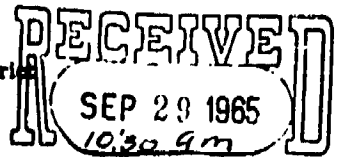


1222-3

1. Considered 11-17, 1965
2. Name of Applicant RALPH BALES
3. Post Office Address HURON
4. Amount of water claimed 6.84
5. Source of water supply JAMES RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 479
7. Water to be diverted and used in ~~10N 2E~~ BEADLE County about
10N 2E miles of HURON
8. Proof of Publication Received ✓
Not Received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks;

No. 1222-3Water Division No. 3 JAMES RIVER District NEW HAMPSHIRE
(Blanks to be filled by the Engineer for the W. R. C.)

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

STATE WATER RESOURCES COMM.

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

1. Name of applicant Route 2 LELAND & JAMES KLEINSASSER
Postoffice address Huron, County Beadle, 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 _____

**INCORPORATED INTO
WATER LICENSE NO. 2388-3**

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Ralph Bales Irrigation Project No. 4
6.84 MAXIMUM ALLOWABLE
3. Amount of water claimed 7 cubic feet per second
BETWEEN A POINT IN THE DOWNSTREAM AND A POINT
4. Source of water supply James River IN THE 22ND SECTION 9 T12N, R61W
5. Location of point of diversion Anywhere along the West Bank of the James River through Sect 9, 112.61 within
Mr. Bales ownership boundaries as shown on the map
_____ on _____ bank Beadle County.
6. Annual period or periods during which water is to be used April through October
7. To be used for:

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

- (a) Number of acres to be irrigated 479 acres.
(b) Legal subdivisions to be irrigated see remarks by the applicant

(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 843-3

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.)

MM00 230RU023P 311AW 11A12

II. Dimensions of works.

(a) Dam: Height.....feet, length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet; heightfeet; Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet
At Mile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of workyears.

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

12. Choice of newspaper for publication of notice of intention to appropriate
The Daily Plainsman, Huron, S. Dak.

STATE OF SOUTH DAKOTA

County ofBeadle.....ss.

I, Ralph Bales

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

Signed

Subscribed and sworn to before me this

27th

day of

September

1905

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

AREAS BY LEGAL SUBDIVISION:	
135 ACRES	N.E. 1/4, SECT. 8, T112 N., R61 W. 5TH PM
80 ACRES	S.E. 1/4, SECT. 8,
66 ACRES	N.W. 1/4, SECT. 9,
160 ACRES	S.W. 1/4, SECT. 9,
3 ACRES	N.E. 1/4, SECT. 9,
35 ACRES	S.E. 1/4, SECT. 9,
479 ACRES	TOTAL

ENGINEER'S CERTIFICATE

STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)
I, HARLAN W. MEYER, A REGISTERED PROFESSIONAL
ENGINEER IN AND FOR THE STATE OF SOUTH DAKOTA DO HERE-
BY CERTIFY THAT, AT THE REQUEST OF RALPH BALES,
SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON SEPT 16, 1965 FOR WHICH APPLICATION
FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 16TH DAY OF SEPT. 1965

Harlan W. Meyer
REG. PROF. ENG.

STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)
ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC
WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED HARLAN W. MEYER, KNOWN TO ME TO BE THE
PERSON WHO EXECUTED THE FOREGOING ENGINEER'S CERTIFICATE
AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
WITNESS MY HAND AND NOTARY SEAL THIS 16TH DAY OF SEPT. 1965

MY COMMISSION EXPIRES 2-27-66

SCALE 1"=400'

MAP

RALPH BALES IRRIGATION PROJECT NO. 4
SHOWING AREAS & POINTS OF DIVERSION WHERE WATERS
WILL BE DIVERTED FOR PERMIT TO APPROPRIATE WATER

