03811

Dear Mr. Wright:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 1172-3.

I completed a questionnaire for you based on your January 15th telephone conversation with Jim Goodman from our office. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



1172-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: JESSE WRIGHT, 10 BITTERSWEET LN, ATKINSON, NH 03811

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1172-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1172-3 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, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 1172-3 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.

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, 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 at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1172-3

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JESSE WRIGHT
10 BITTERSWEET LN
ATKINSON NH 03811

4a. Article Number

Z 119 141 626

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1/29/99

5. Received By: (Print Name)

JESSE WRIGHT

6. Signature (Addressee or Agent)

X Jesse Wright

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-9-0173

Domestic Return Receipt

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 5, 1999

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: JESSE WRIGHT, 10 BITTERSWEET LN, ATKINSON, SD 57811

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352 *John Hatch*

SUBJECT: One Year Suspension of Water Right No. 1172-3

Pursuant to the provisions of the notice dated January 22, 1999, and following the hearing March 3, 1999, the Water Management Board has ordered:

That Water Right No. 1172-3 be suspended until December 31, 1999, for failure to submit the 1998 Irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 1999 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 1998 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5, 1999 in Pierre, SD. The letter should include your reasons for not completing the 1998 irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

1172-3

CERTIFICATION

I hereby certify that on March 5, 1999, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 5, 1999, regarding Amendments, One Year and Three Year Suspensions of Water Rights/Permits shown below, addressed as stated below:

The following are Amendments to Water Rights:

W.R. #402-1: Calvin/Jana Meyers, HC 69, Box 22, Belle Fourche, SD 57717-9302.
W.R. #100-3: Harold Weismantel, 1425 15th Ave. SE Apt. 223, Aberdeen, SD 57401-7780.
W.R. #'s 398-3, 962-3, 1203-3 & 1923-3: Monte Neitzel, 1102 S. Main, Redfield, SD 57469.
W.R. #1231-3: Lynn Christopherson, Mgr., P.O. Box 217, Howard, SD 57349-0217.
W.R. #2943-3: Irvin Rogers, 13575 383rd Ave., Aberdeen, SD 57401.
W.R. #3026-3: George Waldner, Hillcrest Colony, Box 17, Garden City, SD 57236.

The following are One Year Suspensions of Water Rights/Permits:

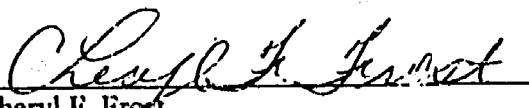
W.R. #418-1: Dennis Lien, RR 1, Box 8B, Vale, SD 57788.
W.R. #1222A-1 & W.P. #1524-1: John Ismay, DVM, P.O. Box 396, Sturgis, SD 57785-0226.
W.R. #954-2: Kimberly Kaye Sealine, 24300 173rd Ave., Caputa, SD 57725.
W.R. #849-3: Florence Demers, RR 2, Box 248, Elk Point, SD 57025-9757.
W.R. #1172-3: Jesse Wright, 10 Bittersweet Ln., Atkinson, NH 03811.
W.R. #2534-3: Barry Imsland, RR 2, Box 26, Conde, SD 57434.
W.R. #3255-3: Terry/Peggy Reynolds, HC 75, Box 33, Hitchcock, SD 57348.

The following are Three Year Suspensions of Water Rights:

W.R. #1275-2: Donald Kaiser, HCR 89, Box 303, Hermosa, SD 57744.
W.R. #1280-2: Odie Dale Bowen, Box 407, Philip, SD 57567.

