

Considered: _____

WATER PERMIT NO. 1309A-3

MAP No. Same

Name of Applicant James Faulstick

Post Office Address Rt. 1 Box 40 Highmore S.D.

Amount of Water Claimed No add'l Total Acres 24

Source of Water Supply Lake Mitchell

Water to be used for IRR County Hyde

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received Let 11-8-85 Not Received _____

APPLICATION: Approved Dec. 4, 1985 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received 8-27-85 Fee \$50⁰⁰ Remarks application

8-1-66 is to transfer 24 acres from 1309-3

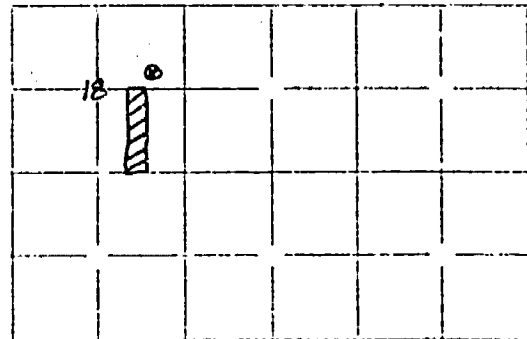
Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED 9-25-85 Waiver APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point SE⁴ NE⁴ sec 18 T114N-R71W

Land to be Irrigated SF¹ sec 18 T114N-R71W



Well Log: Driller N.A. Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Aerial Photo PREPARED BY Ron Duvall Reviewed and the Number

assigned on 9-30-85 By Kevin C. Larron

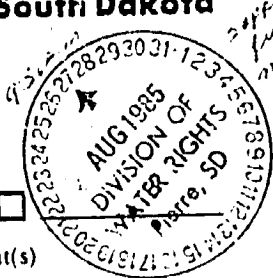
Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 1309A-3 Hydrologic Unit 10160009
Map No. Same Basin James River
Newspaper Highmore Herald Box 435 (Thurs)

Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☒ Vested Right ☐ Future Use ☐
☐ Application to amend Permit No. 1309-3 with old priority date retained
☒ Change diversion point(s) ☐ Add diversion point(s) ☒ Change acreage ☐ Other ☐
☐ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____
☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____



1. Name of Applicant James E. Faulstich Phone No. _____
 Post Office Address Route #1, Box 40 Highmore, South Dakota State 57345
 (Street, RR or Box) Zip Code
 2. Amount of water claimed (c.f.s) no add'l Total acres irrigated 24
 3. Source of Water supply Lake Mitchell
 4. Location of point of diversion Lake Mitchell: 330 ft N and 1450 ftE from Center of
Section 18-T114N-R71W
 _____ County Hyde
 5. Counties where water will be used Hyde
 6. Annual period during which water is to be used April 1 to October 1
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NE 1/4 Sec. 18 T114N R71W	2.0
SE 1/4 Sec. 18 T114N R71W	2.0
NW 1/4 Sec. 18 T114N R71W	10.0
SW 1/4 Sec. 18 T114N R71W	10.0

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application proposes to transfer previously developed acreages under License No. 1309-3 to the above land descriptions. An equal number of developed acres will be dropped from License No. 1309-3; therefore total acreage and diversion rate will not exceed those specified by SDCL 46-5-6.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
County of Hyde

I, James E. Faulstich the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

D. G. MATRE

Notary Public - South Dakota

My Commission expires 7-1-92

Subscribed and sworn to before me this 26 day of August 19 85

Signed James E. Faulstich

Notary Public or other qualified officer

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1309A-3
James Faulstich RT. 1 Box 40, Highmore
(Applicant) (Post Office Address)
South Dakota 57345 With the following qualifications.
(State) (Zip Code)

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application August 27, 1985.
 Date of return to applicant for correction, amendments or changes required —, 19—.
 Date of receipt of corrected application —, 19—. Approved December 4, 1985.

