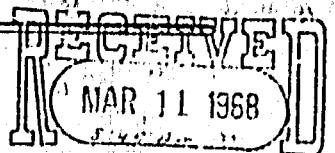


1. Considered 5-22, 1968 1534.3
2. Name of Applicant MELVIN LINNETT
3. Post Office Address GEDDES
4. Amount of water claimed .85
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
- Acres to be irrigated 60
7. Water to be diverted and used in CHARLES MIX county
about 10 miles 5 of GEDDES
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1534-3Water Division No. 3 MISSOURI RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM. I.
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 McLennan-Bennett - Wallace E. Johnson
 Postoffice address Reedley, 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 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 + Labor

(b) Cash on hand, \$ adequate (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work Bennett Irrigation Project No. 1
3. Amount of water claimed 857 cubic feet per second
4. Source of water supply Francis Case Missouri River
5. Location of point of diversion 2420' S + 2640' W of NE Corner Sec. 24
T96N, R67W on East bank Charles 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?
- Sprinkler

(a) Number of acres to be irrigated 60 acres.
40 ac NW 1/4 of NE 1/4 of SW 1/4 of NE 1/4 T96N, R67W Sec. 24

(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 house power
 Amount claimed for engine cooling
- (c) Location of plant
- (d) Method of developing power
- (e) Point where water will be returned to stream

MAP NO 1116-3

8. Estimated cost of work:

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

(b) Pumping plant, \$ 800

(c) Flurning, \$.....

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

Roc

(e) Other structures

Total, \$.....

9. Description of diversion works:

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

Pumping Plant

11. 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.....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

Charles Mix County News

Bedford, SD

STATE OF SOUTH DAKOTA

County of Charles Mix

us.

1. X. Melvin Bennett

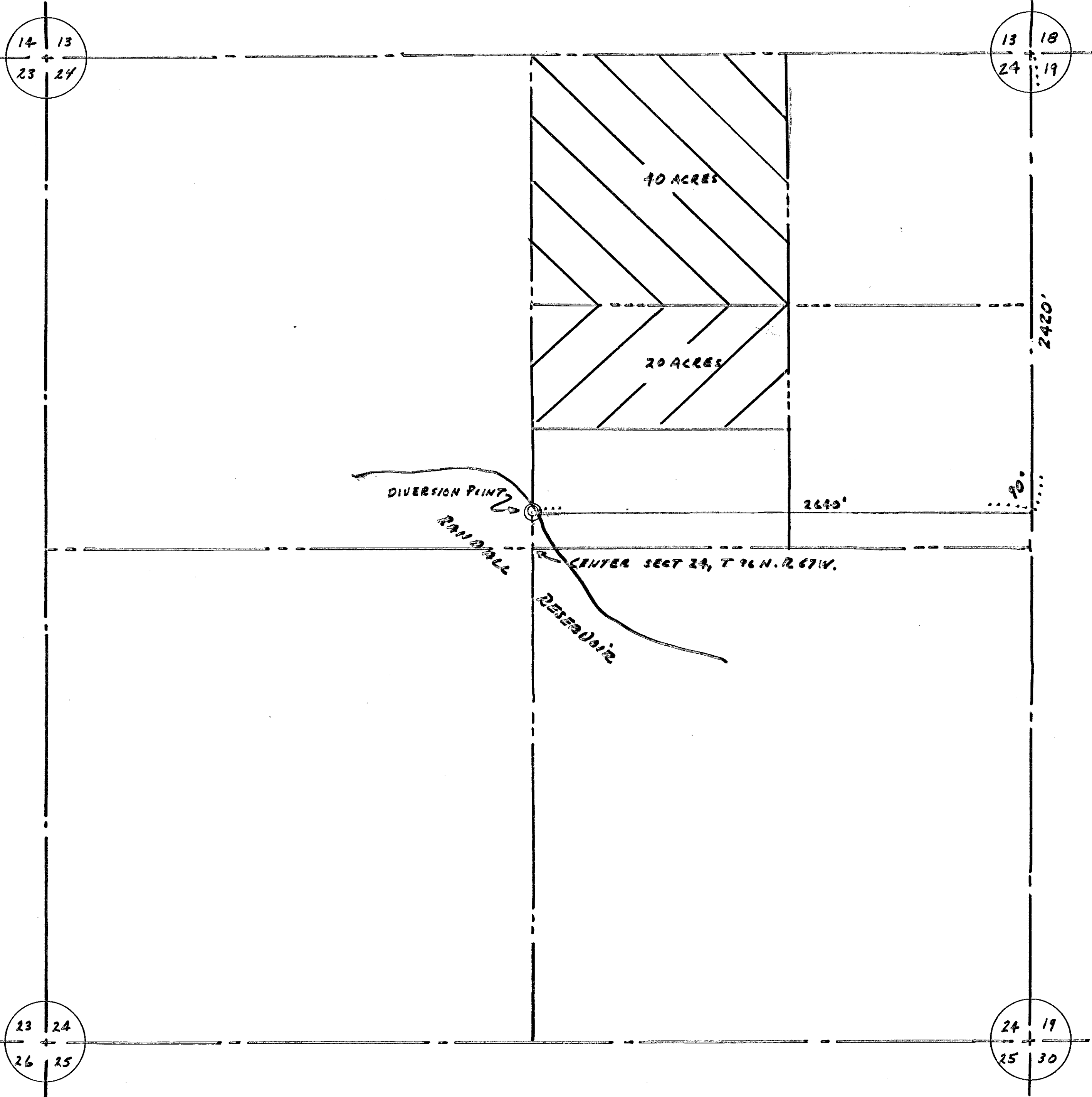
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed x Melvin Bennett