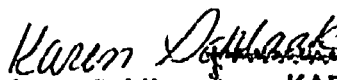
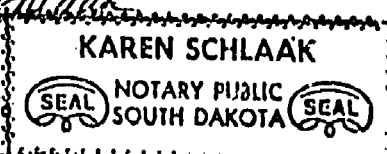
Amendment of Water Right No. 1192-1B and One Year Suspension of Water Right No. 1201-1:

George W. Jenter, 748 Park Sturgis, SD 57785.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 1999


Notary Public
KAREN SCHLAACK, Notary Public
My Commission Expires


NOT TO SCALE



Ron Duvall
Natural Resources Eng
8/7/85

License No. 1172-3
Map No. 798-3

117-63

(29)



1172-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: JESSE WRIGHT, 10 BITTERSWEET LN, ATKINSON, NH 03811

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1172-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1172-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1172-3 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.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, 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 at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1172-3



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5579

Your item was delivered at 11:50 am on January 27, 2006 in ATKINSON, NH 03811. The item was signed for by J WRIGHT.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5579

JESSE WRIGHT
10 BITTERSWEET LN
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Pre mailing.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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PS Form 153, May 2002

(See Reverse)



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

March 6, 2006

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 1172-3

On March 2, 2006, the Water Management Board ordered:

That effective April 3, 2006, Water Right No. 1172-3 be suspended for the 2006 irrigation season for failure to submit the 2005 irrigation questionnaire.

If the 2005 irrigation questionnaire is received prior to April 3, 2006 the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2006 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2006 unless the irrigation questionnaire is submitted by April 3rd.

After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2005 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2006 in Pierre, SD. The letter should include your reasons for not completing the 2005 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 6, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 6, 2006 addressed as stated below:

Notice of Amendment:

Rick Lantgen, Prairie Winds Golf Club, PO Box 681, Watertown SD 57201 (1612-3 & 1997-3)
 Don Hight Partnership, 14116 N Hwy 79, Piedmont SD 57769 (1040-1)
 Edward Patrick Henry, PO Box 11, Whiteclay NE 69365-0011 (672-2)

Notice of Three Year Suspension:

J V Kenneally, PO Box 50, Raymond SD 57258-0050 (3198A-3)
 James Jenkins, HCR 1 Box 20, Raymond SD 57258-9530 (4957-3)
 Gordon Flesner, HCR Box 45, Milesville SD 57553 (2197-2)
 Michael A Koslowski, 13329 443rd Ave., Waubay SD 57273 (5353-3)
 Dennis & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117 (2480A-3)

Notice of One Year Suspension:

Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811 (1172-3)
 Stuart & Pamela Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701 (2106-2)
 Susan Porter, Manager, 28271 370th Ave, Geddes SD 57342 (962A-1)
 Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110 (686-3)
 Calvin & Jana Meyers, 1409 Willow Creek Estates, Belle Fourche SD 57717 (402-1)
 John Larabee, LSW of South Dakota LLC, 42557 295th St, Scotland SD 57059 (375-2)
 Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 (6168-3)
 Bret, Gary & Kristine Flihs, 39865 137th St, Groton SD 57445 (5640-3)
 Harlan Eisenbraun, 21362 Creighton Rd., Wall SD 57790 (495-2)

Notice of One Year Suspension of Water Permit and Amendment of Water Right

Percy Tjeerdsma, 41175 309th St, Springfield SD 57062 (6413-3 – suspend; 3581-3 – amend)



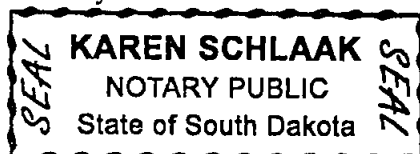
Eric Gronlund
 Natural Resources Engineer
 Water Right Program

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000.



Notary Public



My Commission Expires
 April 1, 2007



1172-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: JESSE WRIGHT, 10 BITTERSWEET LN, ATKINSON, NH 03811

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1172-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1172-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1172-3 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.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, 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 at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1172-3



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5579

Your item was delivered at 11:50 am on January 27, 2006 in ATKINSON, NH 03811. The item was signed for by J WRIGHT.

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5579

JESSE WRIGHT
10 BITTERSWEET LN
ATKINSON NH 03811

Pre mailing.

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 6, 2006

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 1172-3

On March 2, 2006, the Water Management Board ordered:

That effective April 3, 2006, Water Right No. 1172-3 be suspended for the 2006 irrigation season for failure to submit the 2005 irrigation questionnaire.