The Water Management Board hereby approves this Water Permit No. 1309A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is August 1, 1966.
2. One-fifth of the work is to be completed on or before —, 19—.
3. The whole of said work is to be completed ~~on or before~~ —, 19—.
4. The time limit for proof of beneficial use of water is —, 19—.
5. The water appropriated shall be used for the purpose of irrigation.
6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed No add'l cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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~~ April 1 to October 31 19—; said water to be used during the following described annual period: April 1 to October 31

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer
 Division of Water Rights
 Dept. of Water and Natural Resources
FEB 11 1986, 19—

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
Division of Conservation

Office Use Only

WRH

OWNERS NAME: James E. Faulstich OWNERS ADDRESS: 221 1st St. 40

COUNTY LAND LOCATED IN: Hyde PHONE: Highmore SD 57345

TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION: _____

Depth: _____

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: Lake Mitchell

Diversion Location 330 FT N and 1450 FT E from center of sec 18-T114N-R71W

Legal Description	Acres	Legal Description	Acres
NE 1/4 Sec 18-T114N-R71W	2.0		
SE 1/4 Sec 18-T114N-R71W	2.0		
NW 1/4 Sec 18-T114N-R71W	10.0		
SW 1/4 Sec 18-T114N-R71W	10.0		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 72

LEGAL DESCRIPTION: W 1/2 Sec 18-T114N-R71W; NW 1/4 Sec 17-T114N-R71W; SE 1/4 Sec 18-T114N-R71W; all in T114N-R71W

IN WHAT NAME: James E. Faulstich

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: ☒ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify)

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: _____ 10. ADJUSTED (SAR): _____

8. SALINITY (EC X 10³): _____ 11. PERCENT SODIUM: _____

9. SODIUM (SAR): _____

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____

1985 at the following location: _____
by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agent thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

26th DAY OF August, 1985

D. C. MATRE (NOTARY PUBLIC)

Notary Public - South Dakota

HYDE COUNTY

Commission Expires 1-1-87

IMPORTANT

APPLICANT'S SIGNATURE

James E. Faulstich
Director, Division of Conservation

Date 9/5/85

COMMISSION WAIVER

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION No. 1309A-3, James E Faulstich

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1309A-3, James E Faulstich, Rt 1, Box 40, Highmore SD.

The Chief Engineer is recommending APPROVAL of Application No. 1309A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
October 17, 1985

REPORT ON APPLICATION NO. 1309A-3

JAMES E FAULSTICH

October 3, 1985

Application No. 1309A-3 proposes to irrigate 24.0 acres from Lake Mitchell in Hyde County. The application is an amendment to Water Right No. 1309-3 which allows for an exchange of irrigated acreages (an equal number of developed acres will be dropped from Water Right No. 1309-3). Therefore, total acreages irrigated will not increase and no additional diversion is required.

Mr. Faulstich has the only water rights for irrigating on Lake Mitchell. Therefore, Application No. 1309A-3 will not interfere with existing water rights. Approval of Application No. 1309A-3 is recommended.



RON DUVALL
Natural Resources Engineer

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF HYDE)

IRWIN D. HAYES

of said county and state, being duly sworn, on his oath says:
THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Irwin D. Hayes and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit and that the advertisement entitled

Notice of Hearing

A printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being made on Oct 24 to 85, and the last publication on Oct 31 to 85, that \$ 38.00 being the full amount of the fee for publication of the annexed notice, inures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Irwin D. Hayes
Irwin D. Hayes, Publisher

Subscribed and sworn to before me this 1 day of November, 19 85
[Signature]
Notary Public, Hyde County, South Dakota
My Commission Expires 7-1-92

NOTICE OF HEARING
ON APPLICATION NO. 1309A-3
TO AMEND WATER RIGHT NO. 1309-3
Notice is hereby given that James Faulstich whose mailing address is Route No. 1, Box 40, Highmore, South Dakota has made an application for a permit to transfer irrigation of 24 acres from the NW 1/4 of Section 17 to the SE 1/4 Section 18 both in T 114N-R 71W. This permit application does not authorize any increase in the diversion rate authorized by Water Right No. 1309-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1309A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Howard Johnson Badlands Room, 2211 LaCrosse, Rapid City, SD, December 4, 1985 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 22, 1985. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31, 46-5-30.4, 46-5-33 thru 46-5-35.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendations, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg., Pierre, SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 22, 1985.

FPNO 05

LPNO 06



DWNR 806-7/83

No. 1309A-3

Instruction to Newspaper - Publish first publication of the following Notice on or before October 24, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1309A-3 to ~~Appropriate Water Amend~~
~~and/or to Amend Water Permit or Water Right No. Water Right~~ No. 1309-3

Notice is hereby given that James Faulstich whose mailing address is Route #1, Box 40, Highmore, South Dakota has made an application for a permit

to transfer irrigation of 24 acres from the NW $\frac{1}{4}$ of Section 17 to the SE $\frac{1}{4}$ Section 18 both in T 114N-R 71W. This permit application does not authorize any increase in the diversion rate authorized by Water Right No. 1309-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1309A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Howard Johnson
Badlands Room, 2211 LaCrosse, Rapid City, SD, December 4 19 85 at 10:00 am.

