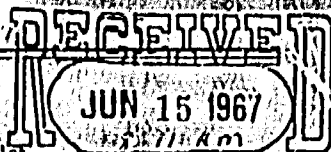


1415-3

1. Considered July 19, 1967
2. Name of Applicant Mervin Durham
3. Post Office Address Geddes
4. Amount of water claimed 6.78
5. Source of water supply Missouri River
6. Water to be used for irrigation
Acres to be irrigated 475
7. Water to be diverted and used in Chas. Mix County
about 25 miles of Geddes
8. Proof of Publication Received July 18
Not Received _____
9. Application Approved ✓
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 14153Water Division No. 3

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Merwin DurhamPostoffice address Geeddes, County Charles Mix, State SD~~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 this 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 labor(b) Cash on hand, \$ adequate

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work Merwin Durham Irrigation Project No. 13. Amount of water claimed 6-78.50 cubic feet per second4. Source of water supply Fort Randall Reservoir5. Location of point of diversion Between PTA 640'E 12840'N & PT B 1470'N 4200'Wof SW Corner Sec 1-T96N R67W on East bank Chas. Mix 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? Sprinkling(a) Number of acres to be irrigated 475.35 acres.(b) Legal subdivisions to be irrigated See Attached A.P.R. No. 1

(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 # 1025-3

8. Estimated cost of work:

(a) Head Gates, \$-----

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

(e) Other structures -----

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

(b) Pumping plant, \$ 37.00

Rock, \$-----

Total, \$-----

9. Description of diversion works:

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

Pumping Plant

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 WATERLINE	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 -----

Chas. Mix Co. News

Grades 50

STATE OF SOUTH DAKOTA

County of Charles Mix

ss.

I, Marion E. Dink, 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 Marion E. Dink

Subscribed and sworn to before me this

13

day of

June

1967

Notary Public (or other qualified officer.)

AREAS BY LEGAL SUBDIVISION

ACRES	SECTION	TOWNSHIP	RANGE	MERIDIAN
160	NW 1/4 6	96 N	46 W	5TH PRINE
103	NE 1/4 1	96 N	47 W	"
137	SE 1/4 1	96 N	47 W	"
75	SW 1/4 1	96 N	47 W	"
475	TOTAL			

