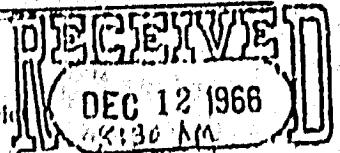


1. Considered Jan 18, 1967
2. Name of Applicant John M Tschetter
3. Post Office Address Huron
4. Amount of water claimed 1.3
5. Source of water supply James River
6. Water to be used for irrigation
Acres to be irrigated 92
7. Water to diverted and used in Beadle County
about 11 1/2 miles of Huron.
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved ✓
Subject to Proof Jan 10th Aug
Not Approved _____
Action deferred _____
10. Remarks:

No. 1337-3

Water Division No. 3 James River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
MENARD, MISSOURIAPPLICATION FOR PERMIT
To Appropriate Water within the State of South Dakota

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

1. Name of applicant ~~John M. Tschötter~~ LELAND & JAMES KLEINSASSER
 Postoffice address ~~RR-1, BENTON~~ RTE 2, Box 205, HURON, State S. Dak.,
 County Beadle

I. If a corporation

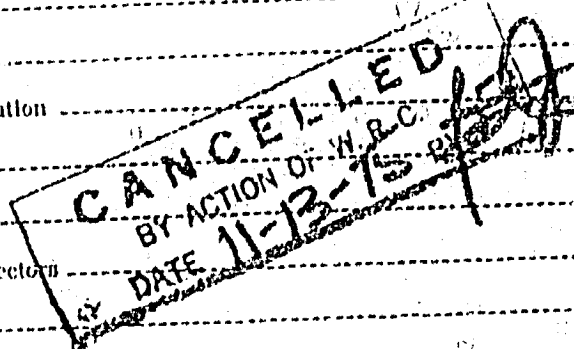
(a) Name of same

(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, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work John M. Tschötter Irrigation Project No. 2

3. Amount of water claimed 1.3 cubic feet per second

4. Source of water supply James River

5. Location of point of diversion In the S.W. 1/4 of Sect 32, T. 113 N., R. 61 W.
between two points in the NW 1/4 SW 1/4, Sec. 32, James River
between points x and y on north bank Beadle County.

6. Annual period or periods during which water is to be used April thru Oct.

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Over head Sprink

(a) Number of acres to be irrigated 92 acres. Note: over 1/2 section

(b) Legal subdivisions to be irrigated E. 1/2 of the N.E. 1/4, 6, 112, 61

(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. Blockwatering, 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

949-3 (See 769-3 A/50)
MAP

8. Estimated cost of work:

(a) Headgates, \$-----

(b) Pumping plant, \$-----

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

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

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

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

pumping plant and pipe

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

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

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

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

Material -----

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- 1 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 1 ----- years.

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

STATE OF SOUTH DAKOTA

County of Beadle

ss.

I, John M. Teckert, 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

John M. Teckert

Subscribed and sworn to before me this

10

day of

December

1911

Samuel R. Bailey
Notary Public (or other qualified officer.)

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, February 14 1967

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
9 m. upon the 12th day of December 1966

State Water Resources Commission

By: Richard D Schuyler
for Chief Engineer, Executive Officer

Number of permit 1337-3

Date of first receipt of application December 12 1966

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 December 12 1966

Approved January 18 1967, Recorded in Book 9 Page 218

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

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

July 18 1967

2nd. The whole of said work is to be completed on or before January 18 1968

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

January 18 1968

4th. The water appropriated shall be used for the purpose of _____

Irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.3 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 January 18 1968; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 14th day of February 1967

State Water Resources Commission

By: _____
Chief Engineer, Executive Officer

Certificate of Construction issued APRIL 9 1973

Water License issued APRIL 9 1973

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1337-3

(1) WHEREAS, On the 12th day of December A. D. 19 66
John M. Tschetter

made Water Right Application No. 1337-3 for a permit to use 1.3 cubic feet per second of the waters of the James River

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

(2) WHEREAS, On the 14th day of February A. D. 19 67
 Permit No. 1337-3 with a date of priority of December 16, 1966