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This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25, (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 22, 1985.

RECEIPT

Division of Water Rights

No 410163

South Dakota Department of Water and Natural Resources

Pierre, August 27, 1985

RECEIVED OF James Faulstich, Route #1, Box 40, Highmore, SD 57346
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 _____	50	00
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 _____		
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	50 00

By John Hatch
Chief Engineer JOHN HATCH (ms)

1309-3
1934-3

August 23, 1985

James E. Faulstich
RR 1, Box 40
Highmore, South Dakota 57345

Dear Mr. Faulstich:

On July 30, 1985, I visited your farm for the final inspection of Water Permit No. 1934-3. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After any necessary corrections are made, the water permit is licensed and becomes a water right.

The lands irrigated under Permit No. 1934-3 are correct; however, some lands are being irrigated which are not covered by License No. 1309-3. The lands listed on the enclosed application are the areas which are not covered. The enclosed application is an amendment to License No. 1309-3 which allows for a transfer of acreage to cover the area which is being irrigated. License No. 1309-3 specified that 60.0 acres were to be irrigated in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18; however, 80.0 acres are currently being irrigated in the W $\frac{1}{2}$ SE $\frac{1}{4}$. Approximately 4.0 acres are also being irrigated in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18 which I also included on the application. The area outlined in red on the enclosed map are the lands which are listed on the enclosed permit application. An amendment allows for an exchange of acreage. In this case, the NW $\frac{1}{4}$ of Section 17 was licensed for 160.0 acres, but since a pivot was installed the corners are no longer being irrigated. Therefore, the acreage no longer irrigated by the pivot will be transferred by this permit application to cover the additional acreage being irrigated in the SE $\frac{1}{4}$ of Section 18. The priority date will be the same as listed on License No. 1309-3.

Soil and water compatibility approval is also required for the area listed on the enclosed application. Enclosed is a WI-1 form which must be completed to obtain soil and water compatibility approval. Contact the Division of Conservation if you have questions about the WI-1 form (773-3259).

Please answer any questions which have not been completed and correct any errors. Inform our office if any variation exists between the acreage outlined on the enclosed map and what is actually being irrigated. The forms must then be notarized and returned with an application fee of \$50.00.

Thank you for your time and consideration.

Sincerely,

Ron Duvall
Natural Resources Engineer

Equal Opportunity Employer.

RD:ms Enc.

1934-3

1309-3

LICENSE FOR PERMIT NUMBER 1309A-3

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____
b) model _____ b) model no. _____
c) size _____ c) horsepower rating _____
d) capacity _____ GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines <u>8 in.</u>	<u>8 in.</u>	<u>6 in.</u>
b) type <u>Aluminum</u>	<u>PVC</u>	<u>Aluminum</u>
c) length <u>3300 ft</u>	<u>2840 ft</u>	<u>1000 ft</u>

4. Dam information:

a) height to crest _____	i) Outlet tubes:
b) height to spillway _____	1) diameter _____
c) crest width _____	2) type _____
d) crest length _____	3) valued (Y/N) _____
e) spillway length _____	4) valve type _____
f) spillway width _____	5) location on structure _____
g) approx. storage _____	

h) Distribution lines or canals:

1) size 20 ft wide, 3 ft deep
2) type earth
3) length 3/4 mi

located in secs. 17, 18 & 19 to provide access flows to pump site.

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline: (4)

1) length 1320 feet each
2) make, model & number of sprinklers Rainbird
3) spacing of sprinklers 40 ft
4) ~~nozzle size~~ 300 gpm each capacity

5. System Type: c) center pivot

- 1) make Valley water drive
- 2) number of towers 11
- 3) distance between towers _____
- 4) overall length 1280 ft
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles
Rainbird
- 8) PSI reading while system is
running 80
- 9) GPM 850

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

☒

☒

☒

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

2. Special Qualifications to permit being abided by.

3. All Structures, wells and lands on map.

REMARKS:

pumpsite in sec. 17

motor : General Electric
M.N. 5K324JN1402A
50 hp., 3550 rpm

pump: Cornell
Cast No. 5W-2-16

pumpsite in sec 18

motor: Century, 50 hp.
P.N. 9-323060-01
Spec 54168

pump: Berkeley, imp. 13 1/2 in.
M.N. B4JPBM
S.N. 7065565
8 in. inlet, 8 in. outlet