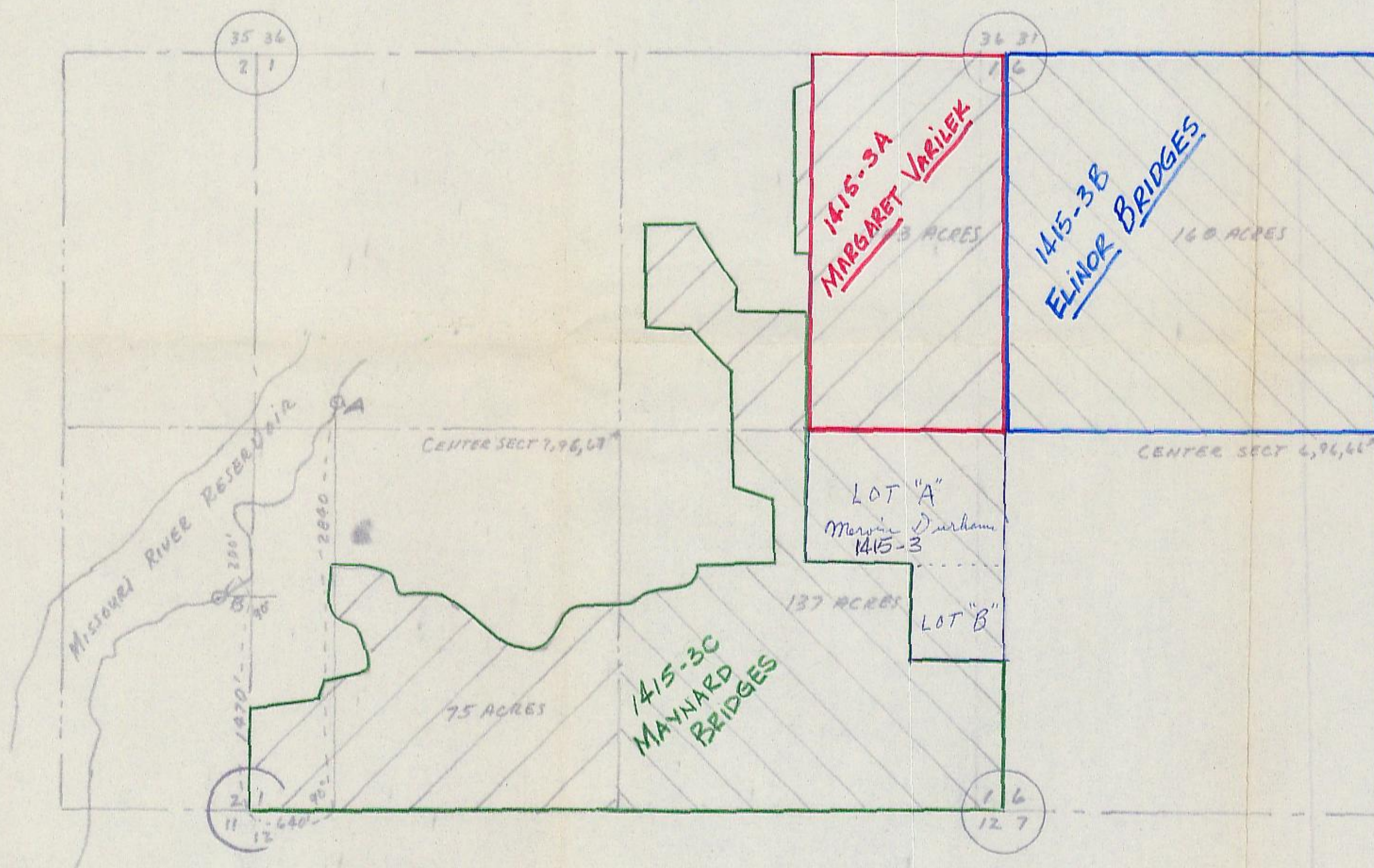
SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS
I HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF MERVIN DURHAM
SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON JUNE 6, 1967 FOR WHICH APPLICATION
FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 6TH DAY OF JUNE 1967

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS
SUBSCRIBED AND SWORN TO BEFORE ME THIS 6TH DAY
OF JUNE 1967.

Harlan W. Meyer
REG. LAND SURVEYOR
Carroll Johnson
NOTARY PUBLIC

SCALE 1" = 660'



NOTE: POINTS A & B ARE POINTS OF PROPOSED DIVERSION

MERVIN DURHAM IRRIGATION PROJECT NO 1
SHOWING AREA & DIVERSION POINTS WHERE WATERS
IS PROPOSED TO BE DIVERTED AND REQUEST FOR
PERMIT TO DIVERT THE SAME

OWNER Mervin Durham MERVIN DURHAM
Appl # 1415-3
SURVEYOR Harlan W. Meyer HARLAN W. MEYER
JUNE 1967

AREAS BY LEGAL SUBDIVISION

ACRES	SECTION	TOWNSHIP	RANGE	MERIDIAN
160	NW 1/4 6	96 N	66 W	5TH PRIME
103	NE 1/4 1	96 N	67 W	"
137	SE 1/4 1	96 N	67 W	"
75	SW 1/4 1	96 N	67 W	"
475	TOTAL			

