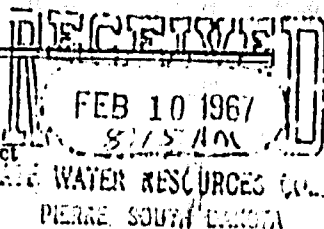


1. Considered May 15, 1967
2. Name of Applicant Goverman Corp
3. Post Office Address Mitchell
4. Amount of water claimed 11.43
5. Source of water supply James River
6. Water to be used for irrigated
 Acres to be irrigated 800
7. Water to diverted and used in Dallas County
 about 3 1/2 miles SE of Mitchell
8. Proof of Publication Received May 8
 Not Received _____
9. Application Approved ✓
 Subject to _____
 Not Approved _____
 Action deferred _____
10. Remarks:

Aug 10 1967

No. 1357-3Water Division No. 3James River District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant The Geyerman Corporation J.M. REC-AG, Inc.
 Postoffice address Mitchell, County Davison, State S. Dak.

I. If a corporation

- (a) Name of same The Geyerman Corporation
 (b) Date and place of incorporation February 1, 1947
 (c) Amount of capital stock \$150,000.00
 (d) Amount paid in \$104,600.00
 (e) Names and addresses of directors F. J. Geyerman, Mitchell, S. Dak.

W. C. Heism, Mitchell; F. J. Geyerman, Jr., Mitchell

(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)
Contract & Direct labor
 (b) Cash on hand, \$44,600.00
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, \$

2. Name of diversion work Geyerman River Project No. 3
 3. Amount of water claimed 44.5 9.15 cubic feet per second SEE PERMIT 1752-3
 4. Source of water supply James River
 5. Location of point of diversion Left Bank Sec 36-104-60 as on Permit No. 464-3 on Left bank Davison County.
 6. Annual period or periods during which water is to be used April 1st to Nov 1st
 7. To be used for:

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

- (a) Number of acres to be irrigated 800-680 (SEE PERMIT NO 1752-3) acres.
NE 1/4, NW 1/4, & SW 1/4 - Sec 30 incl.
 (b) Legal subdivisions to be irrigated NE 1/4 & SW 1/4 Sec 31-104, R. 59 W.

(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 # 967-3

8. Estimated cost of work:

(a) Head Gates, \$-----
 (b) Pumping plant, \$2800.00
 (c) Plumbing, \$-----
 (d) Canal-earth, \$1200.00
 (e) Other structures -----
 Rock, \$-----
 Total, \$-----

9. Description of diversion works:

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

Ditch To West Side SW 1/4 Sec 31 T104N R54E

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-FOOT CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----
 (d) Canal: Total length 710 feet 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 3 years.
 11. Time required for complete application of water to the proposed beneficial use 5 years.
 12. Choice of newspaper for publication of notice of intention to appropriate Daily Republic Mitchell S.D.

STATE OF SOUTH DAKOTA
 County of Davison ss.

I, William Helan, 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 _____ V Pres.

Subscribed and sworn to before me this 2nd day of February 1962

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

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, March 20, 1962

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock A.m. upon the 10 day of February, 1962.

State Water Resources Commission

By: Richard D Schuyler
For Chief Engineer, Executive Officer

Number of permit 1357-3

Date of first receipt of application February 10, 1962

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 February 10, 1962

Approved March 16, 1962, Recorded in Book 9 Page 244

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 September 16, 1968

2nd. The whole of said work is to be completed on or before March 16, 1970

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 16, 1972

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 11.43 cubic feet per second; neither shall it exceed the capacity of the above described system or 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 March 16, 1972; said water to be used during the following described annual period:

April 1st through November 1st
Witness my hand this 20 day of March, 1962.