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 18th day of January A. D. 19 68 and for the application to beneficial use of said water on or before the 18th day of January A. D. 19 69

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 1.3 cubic feet per second of water for beneficial use and,

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

for irrigating the following land in Section 6, T112N, R61W

NE $\frac{1}{4}$ 92 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 _____

Mrs. John M. Tschetter

_____ of _____
Huron, S.D.

the holder _____ and owner _____ of said permit No. **1337-3** a water right dating from **December 16, 1966**

_____ to a rate of **1.3**

_____ cubic feet per second of the waters of **the James River**

in the County of **Beadle** and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted **between two points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32,**

T113N, R61W

and conduct to and upon **92 acres in the NE $\frac{1}{4}$, Section 6, T112N, R61W**

for the purpose of **irrigation**

subject to any limitations listed in Water Right Permit No. **1337-3** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this **9th** day of **April**, A. D.

Nineteen Hundred and **Seventy-three**

WATER RESOURCES COMMISSION

by:

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

Form 15.

Permit No.

1337-3

Water Diversion No.

3

JAMES RIVER

Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That John H. Tschetter

_____ the holder _____ of
Permit No. 1337-3, issued upon Application No. 1337-3, bearing date of priority of December 12,
1966 authorizing the diversion of 1.3 cu. ft. per second of the waters of _____
the James River County of Beadle, State of South Dakota between two points in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 32, T11N, R61W
_____, for irrigation

purposes, has ⁶_____ 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 2.6 cu. ft. per second of water.

Date April 9, 1973

WATER RESOURCES COMMISSION

By

J.W. GRIMES, Executive Officer

Permit No. 1337-3
 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 _____
 _____ of HURON _____ holder _____
 of Permit No. 1337-3, bearing date of priority of DECEMBER 12, 1966
 authorizing the diversion of 1.3 cu. ft. per second of the waters of THE JAMES RIVER
 for IRRIGATION purposes, in BEADLE County.
 I have to report on the condition of the same as follows:

The Water Use System consists of,

- A. Works used to divert the water: *
- BERKELEY 6" INLET, 8" OUTLET, MODEL B4 J PUMP,
POWERED BY FORD INDUSTRIAL 70H.P. PROPANE
ENGINE
- B. Works used to transport water to place of use,
3600' OF 8" MAINLINE
- C. Works used to apply water to beneficial use.
1100' TRIMATIC SELF PROPELLED SPRINKLER SYSTEM

The system is in the following condition: GOOD
 The point of diversion is located BETWEEN POINTS IN THE NW¹ SW⁴,
SECTION 32, T113N, R61W
 The works are capable of diverting and conveying to the place of use 2.0
 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:
FOR IRRIGATING 92 ACRES IN THE NE¹, SECTION 6,
T112N, R61W
 comprising a total of 92 acres of land.

* IRRIGATION SYSTEM IS USED INTERCHANGABLY WITH
 WATER RIGHT NO 1141-3

Date MARCH 29, 1973
[Signature]
 (Signature)
 WATER RIGHT SPECIALIST
 WATER RESOURCES Commission

on or before **December 22** 66
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission

December 12 66
Pierre, S. Dak. _____

Notice is hereby given that **John M. Tschetter** whose postoffice 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 **1.3** cubic feet of water per second of time from the **James River** through the **Tschetter Irrigation Project #2** **are** the points of diversion of which **are** to be located on the **right** bank of said stream in the **NW** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **32** Twp. **113N** Range **61W** Said water to be used for the purpose of providing irrigation on the following described land:

E $\frac{1}{2}$ NE $\frac{1}{4}$, Section 6, T112N, R61W

~~XXXXXX~~ and for ~~XXXXXX~~ purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **18th** day of **January** **67** 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:

~~XXXXXXXXXXXXXXXXXXXX~~
RICHARD D. SCHMOYER
Chief Engineer, Executive Officer
Water Right Specialist

CC: Mrs. Robert D. Lusk, Publisher
Daily Plainsman
Huron, S.D.