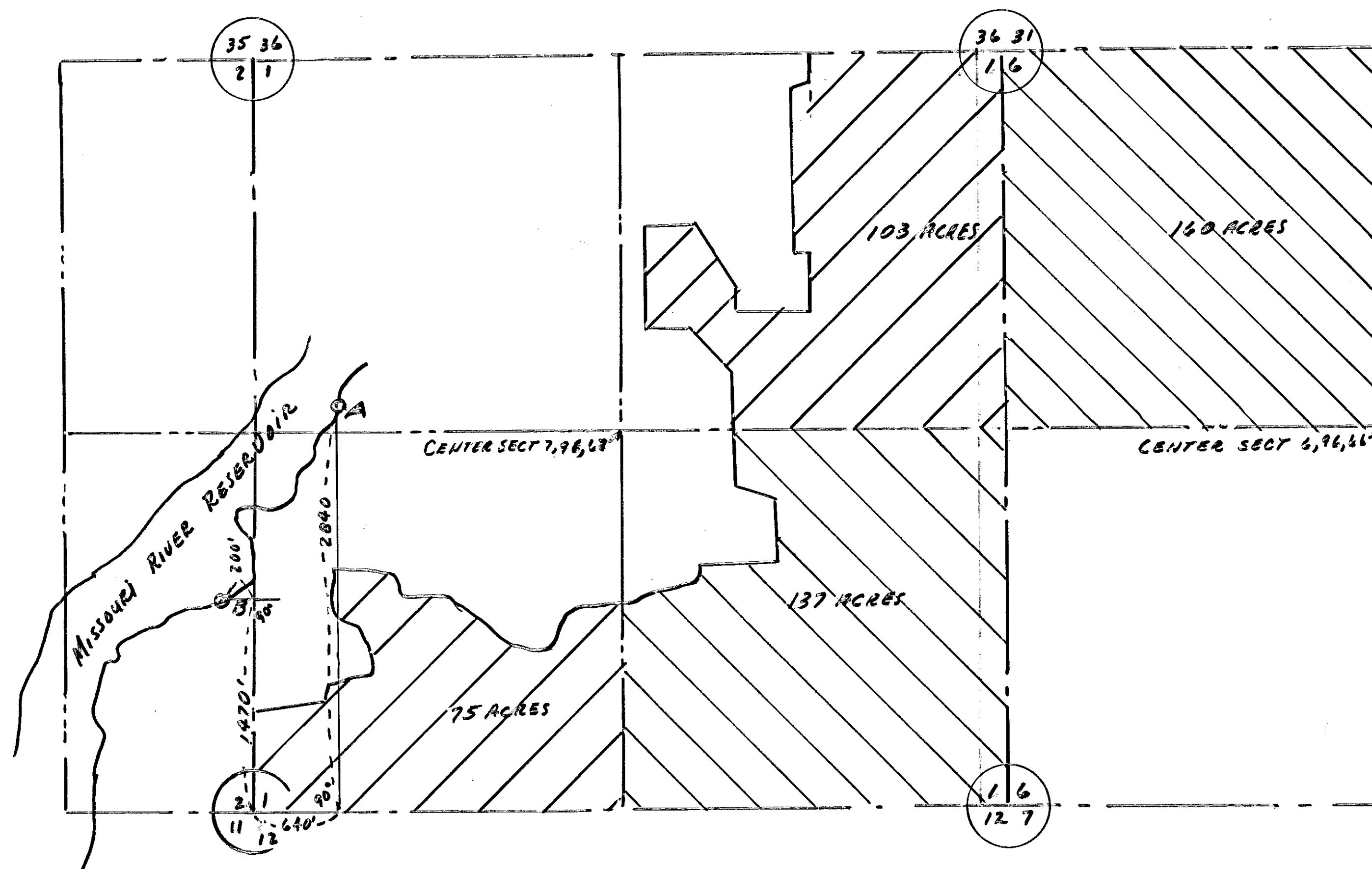
SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF MERVIN DURHAM
SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON JUNE 6, 1967 FOR WHICH APPLICATION
FOR APPROPRIATIVE WATER RIGHT IS MADE AND THAT THIS MAP
IS A TRUE REPRESENTATION THERE OF.
WITNESS MY HAND AND SEAL THIS 6TH DAY OF JUNE 1967

Harlan W. Meyer
REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA)
COUNTY OF BEADLE) SS
SUBSCRIBED AND SWORN TO BEFORE ME THIS 6TH DAY
OF JUNE 1967.

Carroll Johnson
NOTARY PUBLIC



NOTE: POINTS A & B ARE POINTS OF PROPOSED DIVERSION

MERVIN DURHAM IRRIGATION PROJECT NO 1
SHOWING AREA & DIVERSION POINTS WHERE WATERS
IS PROPOSED TO BE DIVERTED AND REQUEST FOR
PERMIT TO DIVERT THE SAME

OWNER

Mervin Durham

SURVEYOR

Harlan W. Meyer

JUNE 1967

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, July 24, 1967

This is to certify that the foregoing application was received by the Commission at 8:11 o'clock
A.m. upon the 15th day of JUNE, 1967