State Water Resources Commission

By: Richard D Schuyler
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

On or before **February 16**, 19**67**
(First Publication, 19.....)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., **February 13**, 19**67**

Notice is hereby given that **the Geyerman Corporation** whose postoffice address is **Mitchell** 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 **11.43** cubic feet of water per second of time from the **James River** through the **Geyerman River Project 53** the point of diversion of which is to be located on the **left** **between two points** bank of said stream/in the **SW** $\frac{1}{4}$ of the **SW** $\frac{1}{4}$ of Section **36** **portions of** Twp. **104N** Range **60W** Said water to be used for the purpose of providing irrigation on the following described land:

N $\frac{1}{2}$ and SW $\frac{1}{2}$, Section 30, and E $\frac{1}{2}$ Section 31, all in T 104N, R59W.

~~xxxxxx~~ ~~xxxxxx~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **15th** day of **March**, 19**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
Water Right Specialist.

CC: Mr. E. M. Brady, Publisher
Daily Republic
Mitchell, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Davidson } ss.

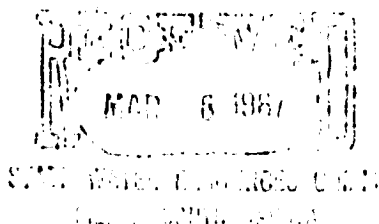
E. F. Brady being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Daily Republic a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City Mitchell of Davidson County of Davidson and State of South Dakota; that the said notice was published in said newspaper on the following dates:

February 15, 22, March 1, 8, 1967

in each and every issue of the full number thereof, the first publication being made on the 15th day of February 1967 and the last publication on the 8th day of March 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was General Manager the printer and publisher of the said newspaper.

E. F. Brady

Subscribed and sworn to before me this 8th day of March A. D. 1967



Notary Public E. F. Brady County, S. D.

APPROPRIATION OF WATER
No. 1357-3

Office of State Water Resources Commission, Pierre, S. Dak., February 10, 1967.

Notice is hereby given that the Geyerman Corporation, whose postoffice address is Mitchell, S. Dak., has made an application in accordance with the provisions of the water laws of Dakota for a permit to appropriate for beneficial use 11.43 cubic feet of water per second of time from the James River through the Geyerman River Project No. 3, the point of diversion of which is to be located on the left bank of said stream between two points in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 56 Twp 10N Range 60W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

N $\frac{1}{2}$ and SW $\frac{1}{4}$, Section 50, and W $\frac{1}{2}$ Section 31, all in T 104N, R 59W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of March, 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 any or all information presented.

State Water Resources Commission

By: Richard D. Schroyer
Water Right Specialist

1752-3; 404-3 and 1357-3

COMMISSIONERS

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

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. W.C. Helton
The Geyer Corp.,
PO Box 3, Ranbom
Mitchell, South Dakota

Dear Mr. Helton:

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.

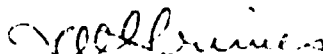
Because of the existing deficient supply of water in the James River to satisfy all authorized uses of the waters of this stream, the Water Resources Commission hereby orders that all withdrawals of water from the James River for irrigation purposes between the north boundary of Spink County and the 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.

1752-3; 404-3;

Please govern your use of irrigation water under your Water Right No. 6 1357-3 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/DE/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.

Form 20.

464-3, 1357-3 & 1752-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date March 1, 1973

This is to notify you that title to the land is as follows:

All of Section 36, except Lots A, C & D, Township 10N, R. 60W, Davison County,
South Dakota, the NW and NE 1/4 of Section 30, and the NW and SE 1/4 of Section 31,
Township 10N, R. 59, W, Hanson County, South Dakota

formerly owned by The Gayman Corporation

has been transferred to Jim - Rec - Ag, Inc.,

Box 936

Mitchell, South Dakota 57301

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 464-3, 1357-3, & 1752-3 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.

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 Davison) ss.

I, Don J. Kopsal, Secy. 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.

By Jim - Rec - Ag, Inc. Secy.
(Signed)

Suscribed and sworn to before me this 28th day of March, 19 73

[Signature]
(Notary Public)

JIM - REC - AG

LEONARD ROWLEY
R.R. #1, Box 85
FULTON, S.D. 57340



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 10, 1982

Gary Rowley
318 N Foster
Mitchell SD 57301

Dear Mr. Rowley:

In a conversation with Mrs. Leonard Rowley, August 9, 1982 concerning an address for Jim, Rec, Ag Inc, she indicated you were now the operator of the land covered under these permits. The files concerning these permits will be corrected to reflect this change. Jim, Rec, Ag Inc. will still be listed as the owner.