No. 1337-3

To:

State Water Resources Commission,
Pierre, South Dakota

Dear Sirs:

We are in receipt of your letter of November 12, 1966, enclosing notice of Application No. 5009, which will be published as requested, commencing with our issue of December 1, 1966.

PLEASE ATTACH FIRST

PUBLICATION NOTICE

Very truly yours,

STATE WATER RESOURCES COMMISSION

PIERRE, SOUTH DAKOTA

IP 12-266 IP 1-1967
APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, S. Dak., December 12, 1966
Notice is hereby given that John M. Tschetter, whose postoffice 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 1.3 cubic feet of water per second of time from the James River through the Tschetter Irrigation Project No. 2, the points of diversion of which are to be located on the right bank of said stream in the NW 1/4 of the NW 1/4 of Section 31, Twp. 113N, Range 81W. Said water to be used for the purpose of providing irrigation on the following described land:
E 1/2 NE 1/4, Section 6, T112N, R61W.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of January, 1967, 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 all information presented.
State Water Resources Commission
By: RICHARD D. SCHMOYER, Water Right Specialist, No. 509 (adv).

RECEIVED
DEC 21 1966

STATE WATER RESOURCES COMMISSION
PIERRE - SOUTH DAKOTA

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA, }
COUNTY OF BEADLE } ss.

I, Jeannette 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 20 day of Dec., 19 66, and the last
publication on the 10 day of Jan., 19 66.
That the full amount of the fee charged for publishing the
same, to-wit:

Twenty-one & 00/100 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.

Subscribed and sworn to before me this 10 day of
Jan., 19 66.

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

My term expires 7-21-67

AFFIDAVIT OF AGENT OR ATTORNEY

STATE OF SOUTH DAKOTA, }
COUNTY OF BEADLE } ss.

I, [Signature]
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
related by the party publishing this notice.

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

FF 12-20-66
APPROPRIATION OF WATER
Office of State Water Resources Com-
mission, Pierre, S. Dak., December 12,
1966.
Notice is hereby given that John M.
Tschetter, whose postoffice address is
Huron, S. Dak., has made an applica-
tion in accordance with the provisions
of the water laws of South Dakota for
a permit to appropriate for beneficial
use 1.3 cubic feet of water per second
of time from the James River through
the Tschetter Irrigation Project No. 2,
the points of diversion of which are
located on the right bank of said
stream in the NW1/4 of the NW1/4 of
Section 32, Twp. 41N, Range 8W, said
water to be used for the purpose of
providing irrigation on the following
described land:
E1/4 NE1/4, Section 36, T11N, R61W.
This application will be taken up by
the State Water Resources Commission
at their office at Pierre for consid-
eration upon the 18th day of January,
1967, 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 con-
sideration of all information
presented. 21.00
State Water Resources Commission
By:
RICHARD D. SCHMOYER, Jr.
Water Right Specialist No. 509 (adv.)

RECEIVED
FEB 12 1967
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

RECEIPT

WATER RESOURCES COMMISSION

State of South Dakota

No 4 287

December 12 66

PIERRE, _____, 19__

RECEIVED OF Harlan Meyer

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

Fee for Application for Permit to appropriate Water No. <u>1337-3</u> (examination, processing, recording and filing) _____	\$8.00
Fee for inspecting Construction, and issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use, and issuing Water License No. _____	
Fee for issuing Location Certificate-Dry Draw, No. _____	
Fee for filing _____	
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	\$8.00

WATER RESOURCES COMMISSION

By J. W. Grimes
Chief Engineer, Executive Officer
J. W. GRIMES

mf mg

1337-3

January 19, 1967

Mr. John M. Tschetter
1644 Illinois SW
Huron, S.D.

Dear Mr. Tschetter:

On January 19, 1967 the Water Resources Commission approved your application to appropriate water #1337-3, subject to receipt of the affidavit of proof of publication.

As soon as this office has such proof of publication, permit #1343-3 will be transmitted to you.