(Priority 1309-3)		Acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 17 - T114N - R71W	33.5
NE $\frac{1}{4}$ NW $\frac{1}{4}$		33.5
SW $\frac{1}{4}$ NW $\frac{1}{4}$		33.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$		33.5
NW $\frac{1}{4}$ SW $\frac{1}{4}$		31.1
NE $\frac{1}{4}$ SW $\frac{1}{4}$		32.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	sec 18 - T114N - R71W	18.3

(Combined Priority 1309-3 + 1309A-3)		
NW $\frac{1}{4}$ SE $\frac{1}{4}$	sec 18 - T114N - R71W	40.0
SW $\frac{1}{4}$ SE $\frac{1}{4}$		40.0
NE $\frac{1}{4}$ SE $\frac{1}{4}$		2.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$		2.0

(Priority 1934-3)		
NW $\frac{1}{4}$ NW $\frac{1}{4}$	sec 18 - T114N - R71W	18.0
NE $\frac{1}{4}$ NW $\frac{1}{4}$		38.0
SW $\frac{1}{4}$ NW $\frac{1}{4}$		18.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$		40.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$		8.0
NE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0
SW $\frac{1}{4}$ SW $\frac{1}{4}$		7.1
SE $\frac{1}{4}$ SW $\frac{1}{4}$		40.0

Total acreage 508.5

1309-3
1934-3
Permit No. 1309A-3

James 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 James E.

Faulstich of Rt 1, Box 40, Highmore SD 57345 holder of

Permit No. 1309-3 & 1309A-3, bearing the priority of March 30 1972 authorizing

the diversion of 3.37 cu. ft. per second of the waters of Lake Mitchell

for irrigation purposes, in Hyde County.

I have to report on the conditions of the same as follows: motor: Century, 50hp pump: Berkeley, imp. 13½ in.

sec 17
A. Works used to divert the water:
motor: General Electric pump: Cornell
M.N. SK324 JN1402A Cast No. SW-2-1B
50hp, 3550 rpm (no plate)

P.N. 9-323060-01 M.N. B4JPBM
Spec. 54168 S.N. 7065565
8in. inlet, 8in. outlet

B. Works used to transport water to place of use:
Pipeline: size - 8in 8in 6in.
type - Aluminum PVC Aluminum
length - 3300 ft 2840 ft 1000 ft

Center Pivot:
make - Valley Water drive
of towers - 11
length - 1280 ft
high pressure - 80psi
capacity - 850 gpm

C. Works used to apply water to beneficial use:

Towlines: length - 4(¼ mi)
(4) sprinklers - Rainbird
spacing - 40 ft

The system is in the following condition good

The point of diversion is located Lake Mitchell: 1390 ft E and 1090 ft N from the SW corner of sec 17; 1450 ft E and 330 ft N from the center of sec 18; all in T114N-R71W

The works are capable of diverting and conveying to the place of use 3.88 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: see attached sheet

	Access canal: size - 20 ft. wide, 3 ft. deep type - earth length - ¾ mi.	The canal was constructed to provide improved access of flows to the diversion point in the SE¼SW¼ of sec 17 - T114N-R71W.
--	---	---

comprising a total of 508.5 acres of land and the license should be issued for 3.88 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

* Permit Nos. 1309-3 & 1309A-3 are incorporated into
The acreage in the W½ of sec 18 has a priority date
of Mar. 30, 1972. The remaining acreage has a
priority date of Aug. 1, 1966.

Permit No. 1934-3.

Date July 30, 1985

Ron L. Hall

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

February 11, 1986

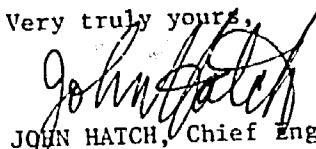
James Faulstich
Rt 1, Box 40
Highmore SD 57345

Dear Sir:

Enclosed herewith is your Water Permit No. 1309A-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 1309A-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

Encs

enclosure

WRN-809-A 4/82

RECEIPT

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

410328

Pierre, February 19, 1986, 19

RECEIVED OF James E. Faulstich, Route 1, Box 40, Highmore, SD 57345

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. <u>1309A-3</u>		
Fee for Filing Transfer Form _____		50 00
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	50	00

By John Hatch
Chief Engineer JOHN HATCH (MS)

State of South Dakota
Water License No. 1309A-3

(1) James E. Faulstich
of RR #1, Box 40, Highmore SD
made Application No. 1309A-3, August 27, 1985 for a water permit to appropriate
no add'l cubic feet per second of water from Lake Mitchell,
Hyde County, South Dakota for irrigation purposes.
Permit No. 1309A-3, with a priority date of August 1, 1966
was approved December 4, 1985 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be~~ completed ~~on or before~~ _____ and for the application to beneficial use of said
water ~~on or before~~ _____.