State Water Resources Commission

By: Richard D Schuyler
for Chief Engineer, Executive Officer

Number of permit 1415-3

Date of first receipt of application JUNE 15, 1967

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 JUNE 15, 1967

Approved JULY 19, 1967, Recorded in Book 9 Page 325

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 JANUARY 19, 1969
- 2nd. The whole of said work is to be completed on or before JULY 19, 1970
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JULY 19, 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 6.78 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 no 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 JULY 19, 1972; said water to be used during the following described annual period:

April 1st through November 1st
24th

Witness my hand this 24th day of JULY, 1967

State Water Resources Commission

By: Geo. L. Bunker
Chief Engineer, Executive Officer

Certificate of Construction issued MARCH 11, 1975

Water License issued MARCH 11, 1975

Areas by Legal Subdivision

Acres	Section	Township	Range	Meridian
160	NW $\frac{1}{4}$ Sec. 6	96N	66W	5th Prime
103	NE $\frac{1}{4}$ Sec. 1	96N	67W	" "
137 35	SE $\frac{1}{4}$ Sec. 1	96N	67W	" "
75	SW $\frac{1}{4}$ Sec. 1	96N	67W	" "

Total ~~475~~ Acres

35

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1415-3

(1) WHEREAS, On the 15th day of June, A. D. 1967
Hervin Durham

made Water Right Application No. 1415-3 for a permit to use 6.86 cubic feet per second of the waters of the Missouri River
 County of Charles Mix, State of South Dakota, for Irrigation

(2) WHEREAS, On the 24th day of July, A. D. 1967
1415-3 purposes; and
 Permit No. 1415-3 with a date of priority of June 15, 1967

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 19th day of July, A. D. 1970 and for the application to beneficial use of said water on or before the 19th day of July, A. D. 1972

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.46 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:

Section 1, T96N, R67W	N $\frac{1}{2}$ NE $\frac{1}{4}$	23 acres
	SE $\frac{1}{4}$	137 acres
	SW $\frac{1}{4}$	75 acres
Section 6, T96N, R66W	NW $\frac{1}{4}$	160 acres
	Total	395 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 Mervin Durham

_____ of Gedden, S.D.

the holder _____ and owner _____ of said permit No. 1415-3 a water right, dating from June 15, 1967

_____ to use of 2.46 cubic feet per second of the waters of the Missouri River

in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at _____

between points 640 feet East and 2840 feet North and 1470 feet North and 200 feet West of the SW Corner, Section 1, T96N, R67W

and conduct to and upon portions of Section 1, T96N, R67W and Section 6, T96N, R66W,
more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1415-3 and subject to the laws of the State of South Dakota.

WITNESS My hand and seal of our office at Pierre, South Dakota
this 11th day of March A. D.
Nineteen Hundred and Seventy-five

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

Form 15.

Permit No. 1415-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Nervin Durham

_____ the holder _____ of
Permit No. 1415-3, issued upon Application No. 1415-3, bearing date of priority of June 15,
1967 authorizing the diversion of 6.78 cu. ft. per second of the waters of _____
County of Charles Mix, State of South Dakota at _____
between points 640 feet East and 2840 feet North and 1470 feet North and
200 feet West of the SW Corner, Section 1, 196N, R67W
_____, for irrigation

_____, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.46 cu. ft. per second of water.

Date March 11, 1975

By: WATER RIGHTS COMMISSION

DONALD DRISCOLL
Chief Engineer

On or before
(First Publication June 22, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 16, 1967

Notice is hereby given that **Marvin Durham** whose postoffice address is **Geddes** S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use **6.78** cubic feet of water per second of time from the **Missouri River** through the **Durham Irrigation Project #1**, the point of diversion of which is to be located on the **left** bank of said stream/in the **NE** $\frac{1}{4}$ of the **SE** $\frac{1}{4}$ of Section **2**, both in **portions of** Twp. **96N** Range **67W**. Said water to be used for the purpose of providing irrigation on the following described land:

N $\frac{1}{2}$ and SW $\frac{1}{4}$, Section 1, T96N, R67W and NW $\frac{1}{4}$ Section 6, T96N, R66W.

and for **XXXXXXXXXX**

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **19th** day of **July**, 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: **Harold O. Williams, Publisher**
Charles Mix County News
Geddes, S.D.

Charles Mix County News

Geddes, S. Dak.