Sincerely,

RICHARD D. SCHMOYER
Water Right Specialist

RDS:mf

1337-3

February 6, 1967

Mr. John M. Tschetter
1644 Illinois SW
Huron, S.D.

Dear Mr. Tschetter:

On January 19, 1967, the Water Resources Commission approved your Application to Appropriate Water #1337-3, subject to receipt of the affidavit of proof of publication.

As soon as this office has such proof of publication, Permit #1337-3 will be sent to you. This is our second reminder to you.

Sincerely,

RICHARD D. SCHMOYER
Water Right Specialist

RDS:mf

1141-3 & 1337-3

COMMISSION

John M. Garhart, Spearfish
Lester Bruce, Parker
Carl Cronin, Gettysburg
James A. Davis, Bad Lake
Milton L. Fisher, Milbank
Richard Loommen, Huron
George D. Mortenson, Haver
Dale Fisher, Crofton

South Dakota

WATER RESOURCES COMMISSION

State Office Building #2
PIERRE, SOUTH DAKOTA 57501

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE
224-3584
Area Code 605

August 7, 1970

Mr. Lemmo Tschetter
S.R. #1
Huron, S.D.

Dear Mr. Tschetter:

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. 1141-3 & 1337-3 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

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:

Garr Cronin, Gettysburg
W Neil Evans, Watertown
Milton E. Fischer, Mankato
Glen Garrett, Port A, Pierre
Stanley Jensen, Beresford
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Oliver Vorisek, Geddes

South Dakota

1141-3 & 1337-3

Water Resources Commission

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

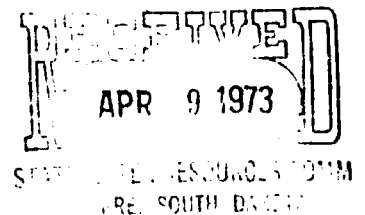
J. W. G. M. S.

Chief Engineer
and
Executive Officer

PHONE 605/224-3584

April 2, 1973

Mr. Menno Tschetter
R.R. #1
Huron, South Dakota 57350



Dear Mr. Tschetter:

On March 29, accompanied by Mr. Kleinsasser, I made an inspection of the irrigation systems constructed under Water Permits Nos. 1141-3 and 1337-3.

We are now ready to issue the Certificate of Completion and the Water License, which constitute the final papers on these Water Rights. Statutes provide that we charge \$12.00 for each inspection. Upon receipt of your check in the amount of \$24.00, the final papers will be sent to you.

The permits are in the name of ^{M. J.}John M Tschetter. I am wondering if you want the final documents to be issued this way.

Sincerely,


BURTON F. JONES
Water Rights Specialist

BFJ/bw

RECEIPT

WATER RESOURCES COMMISSION

State of South Dakota

No 4 2218

MM April 9

73

PIERRE, _____, 19____

Menno Tschetter

RECEIVED OF _____

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____ } 1337-3		12.00
Fee for inspecting Beneficial Use, and issuing Water License No. _____ } 1337-3		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
	TOTAL	12.00

WATER RESOURCES COMMISSION

By: *[Signature]*
Chief Engineer, Executive Officer
J.W. GRIMES

SOUTH DAKOTA

Water Resources Commission

STATE OFFICE BUILDING
PIERRE SOUTH DAKOTA
57501

April 9, 1973

Mr. Menno Tschetter
R.R. #1
Huron, S.D. 57350

Dear Mr. Tschetter:

Enclosed herewith are, Water License No. 1337-3, Certificate
of Construction, and Receipt No. 4 2218 in the amount of \$12.00
for the fee which you have paid.

Water License No. 1337-3 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.