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After April 3rd, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2005 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 3, 2006 in Pierre, SD. The letter should include your reasons for not completing the 2005 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

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 Don Hight Partnership, 14116 N Hwy 79, Piedmont SD 57769 (1040-1)
 Edward Patrick Henry, PO Box 11, Whiteclay NE 69365-0011 (672-2)

Notice of Three Year Suspension:

J V Kenneally, PO Box 50, Raymond SD 57258-0050 (3198A-3)
 James Jenkins, HCR 1 Box 20, Raymond SD 57258-9530 (4957-3)
 Gordon Flesner, HCR Box 45, Milesville SD 57553 (2197-2)
 Michael A Koslowski, 13329 443rd Ave., Waubay SD 57273 (5353-3)
 Dennis & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117 (2480A-3)

Notice of One Year Suspension:

Jesse Wright, 10 Bittersweet Ln, Atkinson NH 03811 (1172-3)
 Stuart & Pamela Rice, 2300 Skyline Ranch Rd, Rapid City SD 57701 (2106-2)
 Susan Porter, Manager, 28271 370th Ave, Geddes SD 57342 (962A-1)
 Richard T Peterson, 29B Ranch Oak Place, Sioux Falls SD 57110 (686-3)
 Calvin & Jana Meyers, 1409 Willow Creek Estates, Belle Fourche SD 57717 (402-1)
 John Larabee, LSW of South Dakota LLC, 42557 295th St, Scotland SD 57059 (375-2)
 Robert Hattum, 21744 West Bend Rd, Harrold SD 57536 (6168-3)
 Bret, Gary & Kristine Flihs, 39865 137th St, Groton SD 57445 (5640-3)
 Harlan Eisenbraun, 21362 Creighton Rd., Wall SD 57790 (495-2)

Notice of One Year Suspension of Water Permit and Amendment of Water Right

Percy Tjeerdsma, 41175 309th St, Springfield SD 57062 (6413-3 – suspend; 3581-3 – amend)



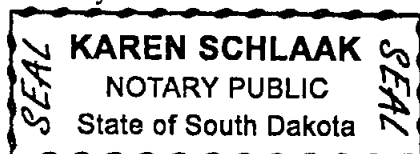
Eric Gronlund
 Natural Resources Engineer
 Water Right Program

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 7th day of March, 2000.



Notary Public



My Commission Expires
 April 1, 2007



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 1, 2006

NOTICE OF SHUTOFF ORDER

TO: JESSE WRIGHT
10 BITTERSWEET LN
ATKINSON NH 03811

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: James River Shutoff Order

Shutoff Order for Water Right No(s). 1172-3

To protect domestic use on the James River, the department is issuing shutoff orders to water right holders on the James River from the Yankton-Hutchinson county line north to the North Dakota border. Effective immediately, no diversions of water from the James River will be allowed. Previous to this Order, shutoff orders were issued for water right junior to January 1, 1975 located upstream of Huron.

Flow in the James River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. USGS gaging stations over this entire river reach are measuring flow levels at or below 20 cubic feet per second, the required bypass for downstream domestic use. This order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.

INTERNAL MEMORANDUM

TO: Water Right Files

FROM: Aaron Tieman, Natural Resource Engineer *Aaron A. Tieman*

SUBJECT: Irrigation

During the summer of 2006, several on-site field investigation were conducted to determine if Water Management Board action to suspend irrigation for the 2006 irrigation season was being complied with. A list of these permits is given below:

Inspections Summer 2006

Permit No.	County	Date	Description
375-2	Shannon	9/13/2006	No irrigation system in place or visible.
402-1	Butte	7/20/2006	No visual signs of irrigation/system.
686-3	Minnehaha	7/18/2006	Housing development, no visible signs of water use/irrigation or system in place.
843-1	Meade	7/20/2006	No irrigation system in place or visible.
932- X 2	Jones	7/19/2006	No visible signs of water use or irrigation system.
1172-3	Spink	5/11/2006	No system visible, pasture is all grassland.
1237-3 1395-3	Charles Mix	7/19/2006	No visible signs of water use/irrigation system.
2116- 2	Gregory	7/19/2006	No system in place, no irrigation.
2197-3	Haakon	7/20/2006	No visible irrigation system or water use of any kind.
2480A-3	Beadle	5/11/2006	Center pivot in place with no towers, drainage pattern may limit pivot rotation.
3198A-3	Clark	5/11/2006	Pivot in place in SE ¼ - No visible signs of irrigation.
4957-3	Clark	5/11/2006	No system visible, planted with wheat.
5124-3	Davison	7/18/2006	System not in working condition (wind damaged).
5353-3	Day	5/10/2006	Well under water – No visible system in place.
5640-3	Marshall	5/10/2006	Unable to locate due to water over roads.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: JESSE WRIGHT, 10 BITTERSWEET LN, ATKINSON, NH 03811
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1172-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1172-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, 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) 1172-3 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights staff recommendation to the Board will be to suspend No. 1172-3 for three years;**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