The applicable portions of Water Right No. 1309-3 and Water Permit No. 1934-3
are being incorporated into this Water License No. 1309A-3. The lands described
in #3 of this License in the W $\frac{1}{2}$ of Section 18, T114N, R71W carry a priority date
of March 30, 1972 (Permit No. 1934-3). The remaining lands carry a priority
date of August 1, 1966 (Water Right No. 1309-3 and Permit No. 1309A-3).

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 3.88 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are - Lake Mitchell: 1390 ft E
and 1090 ft N from the SW corner of Section 17; 1450 ft E and 330 ft N from the
center of Section 18; a-1 in T114N, R71W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T114N, R71W

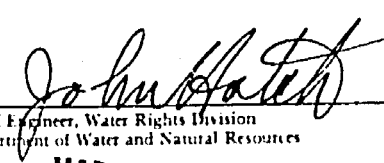
Section 17 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 acres				Section 18 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 18.0 acres			
NE $\frac{1}{4}$ NW $\frac{1}{4}$	33.5	"		NE $\frac{1}{4}$ NW $\frac{1}{4}$	38.0	"	
SW $\frac{1}{4}$ NW $\frac{1}{4}$	33.5	"		SW $\frac{1}{4}$ NW $\frac{1}{4}$	18.0	"	
SE $\frac{1}{4}$ NW $\frac{1}{4}$	33.5	"		SE $\frac{1}{4}$ NW $\frac{1}{4}$	40.0	"	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	31.1	"		NW $\frac{1}{4}$ SW $\frac{1}{4}$	8.0	"	
NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.0	"		NE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	"	
Section 18 SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.3	"		SW $\frac{1}{4}$ SW $\frac{1}{4}$	7.1	"	
NW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	"		SE $\frac{1}{4}$ SW $\frac{1}{4}$	40.0	"	
SW $\frac{1}{4}$ SE $\frac{1}{4}$	40.0	"					
NE $\frac{1}{4}$ SE $\frac{1}{4}$	2.0	"		TOTAL	508.5	acres	
SE $\frac{1}{4}$ SE $\frac{1}{4}$	2.0	"					

(4) Pursuant to §46-5-30.1 James Faulstich

of RR #1, Box 40, Highmore SD

the holder(s) and/or owner(s) of Water Permit No. 1309A-3 is issued a license to appropriate water, the right to use 3.33 cubic feet per second of water from Lake Mitchell with a priority date of August 1, 1966 & March 30, 1972 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1309A-3 and subject to South Dakota State Law.


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

MAR 26 1986

No. 1309A-3

SOUTH DAKOTA Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

MAR 26 1986

James E Faulstich
RR 1, Box 40
Highmore SD 57345

Dear Mr. Faulstich:

Enclosed herewith is, Water License No. 1309A-3. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

Enclosures

NOTE: The applicable portions of Water right No. 1309-3 and Water Permit No. 1934-3 are being incorporated into this Water License No. 1309A-3.

WNR-817 3/83
Transmittal of Water License

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 29, 1988

JAMES E FAULSTICH
RR #1 BOX 46
HIGHMORE, SD 57345

NOTICE

Re: Violation of Water Permit No(s) 1309A-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1309A-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 hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1309A-3 qualification:

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

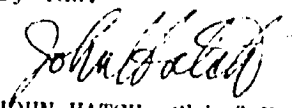
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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). 1309A-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

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

February 5, 1988

1309A-3

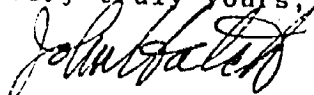
James E Faulstich
RR 1, Box 40
Highmore SD 57345

Dear Mr. Faulstich:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1309A-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

18 17

35.6



8.7

17

32.0

107.3

5.47

Ron Duvall
Natural Resources Eng
9/26/85

32.5

12.0

Mo. 1309A-3

App # 1309A-3

18 17

extension