AFFIDAVIT OF PUBLICATION

Harold Williams (*Angela Head*) being duly sworn, deposes and says: That he is a resident of Charles Mix County, and State of South Dakota; that the Charles Mix County News is a weekly newspaper of general circulation, printed and published in the City of Geddes, in said County and State, published once each week, printed in the English language, and has a bona fide circulation of at least 200 copies weekly, has been admitted to the U. S. mail under the second class mailing privilege for at least one year prior to the publication of the annexed notice, and said newspaper is printed either in whole or in part in the office maintained at the above place of publication, that the said newspaper has been published as aforesaid continuously for more than one year last preceding the publication of said notice and is a legal newspaper.

That the affiant is the publisher (*James*) of said newspaper, in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit;

and that the notice and advertisement headed *Notice of Intention to appropriate water*

which is hereto attached, was printed and published in the Charles Mix County News for *four* issues, the first publication being made on

Thursday, the *22nd* day of *June*, A. D. 19*67* and the succeeding publications were made severally on

Thursday, the *29th* day of *June*, A. D. 19*67*

Thursday, the *6th* day of *July*, A. D. 19*67*

Thursday, the _____ day of _____, A. D. 19____

Thursday, the _____ day of _____, A. D. 19____

Thursday, the _____ day of _____, A. D. 19____

Thursday, the _____ day of _____, A. D. 19____

Thursday, the _____ day of _____, A. D. 19____

and the last publication being made on

Thursday, the *13th* day of *July*, A. D. 19*67*

That the fee for publishing said notice is the sum of \$*1.50*.

Subscribed and sworn to before me this *13th* day of

July, A. D. 19*67*

Harold Williams

Notary Public, in and for Charles Mix Co., S. D.

My commission expires *Dec.*, A. D. 19*74*

NOTICE OF INTENTION TO APPROPRIATE WATER

No. 1415-3

Office of State Water Resources Commission

Pierre, S. Dak., June 16, 1967

Notice is hereby given that Marvin Durham, whose postoffice address is Geddes S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 6.78 cubic feet of water per second of time from the Missouri River through the Durham Irrigation Project No. 1, the point of diversion of which is to be located on the left bank of said stream between a point in the SW 1/4 NW 1/4, Section 1, and a point in the NE 1/4 of the SE 1/4 of Section 2, both in Twp. 96N Range 67W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

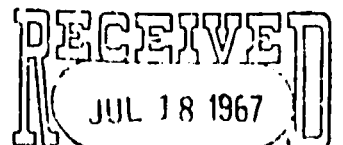
E 1/2 and SW 1/4, Section 1, T96N, R67W and NW 1/4 Section 6, T96N R67W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 19th day of July, 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
Pub. June 22, 29, July 6, 13



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 1415-3Water Division 3 MISSOURI RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

WATER RIGHTS COMMISSION

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 MERVIN
DURHAM of GEDDES, SOUTH DAKOTA holder
of Permit No. 1415-3, bearing date of priority of JUNE 15, 19 67
authorizing the diversion of 6.76 cu. ft. per second of the waters of MISSOURI RIVER
for IRRIGATION purposes, in CHARLES MIX 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:

4 INCH CENTRIFUGAL CORNELL PUMP - MODEL 4H2
155 CUBIC INCH-V-6-140 H.P. CUMMING DIESEL ENGINE

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

4000 FEET OF 8 INCH ALUMINUM PIPE

C. Works used to apply water to beneficial use.

SPRINKLER SYSTEM WITH TWO 4 INCH TOWLINES
OF 2000 FEET EACH IN LENGTH

The system is in the following condition: VERY GOOD FEET

The point of diversion is located BETWEEN POINT "A" 640 FEET EAST AND 2840 FEET
NORTH AND POINT "B" 1470 FEET NORTH AND 200 FEET WEST OF
SW 1/4 CORNER SEC. 1, T 96N R 67W

The works are capable of diverting and conveying to the place of use 2.46cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: AS SHOWN ON WR MAP 1025-3

NW 1/4 SEC. 6 T 96N R 66W - 160 ACRES
NE 1/4 SEC. 1 T 96N R 67W - 2.3 ACRES
SE 1/4 SEC. 1 T 96N R 67W - 137 ACRES
SW 1/4 SEC. 1 T 96N R 67W - 75 ACRES

comprising a total of 395 acres of land.