Mrs. Rowley also indicated you had some question as to the cutoff dates for these permits. Enclosed please find a copy of Water Right No. 464-3, Permit No. 1357-3 and Permit No. 1752-3. Please note the qualifications on the top of the second page of each permit. Water Right No. 464-3 has no specific cutoff date, and Permit No. 1357-3 and 1752-3 both have August 10th cutoff dates.

If you have any questions concerning the enclosed material, please contact this office.

Sincerely,

GENNY YOUNG
Water Rights Specialist

GY:ks

enclosure

 **Department of
Water & Natural Resources**

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

April 18, 1988

1752-3
1357-3
464-3

Dan Koupal
Jim-Rec-Ag, Inc.
Box 670
Mitchell, SD 57301

RE: James River Flow Conditions and Future Shut Off Orders

Dear Mr. Koupal:

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

James River flow conditions are as follows:

James River Flow* Record

Date	LaMoure	Ludden	Columbia**	Ashton	Huron	Forestburg	Scotland
04/06/88	81.2	(state	15.0	37.7	48.0	105	285
04/11/88	134	line)	12.4	34.3	39.4	60.9	167
04/13/88	150		8.99	21.4	34.3	55.7	122
04/14/88	159	190	21.3	34.3	32.0	50.8	115
04/15/88	142		57.0	45.6	32.0	48.9	112

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

1 cfs = 449 gallons per minute

** Sand Lake Refuge has increased releases due to inflows

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

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

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

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

Very truly yours,



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

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

June 28, 1988

NOTICE OF SHUTOFF ORDER

TO: Dan Koupal
Jim-Rec-Air, Inc.
Box 676
Mitchell, SD 57301

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

SUBJECT: Shut Off Order To James River Water Right Holders
Located Between Huron and the Yankton County Line,
Effective 12:00 Noon on July 4, 1988.

I am certain that you are aware that James River Flows are not enough to supply all water rights. Therefore, to protect the domestic uses (livestock watering) on the James River, effective 12:00 noon on July 4, 1988 no pumping of water from the James River is authorized until January 1, 1989 or until further notice.

Unless conditions change, it appears that no pumping will be allowed for the remainder of the 1988 irrigation season from the James River.

Let us know if you have any questions.

cc: Gene Stehly
Et 4, Box 265
Mitchell SD 57301

464-3
1752-3
1357-3



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

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

July 28, 1989

NOTICE OF SHUTOFF ORDER

1752-3
1357-3
464-3

TO: Dan Koupal
Jim-Rec-Ag, Inc.
Box 670
Mitchell, SD 57301

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

SUBJECT: Shut Off Order to James River Water Right Holders
Located between Huron and I-90 at Mitchell Effective
Noon August 3, 1989.

The flows in the James River have declined at Forestburg to approximately 5 cfs. Therefore to protect domestic uses (livestock watering) on the James River, effective at 12:00 noon on August 3, 1989 no pumping of water from the James River is authorized until January 1, 1990 or until further notice.

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

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

cc: Gene Stehly, Operator
Rt 4, Box 265
Mitchell SD 57301



L

**South Dakota Department of
Water & Natural Resources** 5207-3

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

SEP 14 1989

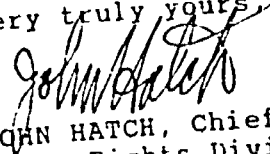
Jim-Rec-Ag Corporation
G.H. Shanard, President
P.O. Box 1023
Mitchell, SD 57301

Dear Mr. Shanard:

Enclosed is Water License No. 5207-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411889 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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, Chief Engineer
Water Rights Division
605 773-3352

enclosures

NOTE: The applicable portions of Water Right No. 464-3 and Permit Nos. 1357-3 and 1752-3 are incorporated into this Water License No. 5207-3.