1172-3

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 3783
Status: **Delivered**

Your item was delivered at 3:22 PM on January 22, 2008 in ATKINSON, NH 03811. The item was signed for by M WRIGHT.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3783	
JESSE WRIGHT 10 BITTERSWEET LN ATKINSON NH 03811	
Waiver of Signature ☐ YES ☐ NO	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811
Postmark Here	☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2008

1172-3

Jesse Wright
10 Bittersweet Ln
Atkinson NH 03811

Dear Mr. Wright:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1172-3.

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



1172-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

**JAMES RIVER WATER RIGHT QUALIFICATION REMINDER
WATER RIGHT NO(s). 1172-3**

To: JESSE WRIGHT
10 BITTERSWEET LN
ATKINSON NH 3811

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

Subject: James River Qualification Reminder for Permit No(s). 1172-3

Qualifications on your water right indicate that you are not authorized to divert James River water after August 10th. Please, consider this a reminder and cease diversion if you have not already done so. No diversion can take place after August 10th unless under written orders by the Chief Engineer. You may resume diversion on the date stated in the qualifications on your water right.

McMath, Genny

From: Rath, Mark
Sent: Monday, August 04, 2014 8:48 AM
To: McMath, Genny
Subject: Status of No. 1172-3, Jesse Wright

I stopped at the FSA office in Redfield. They have the land covered by No 1172-3 enrolled in CRP until 2020. I drove past the property and there is no irrigation system in place. It looks to be developed currently has a paid hunting preserve.

Mark Rath
SD DENR - Water Rights Program
605-773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 17, 2017

Jesse Wright
10 Bittersweet Lane
Atkinson NH 03811

Dear Mr. Wright:

You hold Water Right No. 1172-3 for irrigation from the James River in Spink County, South Dakota. Water Right No. 1172-3 appropriates 1.5 cubic feet of water per second (cfs) [673 gpm] from the James River to irrigate 105.4 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; all in T117N, R63W. A copy of the water right is enclosed.

The Department of Environment and Natural Resources (DENR) is writing to inquire regarding your intentions for irrigation of the property. The annual irrigation questionnaires submitted for this water right indicate the last time irrigation occurred was in 1989. The record indicates no irrigation from 1990 through 2006 (16 years). Then the property was enrolled in the Conservation Reserve Program (CRP) in 2007 and is in CRP until 2020.

Water rights law provides that a water right can be subject to cancellation for abandonment and/or forfeiture for nonuse. Forfeiture occurs when water fails to be used beneficially for the purpose for which it was appropriated for a period of three years. While being enrolled in CRP is an exception to forfeiture for nonuse, there is the 16 year period prior to enrollment in CRP that irrigation did not take place.

The protection afforded from forfeiture for nonuse of an irrigation water right that is placed under an acreage reserve or production quota program is limited to water sources that are not fully appropriated and if the nonuse does not prevent approval of new water permits from that water source. In the case of the James River, the Water Management Board has established a 300 cfs appropriative diversion limit between the North Dakota / South Dakota border to a southerly point at the Hutchinson/Yankton County line. Currently, the appropriative status of the James River is within 0.24 cfs of the 300 cfs limit. Water Right No. 1172-3 being in place will likely prevent approval if a new application is filed for the James River. That being the case, your property being enrolled in CRP is not an exception to forfeiture for nonuse under South Dakota's water rights law. Therefore, DENR is requesting that you let us know what your intentions are for this water right.