RALPH BALES

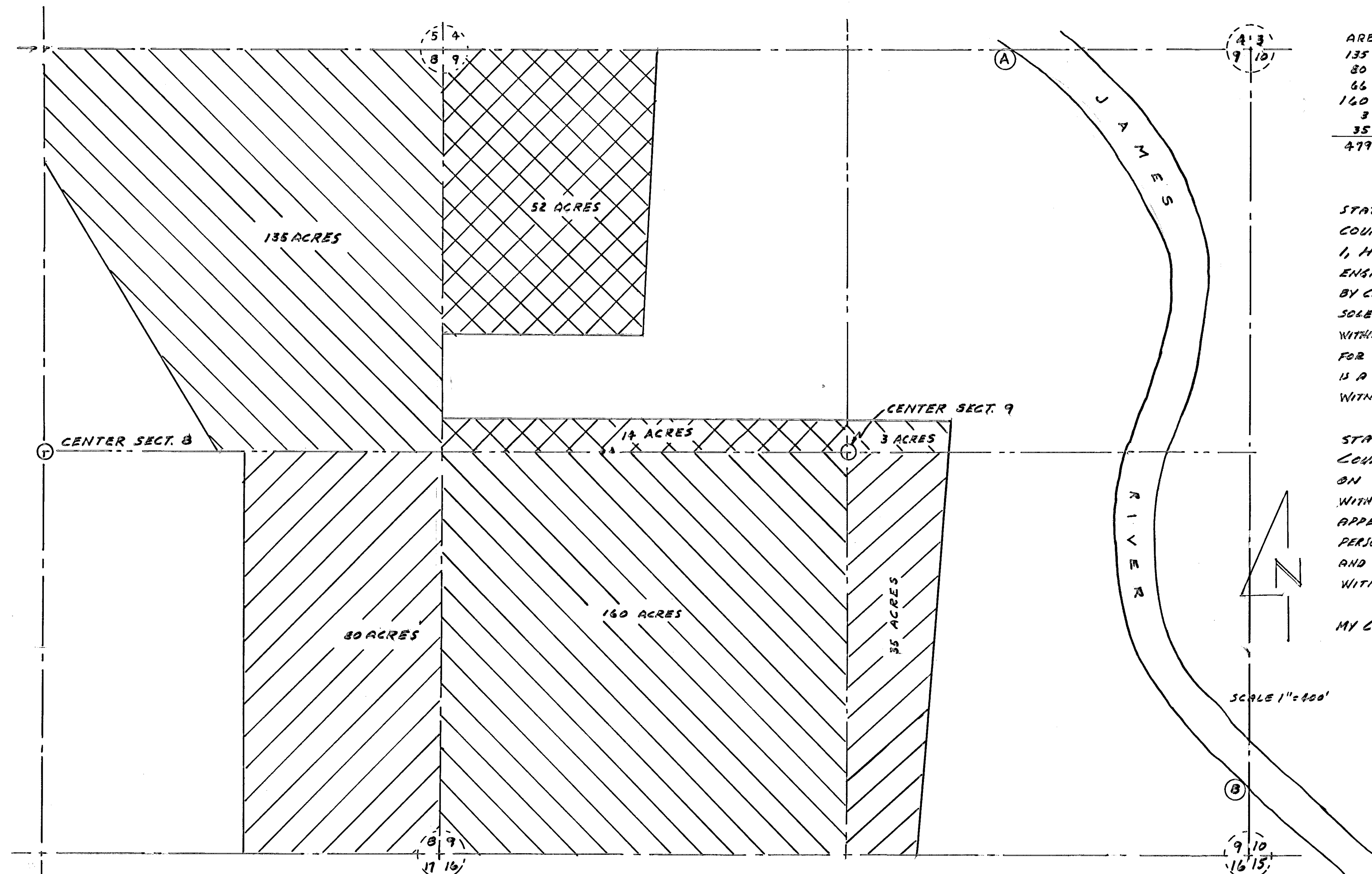
OWNER

HARLAN W. MEYER

P. E.

SEPT 1965

MAP NO 343-3 (APPL NO 1222-3)



POINT OF DIVERSION: ANY POINT BETWEEN POINT A AND POINT B
ON THE WEST BANK OF THE JAMES RIVER

Remarks by State Water Resources Commission:

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.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, NOVEMBER 22, 1965

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock a.m. upon the 29TH day of SEPTEMBER, 1965