P.S. FOR LETTER OF NOTIFICATION:

THE LICENSE WILL COVER 395 ACRES AND WILL NOT INCLUDE
THE E 1/2 OF THE NE 1/4 OF SECTION 1, T 96N, R 67W IN AS
MUCH AS WE HAVE RECEIVED WRITTEN NOTICE THAT THIS LAND
IS NOW OWNED BY MARGARET VARILEK.

SEND TO: MERVIN DURHAM
GEDDES, SOUTH DAKOTA

Date MAY 17, 1974

Thomas Gardner
(Signature)

THOMAS GARDNER
WATER RESOURCES ENGINEER

#1418-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

Maynard Bridges
RR 1, Box 108
Geddes, SD 57342

Dear Mr. Bridges:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

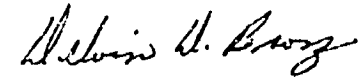


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

MARGARET VARILEK
GEDDES SD 57342

NOTICE

RE: Violation of Water Permit No(s) 1415-3A

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1415-3A. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1415-3A qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

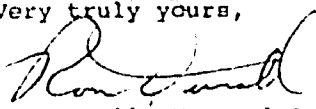
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 1415-3A until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the back of the form. This will prevent this card from being returned to you. The return receipt fee will be paid by the name of the person delivered to and the date of delivery. For additional fees, the show no service fee, and the cost of postage for fees and check box(es) for additional services requested.

1. ☒ Show to whom delivered, date, and address of addressee
2. ☐ Restricted Delivery (Exchange)

3. Article Addressed to:

MARGARET VARILEK
GEDDES SD 57342

4. Article Number

P694 057 481

Type of Service:

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

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature -- Addressee

X

6. Signature -- Agent

X

7. Date of Delivery

2-4-91

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

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 21, 1991

Elvern Varilek
Geddes, SD 57342

RE: Irrigation Questionnaires for Water Permit Nos. 101-3,
1074-3, 1254-3, 1404-3, 1415-3A, 1508-3A, 1787-3, 2089-3,
2090-3, 2272-3, 2566-3, and 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for the above listed Water Permits. You may disregard the February 1, 1991, Notice of Failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 25, 1992

SECOND NOTICE
PERMIT NO. 1415-3

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

On February 7, 1992, notice was sent to you concerning the transfer of Water Right No. 1415-3 in the name of Maynard Bridges. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The right can then be transferred to your name. If you are not the present owner of the land covered under this right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate waver to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3252.

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER: • Complete items 1 and/or 2 for additional services • Complete items 3, and 4a & b • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on this mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: 1415-3 Elvern Varilek Geddes, SD 57342		4a. Article Number P 906 559 903	
		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
		7. Date of Delivery e-26-92	
5. Signature (Addressee) <i>Margaret Varilek</i>		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent)			

Thank you for using Return Receipt Service.



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

February 7, 1992

1415-3

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

Enclosed, as we discussed, is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1415-3. The water right is currently listed in the name of Maynard Bridges.

The transfer form should be checked over for accuracy and signed in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

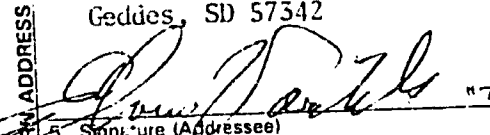
South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosure

Is your RETURN ADDRESS completed on the reverse side? SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • The Return Receipt will show to whom the article was delivered and the date delivered.	I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.		
	3. Article Addressed to: 1415-3 Elvern Varilek Geddes, SD 57342	4a. Article Number P 906 559 935	
	5. Signature (Addressee) 	4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
	6. Signature (Agent)	7. Date of Delivery 9-34-92- 8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1991 U.S.G.P.O.: 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1415-3

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

August 11, 1993

No. 1415-3

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1415-3. The water right is currently listed in the name of Mervin Durham - Maynard Bridges.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-70.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 22, 1992

THIRD NOTICE
WATER RIGHT NO. 1415-3

Elvern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

On February 7, 1992 and June 25, 1992, notices were sent to you concerning the transfer of Water Right No. 1415-3 in the name of Maynard Bridges. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water right. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact Genny McMath (605) 773-3352.