Enclosed are applicable statutes and administrative rules dealing with this matter.

DENR requests a response by May 19, 2017, regarding your intention for the water right. Please feel free to contact me by phone or email if you have questions or want to discuss.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1172-3

(1) Laurence G. Wright of Redfield, SD was issued Water License No. 1172-3 August 12, 1969 for a water right to appropriate 2.60 cubic feet of water per second from the James River, Spink County, South Dakota for irrigation purposes. Water License No. 1172-3 with a priority date of March 3, 1965 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

The Water License issued August 12, 1969 authorized diversion of 2.60 cfs from the James River to irrigate 260 acres. Based on an August 7, 1985 inspection of the water use system, Water License No. 1172-3 is being reissued to reflect what is actually being irrigated.

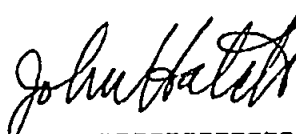
On March 14, 1988, Water Right No. 1172-3 was transferred to Jesse Wright.

(2) It is certified that the applicant 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 1.50 cubic feet of water per second for beneficial use. The location of the diversion point is: on the James River between the NW1/4 NW1/4 and the NE1/4 NE1/4 of Section 29, T117N, R63W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land in T117N, R63W:

Section 29	NW1/4 NW1/4	10.0 acres
	NE1/4 NW1/4	30.8 acres
	NW1/4 NE1/4	38.3 acres
	NE1/4 NE1/4	14.7 acres
Section 20	SW1/4 SE1/4	6.4 acres
	SE1/4 SE1/4	6.2 acres
	Total	106.4 acres

(4) Pursuant to Section 46-5-30.1 Jesse Wright of RR #2, Box 104, Redfield, SD 57469 the holder(s) and/or owner(s) of Water Right No. 1172-3 is issued a license to appropriate water, the right to use 1.60 cubic feet of water per second from the James River with a priority date of March 8, 1965 from the location specified in (2) of this license. The water is 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. 1172-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

MAR 22 1989

Statutes:

46-5-36. Abandonment of use of water appurtenant to land - Public water subject to general appropriation. If the owner of the land to which water has become appurtenant abandons the use of such water upon such land, such water shall become public water, subject to general appropriation.

46-5-37. Failure to use beneficially appropriated water - Forfeiture for nonuse - Reversion to public. When any person entitled to the use of appropriated water fails to use beneficially all or any part of such water for the purpose for which it was appropriated, for a period of three years, such unused water shall revert to the public and shall be regarded as unappropriated public water.

46-5-37.1. Abandonment or forfeiture of permits or rights - Recommendation of chief engineer for cancellation. Upon the initiative of the chief engineer or upon petition by any interested person and after reasonable notice to the holder of the right or permit, if he can be located, the chief engineer may investigate whether or not a water permit or right has been abandoned or forfeited. After the investigation, the chief engineer may recommend cancellation of the permit or right for reason of abandonment or forfeiture. The recommendation, notice and hearing shall be conducted pursuant to the procedure contained in chapter 46-2A.

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of SDCL 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if the water source is not fully appropriated, if the withdrawal from use does not prevent approval of new permits from the same source, and if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

Rules:

74:02:01:36. Board authorized to cancel invalid water permits, rights, or vested rights. The board may cancel a water permit, right, or vested right which has become invalid and file a record of the cancellation in the water permit, right, or vested right record.

74:02:01:37. Invalid water permit, right, or vested right defined. A water permit, right, or vested right is invalid if it meets one or more of the following conditions:

- (1) The necessary works were not constructed or the water put to beneficial use within the time limits as provided by statute;
- (2) Use of water has been abandoned as specified in SDCL 46-5-36;
- (3) Use of water has been forfeited for nonuse as specified in SDCL 46-5-37.

74:02:01:37.01. Legal excuse for nonuse of water. Legal excuse for nonuse of water suspends the period of nonuse specified in SDCL 46-5-37. Legal excuses for nonuse of water include but are not limited to the following:

- (1) Unavailability of water to satisfy a permit, right, or vested right;
- (2) Legal proceedings which prevent the use of water;
- (3) Water use under existing climatic conditions would result in a waste of water.