State Water Resources Commission

By:

Arthur Jones
Chie. Engineer, Executive Officer

Number of permit 1222-3

Date of first receipt of application SEPTEMBER 29, 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 SEPTEMBER 29, 1965

Approved NOVEMBER 17, 1965 Recorded in Book 9 Page 60

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

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 17, 1967

2nd. The whole of said work is to be completed on or before NOVEMBER 17, 1963

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 17, 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 6.234 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 NOVEMBER 17, 1965; said water to be used during the following described annual period:

APRIL 10 TO AUGUST 10

Witness my hand this 22ND day of NOVEMBER, 1965

State Water Resources Commission

By:

Arthur Jones
Chief Engineer, Executive Officer

Certificate of Construction issued OCTOBER 18, 1968

Water License Issued OCTOBER 18, 1968

Remarks by the Applicant:

Areas to be irrigated: All within Township 112 North, Range 61 West, 5th PM

- 135 Acres: NE 1/4 of Section 8 (a 25 acres triangular piece in the S W corner
being deleted)
80 Acres: The East 1/2 of the SW 1/4 of Sect. 8
66 Acres: N.E. 1/4, Sect. 9 (52 acres in the N W Corner and 14 Acres along
the South border of the N W 1/4.)
160 Acres: The S.W. 1/4 of Sect 9
3 Acres: N.E. 1/4 of Sect 9 (located in the S.W. Corner of the Quarter)
35 Acres: S. E. 1/4 of Sect 9 (adjacent to and along the West border of
the quarter.)

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1222-3

WHEREAS, On the 29th day of September A. D. 1965

Ralph Bales

of Huron County of Beadle and State of

South Dakota duly made application (No. 1222-3) to us for a permit to use 6.84

cubic feet per second of the waters of the James River

County of Beadle, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 22nd day of November A. D. 1965

Permit No. 1222-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 17th

November A. D. 1968 and for the application to beneficial use of said water on or before the 17th day of November A. D. 1970 and,

WHEREAS, On the 11th day of October A. D. 1968

the holder of said permit duly made proof of the completion of adequate works for the diversion of 6.84

cubic feet per second of said waters, as evidenced by our Certificate No. 1222-3

dated October 18, 1968 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 6.84 cubic feet per second of water, with date of priority of September 29, 1965 and,

WHEREAS, On the 11th day of October A. D. 1968

proof was duly made of the application to beneficial use of 6.84 cubic feet per second of said water;

for irrigating 479 acres in portions of Sections 8 and 9, T112N, R61W.

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 Ralph Bales
of Huron the holder and owner of said permit No. 1222-3
a water right, dating from September 29, 1965 to the use of 6.84
cubic feet per second of the waters of the James River
in the County of Headle and State of South Dakota, or so much thereof as may be
necessaray for the purposes hereinbelow mentioned, to be diverted between points in the SE 1/4 SE 1/4
and in the NW 1/4 NW 1/4 Section 9, T112N, R61W
and conducted to and upon 479 acres in portions of Sections 8 and 9, T112N, R61W,
more specifically described in the Certificate of Completion of Works.

for the purpose of irrigation, subject to any limitations listed in the
Permit to Appropriate Water, and

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 18th day of October A. D. Nineteen
Hundred and Sixty-eight.

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 1222-3

Water Division No. 3 JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Ralph Bales

of Huron, County of Beadle, and State of Huron, the holder of Permit No. 1222-3 issued upon Application No. 1222-3 bearing date of priority of September 29, 1965, authorizing the diversion of 6.84 cu. ft. per second of the waters of September 29, 1965 County of Beadle, State of South Dakota, at between points in the NW 1/4 NE 1/4 and in the SE 1/4 SE 1/4 Section 9, T112N, R61W, for irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 6.84 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: All in T112N, R61W

<u>Section 8</u>	<u>NE 1/4</u>	<u>135 acres</u>
	<u>E 1/4 SE 1/4</u>	<u>80 acres</u>
<u>Section 9</u>	<u>SW 1/4</u>	<u>160 acres</u>
	<u>NW 1/4</u>	<u>66 acres</u>
	<u>SW 1/4 NE 1/4</u>	<u>3 acres</u>
	<u>W 1/4 SE 1/4</u>	<u>35 acres</u>
	<u>Total</u>	<u>479 Acres</u>