Very truly yours,

RON DUVAL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure



1415-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 6, 1994

SECOND NOTICE
Permit No. 1415-3

Eivern Varilek
Geddes, SD 57342

Dear Mr. Varilek:

On August 11, 1993, notice was sent to you concerning the transfer of Water Right No. 1415-3 in the name of Mervin Durham - Maynard Bridges. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

3. Article Addressed to:

Elvern Varilek
Geddes, SD 57342

5. Signature (Addressee):

6. Signature (Agent)

1415-3

4a. Article Number

F 318 052 614

4b. Service Type

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

7. Date of Delivery

7-18-94

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

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

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

Consult postmaster for fee.

Thank you for using Return Receipt Service.



February 16, 1994

ELVERN VARILEK
GEDDES SD 57342

1415-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 1415-3, 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 and 1993 Irrigation Questionnaire Requirements

Our records indicate that the 1993 Irrigation Questionnaire has not been submitted for Permit No(s) 1415-3, 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3. The request for the Questionnaires was dated October 18, 1993. The Water Management Board has directed that owners of water permits who have not submitted the 1993 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 1415-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 qualification:

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

The hearing will be held at 8:45 am, April 6, 1994, at the Golden Hills Resort, 900 Miners Avenue, Lead, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 201-3, 1074-3, 1404-3, 1508-3A, 2089-3, 2090-3, 2272-3, 2566-3, & 4638-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office on/or before April 1, 1994, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



1415-3

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

March 7, 1994

Elvern Varilek
Geddes, SD 57342

RE: 1993 Irrigation Questionnaires for Water Permit/Right Nos. 201-3, 1074-3, 1254-3,
1404-3, 1415-3, 1415-3A (Margaret's), 1508-3A, 1787-3, 2089-3, 2090-3, 2272-3,
2566-3 & 4638-3

Dear Mr. Varilek:

I am writing to acknowledge receipt of your 1993 irrigation questionnaires. The questionnaires were completed for you following our March 4th telephone conversation. You may disregard the February 16, 1994, **Notice of Violation of Water Permits**.

The questionnaires were completed and on file in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1415-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 4, 1994



1415-3

Elvern Varilek
Box 167
Geddes, SD 57342

Elvern:

Thank you for completing the "Notice of Transfer of Ownership" form for Water Right No. 1415-3. When returning with the form, Barry said he forgot to mention to you that a filing fee was required before the transfer could be recorded.

A \$2.50 fee is required for filing a transfer of ownership. Please remit the fee as soon as possible. Upon receipt of the fee, Water Right No. 1415-3 will be transferred to Margaret's name.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3332



1415-3

May 12

Dept. of Environmental & Natural Resources,

Enclosed find a check to
cover the fee for transfer of a
water permit to Margaret Varilek

Thank you.

Elmer Varilek

1415-3

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1415-3

Date: 4-18-94

I\We request that Water Right No. 1415-3

formerly owned by: Mervin Durham - Maynard Bridges

be transferred to: (name & address) Margaret Varilek
Box 167 Sebelia, S.D. (Telephone No) 337-2322

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

NE¼SE¼ Section 1, T96N, R67W

I\We understand that the validity of Water Right No. 1415-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Charles Mix)

I\We Harold T. Torgerson 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 that I know of my own personal knowledge that the information herein stated is true.

Harold T. Torgerson
(Signed)

Subscribed and sworn to before me this 18 day of April, 1994.

Harold Torgerson
(Notary Public)
4-18-94

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

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

RECEIPT

414170

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ May 15 _____, 19 94

RECEIVED OF Margaret Varilek, Box 67, Cades, SD 57342

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1415-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By *John H. H. H. H.*
Chief Engineer



1415-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 26, 1994

No. 1415-3

Margaret Varilek
Box 167
Geddes, SD 57342

Dear Ms. Varilek:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1415-3.

Our records now show you as the owner of Water Right No. 1415-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



1415-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

2566-3

Elvern Varilek
Box 27
Geddes, SD 57342

Dear Mr. Varilek:

Enclosed is Water License No. 2566-3 and Receipt No. 414311 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2566-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3552

ks
enclosures

NOTE: The applicable portions of Water Right Nos. 1415-3 and 1415-3A have been incorporated into this Water License No. 2566-3.