1172-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 17, 2017

Jesse Wright
10 Bittersweet Lane
Atkinson NH 03811

Dear Mr. Wright:

You hold Water Right No. 1172-3 for irrigation from the James River in Spink County, South Dakota. Water Right No. 1172-3 appropriates 1.5 cubic feet of water per second (cfs) [673 gpm] from the James River to irrigate 105.4 acres in the N $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 20; all in T117N, R63W. A copy of the water right is enclosed.

The Department of Environment and Natural Resources (DENR) is writing to inquire regarding your intentions for irrigation of the property. The annual irrigation questionnaires submitted for this water right indicate the last time irrigation occurred was in 1989. The record indicates no irrigation from 1990 through 2006 (16 years). Then the property was enrolled in the Conservation Reserve Program (CRP) in 2007 and is in CRP until 2020.

Water rights law provides that a water right can be subject to cancellation for abandonment and/or forfeiture for nonuse. Forfeiture occurs when water fails to be used beneficially for the purpose for which it was appropriated for a period of three years. While being enrolled in CRP is an exception to forfeiture for nonuse, there is the 16 year period prior to enrollment in CRP that irrigation did not take place.

The protection afforded from forfeiture for nonuse of an irrigation water right that is placed under an acreage reserve or production quota program is limited to water sources that are not fully appropriated and if the nonuse does not prevent approval of new water permits from that water source. In the case of the James River, the Water Management Board has established a 300 cfs appropriative diversion limit between the North Dakota / South Dakota border to a southerly point at the Hutchinson/Yankton County line. Currently, the appropriative status of the James River is within 0.24 cfs of the 300 cfs limit. Water Right No. 1172-3 being in place will likely prevent approval if a new application is filed for the James River. That being the case, your property being enrolled in CRP is not an exception to forfeiture for nonuse under South Dakota's water rights law. Therefore, DENR is requesting that you let us know what your intentions are for this water right.

Enclosed are applicable statutes and administrative rules dealing with this matter.

DENR requests a response by May 19, 2017, regarding your intention for the water right. Please feel free to contact me by phone or email if you have questions or want to discuss.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

August 28, 2017

denr.sd.gov

Jesse Wright
10 Bittersweet Lane
Atkinson NH 03811

Dear Mr. Wright:

This letter is follow-up to correspondence and our phone conversation last spring regarding Water Right No. 1172-3. At that time, DENR inquired regarding your intention for irrigation of the property since there had been a long period of no irrigation and the land was enrolled in the Conservation Reserved Program since 2006.

Water Right No. 1172-3 appropriates 1.5 cubic feet of water per second (cfs) [673 gpm] from the James River to irrigate 105.4 acres in the N ½ NW ¼ and N ½ NE ¼ of Section 29 and the S ½ SE ¼ Section 20; all in T117N, R63W in Spink County, South Dakota.

Since our discussion DENR has received and is processing a water permit application that will bring the James River to the Water Management Board's established 300 cfs appropriative diversion limit between the North Dakota/South Dakota border to a southerly point at the Hutchinson/Yankton County line. Reaching this 300 cfs diversion limit will impact the ability to protect your water right from forfeiture for nonuse when the land authorized for irrigation is enrolled in an acreage reserve or production quota program. The exception to forfeiture for nonuse provision only applies if the water source is not fully appropriated and if the withdrawal does not prevent approval of new permits from that source. Below is the applicable state statute.

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if the water source is not fully appropriated, if the withdrawal from use does not prevent approval of new permits from the same source, and if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.

State law provides that a water right is subject to forfeiture for nonuse if any person entitled to the use of appropriated water fails to use beneficially any part of the water for the purpose for which it was appropriated, for a period of three years. The unused water shall revert to the public and shall be regarded as unappropriated public water. Based on state law, you have three years to either proceed with irrigation of the land or apply to transfer the acres to a new location as provided by water rights law. Failure to do so will likely result in the water right being scheduled for hearing before the Water Management Board for cancellation. With the cancellation process, you will be provided notice and given an opportunity to participate.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 7, 2021

1172-3

Nick Bebo
17061 390th Ave
Redfield SD 57469

Dear Mr. Bebo:

I am writing in follow-up to our phone conversation concerning Water Right No. 1172-3. It is my understanding you and your dad purchased the land described in the water right from Jesse Wright.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years to maintain a water permit or water right. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed for your review are excerpts of water laws and Water Management Board rules dealing with these issues.