Witness my hand this 18th day of October A. D. 1968

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

Permit No. 1222-3Water Division No. 3 JAMES RIVER Water District**Certificate of Examination of Works****Report of Examining Engineer**

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

Dear Sirs: I hereby certify that ~~the works are in accordance with the permit~~I, BEADLE, have this day made a thorough examination of the diversion works constructed byRALPH BALES, of HURONBEADLE County, South Dakota, holder of Permit No. 1222-3, issuedupon Application No. 1222-3, bearing date of priority of SEPTEMBER 29, 1965, authorizing thediversion of 6.84 cu. ft. per second of the waters of JAMES RIVER for IRRIGATION

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

The diversion works comprise: BERKELEY B4 JOBMGN 4" IN X 6" OUT
PUMP & TWO BERKELEY B6 JOBLCN 6" IN X 6" OUT
PUMPS, ALL POWERED BY CHRYSLER INDUSTRIAL 413
ENGINES (PROPANE) 1230'-10", 5000'-8" & 1500'
5" MAINLINE. BOACKE TRIMATIC SYSTEM & 1500' OF

and the system is in the following condition: EXCELLENT

The point of diversion is located BETWEEN POINTS IN THE SE⁴SE⁴ and in
THE NW⁴NE⁴, SECTION 9, T.112N, R.61W

The works are capable of diverting and conveying to the place of use 6.84 cu. ft. per second of water,
 which is to be used for IRRIGATION

The legal sub-divisions to be irrigated are: SECTION 8: NE⁴ - 135 AC.; E²SE⁴ - 80 AC.
SECTION 9: SW⁴ - 160 AC.; NW⁴ - 66 AC.; SW⁴NE⁴ - 3 AC.;
W²SE⁴ - 35 AC., ALL IN T.112N, R.61W

comprising a total of 479 acres of land.

The domestic use intended comprises

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

* 3" SPRINKLER LINE WITH RAINBIRD 40 SPRINKLER
HEADS (30' SPACINGS) 1164 NOZZLES. 690' OF 8" GATED
PIPE & APPROX 60 ACRES OF LEVELLED LAND

Witness my hand, this 11TH day of OCTOBER, A. D. 1968

—SEAL—

Burton L. Jones
 WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

on or before October 21, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 5, 1965

Notice is hereby given that Ralph L. Lusk whose post office address is Huron 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 6.84 cubic feet of water per second of time from the James River through the Bales Irrigation Project #4, the point of diversion of which is to be located on the right bank of said stream/in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 9 Twp. 112N Range 61W portions of said water to be used for the purpose of providing irrigation on the following described land:
SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 8; NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9, T112N, R61W

~~and for~~

~~purposes~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of November, 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: Mrs. Jeanette Lusk, Publisher
Daily Plainman
Huron, S.D.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA, ss.
COUNTY OF BEADLE

I, Joannette C. Lusk
being duly sworn on oath, say that THE DAILY PLAINSMAN
is a daily paper published at Huron, Beadle County, South
Dakota, and that said newspaper has a bona fide circulation
of at least 250 copies daily; that said newspaper has been
published within said county for fifty-two consecutive weeks
immediately prior to this date; that said newspaper is printed
in whole or in part, in an office maintained at said place of
publication; that I am published

_____ of said newspaper
and know the facts herein stated. The annexed notice headed
Appropriation of Water.

was published for 4 successive Weeks once each
week, the same day each week, in said newspaper, and not in
any supplement of the said newspaper, the first publication on
the 11 day of October, 1965, and the last
publication on the 1 day of November, 1965.
That the full amount of the fee charged for publishing the
same, to-wit:

Eighteen & 53/100 Dollars inures to the benefit of
the publisher of said newspaper; that no agreement or under-
standing for the division thereof has been made with any
other person, and that no part thereof has been agreed to be
paid to any person whomsoever.