Respectfully,

WATER RESOURCES COMMISSION

By:

J.W. GRIMES
Chief Engineer, Executive Officer

JWG/BFJ/bw
Encl: As stated

COMMISSION

South Dakota

J.W. GRIMES

Curt Cronin, Cottonwood
W. Neil Evans, Fort Pierre
Malcolm E. Fisher, Mitchell
Alan Garrett, Fort A. Lincoln
Samuel Jensen, Eberhard
Richard Lomen, Huron
Catherine D. Mortenson, Mayes
Eileen Quake, Geddes

Water Resources Commission

Chief Engineer
and
Executive Officer

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

PHONE 605/224-3584

6-22-73

Mr. John Tschetter
%Enno Tschetter
Rt. 1
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 Jam 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. 1141-3 & 1337-3 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. GRIMES

JWG/DD/bw

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 2859

PIERRE February 3, 1975

James Einsasser

RECEIVED OF the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 12 (examination, processing, recording and filing)	
Fee for inspecting Construction, and issuing Cert. of Construction No.	
Fee for inspecting Beneficial Use, and issuing Water License No.	
Fee for issuing Location Certificate-Dry Draw, No.	
Fee for filing Notice of Transfer of Water Permit No. 1337-3	1.00
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	1.00

WATER RESOURCES COMMISSION
WATER RIGHTS COMMISSION

By Chief Engineer, Executive Officer
DONALD DRISCOLL b2

1337-3

February 3, 1975

James Kleinsasser
Route 2, Box 205
Huron, South Dakota 57350

Dear Mr. Kleinsasser:

We have checked our records, and find no record of Mr. Tschetter having transferred the Permit to you.

Upon receipt of the Form 20, which you returned, the permit was transferred, and now shows that Leland and James Kleinsasser are the owners of this water right. Enclosed is Receipt No. 4 2859 in the amount of \$1.00 which you have paid for such transfer.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BPJ/bw
Encl: As stated

Form 20.

No. 1337-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**

State Office Building No. 2
Pierre, South Dakota 57501

Date _____

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

Portions of the NE¹, Section 6, T112N, R61W, described
in Water Permit No. 1337-3

formerly owned by Menno Tschetter, Huron

has been transferred to LELAND & James Kleinsasser, Rte. 2, Box 285, Huron

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1337-3 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~~ as evidence of the change of ownership.

WATER RIGHTS COMMISSION

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.

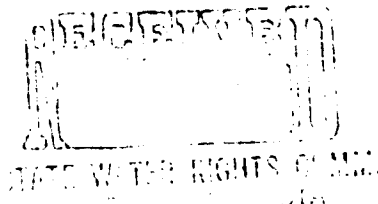
STATE OF SOUTH DAKOTA)
County of Beaumont) ss.

I, James Kleinsasser, 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.

James Kleinsasser
(Signed)

Subscribed and sworn to before me this 11 day of January, 1960

Notary Public
(Notary Public)





Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

November 15, 1975

James Kleinsasser
Route 2
Huron, S.D. 57350

Dear Mr. Kleinsasser:

Enclosed herewith is your Water Right Permit No. 2387-3 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 2387-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a Water Right.

P.S. You will note that the applicable portions of Permit No. 1337-3 have been incorporated into this Permit, and Permit No. 1337-3 has been cancelled.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

31, 113, 61

100 ACRES

CENTER SECT. 32, 113, 61

31 32

T 113 N, R. 61 W.

T 112 N, R. 61 W.

65

ANYWHERE ON THE OWNERSHIP JAMES RIVER BANK

#2

10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100

10 + 12

92 AC.

← CENTER SECT 6, T112 N., R. 61 W.

I, HARLAN W. MEYER, FURTHER CERTIFIES THAT JOHN M. TSCHETTER OWNS THE E 1/2 OF THE N.E. 1/4 OF SECT 6, T112 N., R. 61 W. WHICH I HAVE SHOWN HERE ON DRAWN FOR THE PURPOSE OF APPLYING FOR APPROPRIATIVE WATER RIGHTS AS OF DEC 10, 1966

WITNESS MY HAND THIS 10TH DAY OF DECEMBER 1966

Harlan W. Meyer
Reg. LAND SURVEYOR #495

NOTE: THE NORTH 1/2 OF SECTION 6 IS A LARGE 1/2 SECTION.

~~MAP 749-3~~ Appl # 1337-3
(See # 769-3)