NOT TO SCALE

11M-325

1974

97-67 Marcot Vasilek

(1-286)

76.8

61.0

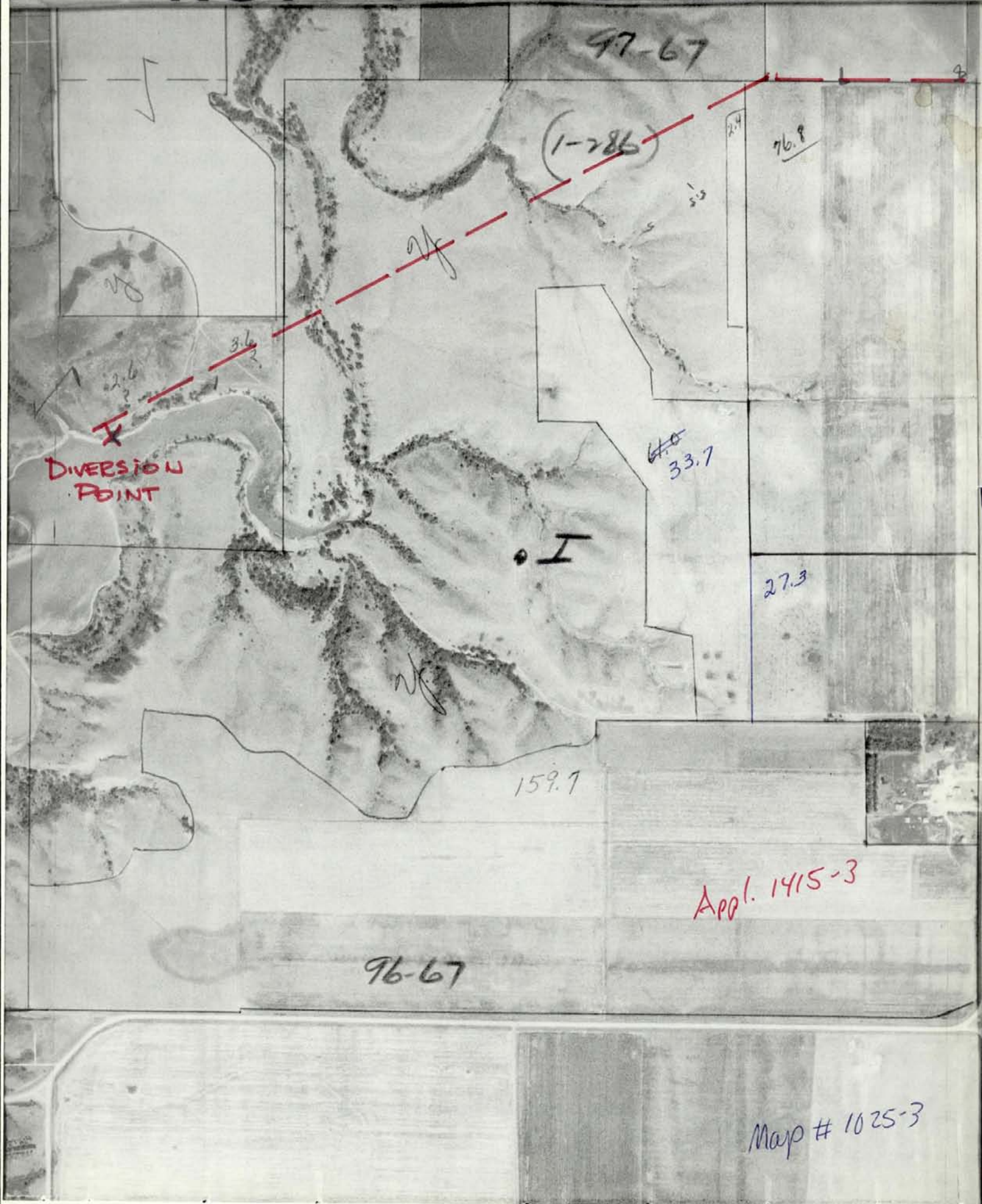
159.7

Appl. 1415-3

96-67

Map #1025-3

NOT TO SCALE



80 AC WALLACE JOHNSON

6.3 43.5
170 AC

WALLACE JOHNSON

(1-284)

26.6

12.1

8.4

134.8

14.5

31

204.9

ELVERN VARILEK

Appl. #1415-3

97-66

21.3

108.8

(1-284)

113.6

map # 10257