Joannette C. Lusk

Subscribed and sworn to before me this 1 day of
November, 1965.

A. J. [Signature]
Notary Public, South Dakota

My term expires 9-21-67

AFFIDAVIT OF AGENT OR ATTORNEY

STATE OF SOUTH DAKOTA, ss.
COUNTY OF _____

I, _____
being duly sworn on oath, say that I am the authorized attor-
ney for the party foreclosing the mortgage described in the
annexed notice; that no agreement or understanding for any
division of the fees therefore has been made with any person
whomsoever, and that no part thereof has been refunded or
rebatd by the party publishing this notice.

Subscribed and sworn to before me this _____ day of
_____, 19____.

F.P. 10-11-65
APPROPRIATION OF
WATER
Notice is hereby given that
Beadle County, South Dakota,
has made an appropriation of
water from the James River
under laws of South Dakota
to appropriate for irrigation
certain land of 1600 acres
from the James River
irrigation project, the
division of which is to be
the right bank of the river
at a point in the NW 1/4 of
the NE 1/4 of the Sec. 10,
Twp. 12N, Range 2W, Mer. 10E,
be used for the purpose of
irrigation on portions of
described land:
SW 1/4, NW 1/4, NW 1/4, NW 1/4, NW 1/4,
NW 1/4, NW 1/4, NW 1/4, NW 1/4,
Section 9, T12N, R2W, M10E.
This application will be made up by
the State Water Resources Commission
at their office at Pierre, South Dakota,
on the 17th day of November,
1965, at 2 P.M. All interested parties
may appear and be heard on the
matter.
Appropriate action will be taken by
the Water Resources Commission
whenever time has elapsed and no
consideration of any of the above
mentioned.
State Water Resources Commission
By: WURTON F. [Signature]
Water Rights Division
CC: Mrs. Joannette Lusk
Publisher
Daily Plainsman
Huron, S.D.
43 (4) W. Nat. 606 (rev.)

RECEIVED
NOV 3 1965
STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

COMMISSION

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

South Dakota

WATER RESOURCES COMMISSION

State Office Building 12

PIERRE, SOUTH DAKOTA 57501

339-3, 809-3, 1562-3 & 1282-3

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Elgin Sales
Box 1337
Sioux Falls, South Dakota

Dear Mr. Sales:

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. _____ in accordance with this order. You will be notified if water supplies in this section of the James River become sufficient to permit irrigation water withdrawals again during 1970. Aerial inspections of this section of the James River will be made by the Staff of the Water Resources Commission.

Sincerely,

J.W. Grimes
J.W. GRIMES

JWG/DD/bw

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

COMMISSION

Carl Crown, Gettysburg
W. Neil Evans, Watertown
Milton E. Fischer, Milbank
Glen Garrett, Port A, Pierre
Stanley Jensen, Beresford
Richard Lommen, Harrisburg
Clarence O. Mortenson, Hayes
Elvern Varilek, Geddes

South Dakota

Water Resources Commission

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

J. W. GRINES

Chief Engineer
and
Executive Officer

PHONE 605/224-3584

6-27-73

Mr. Ralph Bales
Box 1337
Huron, S.D. 57350

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. 809-3 & 1222-3 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

Form 20.

No. 1222-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~WATER RIGHTS COMMISSION~~
State Office Building No. 2
Pierre, South Dakota 57501

Date SEPTEMBER 24, 1975

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

PORTIONS OF SECTIONS 8 & 9, T112N, R61W,
DESCRIBED IN WATER PERMIT NO. 1222-3

formerly owned by RALPH SALES, HURON

has been transferred to LELAND E. JAMES KLEINSASSER,
ROUTE 2, HURON

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1222-3 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

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

STATE OF SOUTH DAKOTA)
County of Hughes) ss.

I, _____ 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.

Suscribed and sworn to before me this 24th day of September, 1975

Leland E. James Kleinsasser
(Signed)

Justin D. Zickrick
(Notary Public)

My Commission Expires 3/27/83

The applicable portions of Water License No. 1222-3 have been
Incorporated into Water License No. 2388-3.