Many of the years in which Mr. Wright indicated no irrigation took place and/or land was rented out, he did not put down any comment as to whether the land was not irrigated due to "excessive natural moisture" or "unavailability of water" These would be legal excuses for not irrigating but without him indicating why irrigation did not take place, it would be hard to determine if the lack of irrigation met the criteria for legal excuse.

As I discussed with you on the phone, as a staff person I cannot tell you whether the water right has legal standing. If you feel after reading the enclosed materials you want to petition the Board for a declaratory ruling, you can certainly do that.

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

If you have any questions, please let me know.

Sincerely,

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

enclosures

Irrigation Questionnaires for Water Right No. 1172-3

Year	Irrigated yes/no	comments
2006 thru 2020	No	CRP
2005	No	form received
2004	No	Tenant decided not to irrigate
2003	No	<i>(no comment provided)</i>
2002	No	Land rented out – renter did not irrigate
2001	No	Land rented out – renter chose not to irrigate
2000	No	Adequate moisture
1999	No	form mailed - Suspended for 1999
1998	No	Information for 1998 submitted March 10, 1999 – to wet, did not irrigate in 1998 (water right was suspended March 3, 1999 for a period of one year)
1997	No	<i>(no comment provided)</i>
1996	No	<i>(no comment provided)</i>
1995	No	<i>(no comment provided)</i>
1994	No	<i>(no comment provided)</i>
1993	No	land is cash rented out – no irrigation done
1992	No	<i>(no comment provided) – shutoff orders were issued from April 14th – June 22nd, 1992</i>
1991	No	Unable to find the questionnaire for 1991
1990	No	he reported he didn't irrigate due to shut off orders on James River
1989	Yes	
1988	No	Low water levels in James River – not allowed to pump water after May 30, 1988
1987	Yes	
1986	Yes	
1985	Yes	

PAID

JUN 21 2021

Ck# 7917

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

JUN 21 2021

WATER RIGHTS
PROGRAM

No. 1172-3

Date: 6/17/21

I/We request that Water Right No. 1172-3

formerly owned by: Jesse Wright

be transferred to: (name & address) Nick and Scott Bebo

Telephone No. 605 460 0302

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

105.4 acres – N ½ NW ¼, N ½ NE ¼ Section 29 and S ½ SE ¼ Section 20, T117N, R63W

I/We understand that the validity of Water Right No. 1172-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Scott Bebo Nick Bebo, the new owner, certify that the above information is true and correct.

Scott Bebo Nick Bebo

(Signed by new owner)

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

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

1172-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date June 21, 2021

RECEIVED OF Nick Bebo 17061 390th Ave Redfield SD 57469

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>1172-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
Em



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

June 21, 2021

1172-3

Nick & Scott Bebo
17061 390th Ave
Redfield SD 57469

Dear Sirs:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring Water Right No. 1172-3.

The ownership change has been completed. Water Right No. 1172-3 formerly held by Jesse Wright is now listed under your names.

I am not sure if I sent you a copy of the water license when I wrote to you a couple weeks ago so am sending along a copy of it along with the transfer form you filed. If you have any questions, please let me know.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 16, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who either use water from the James River or tributaries under permits with the August 10 shutoff date qualification.

Water rights containing this qualification requires a mandatory compliance and pumping under your permit must cease after August 10th unless you contact the Water Rights Program and receive permission to continue to divert water.

Water Rights staff drove along the James River last week after the August 10 shutoff date to spot-check whether water right holders were complying with this qualification. This spot-check found multiple water right holders diverting water in violation of this qualification.

Again, I remind you, compliance with this shutoff qualification is required unless you request and receive permission from the Water Rights Program to continue pumping. Permission may be granted based upon water availability.

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program