Subscribed and sworn to before me this 8th day of March 1968

Notary Public (or other qualified officer.)

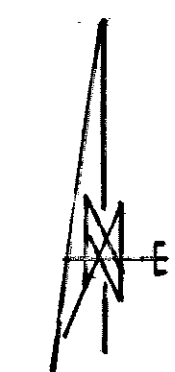
*If a diversion must have a headgate or measuring device.



AREAS BY LEGAL SUBDIVISION
40 ACRES: NW 1/4, NE 1/4 } SECT. 24, T.96 N., R.67 W., 5TH PM.
20 N 1/2, SW 1/4, NE 1/4
60 ACRES TOTAL

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF MELVIN BENNETT,
SOLE OWNER, I HAVE SHOWN THE LANDS PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON FEB 11, 1968 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 11TH DAY OF FEB 1968
Harlan W. Meyer
REG. LAND SURVEYOR #495

STATE OF SOUTH DAKOTA) SS
COUNTY OF BEADLE)
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11TH DAY
OF FEB 1968
Carrie Johnson
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 10, 1972



SCALE 1" = 400'

MELVIN BENNETT IRRIGATION PROJECT NO 1
SHOWS AREA TO BE IRRIGATED & DIVERSION POINT
- FOR PERMIT TO BE APPROPRIATE WATER

OWNER MELVIN BENNETT
SURVEYOR HARLAN W. MEYER
FEB. 1968

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 24, 1968

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
9 a.m. upon the 11TH day of MARCH, 1968

State Water Resources Commission

By:

Burton J. [Signature]
for Chief Engineer, Executive Officer

Number of permit 1534.3

Date of first receipt of application MARCH 11, 1968

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 MARCH 11, 1968

Approved MAY 22, 1968, Recorded in Book 10 Page 176

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 NOVEMBER 22, 1969

2nd. The whole of said work is to be completed on or before MAY 22, 1971

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

MAY 22, 1973

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 85 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 MAY 22, 1973; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1
Witness my hand this 24TH day of MAY, 1968

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 30, 1973

Water License Issued NOVEMBER 30, 1973

Form 15.

Permit No. 1534-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This to Certify, That ~~Nelson Bennett~~ WALLACE JOHNSON

_____ the holder _____ of
Permit No. 1534-3, issued upon Application No. 1534-3, bearing date of priority of March 11,
1968 authorizing the diversion of .35 cu. ft. per second of the waters of
the Missouri River County of Charles Mix, State of South Dakota at
a point approximately 2460 feet South and 2640 feet West of the NE Corner,
Section 24, T96N, R67W

_____, for irrigation

purposes, 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 1.33 cu. ft. per second of water.

Date November 30, 1973

~~WATER RIGHTS COMMISSION~~

By: WATER RIGHTS COMMISSION

DONALD DRISCOIL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1534-3

(1) WHEREAS, On the 11th day of March A. D. 19 68

~~Helvin Bennett~~ WALLACE JOHNSON

made Water Right Application No. 1534-3 for a permit to use .85 cubic feet per second of the water of the Missouri River

County of Charles Mix, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 24th day of May A. D. 19 68

Permit No. 1534-3, with a date of priority of March 11, 1968

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 22nd day of May A. D. 19 71 and for the application to beneficial use of said water on or before the 22nd day of May A. D. 19 71

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 .85 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 lands in Section 24, T96N, R67W

<u>NW 1/4 NE 1/4</u>	<u>40 acres</u>
<u>N 1/4 SW 1/4 NE 1/4</u>	<u>20 acres</u>
<u>Total</u>	<u>60 acres</u>

(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 _____ Belvin Bennett

_____ of _____ Geddes
the holder _____ and owner _____ of said permit No. 1534-3 a water right, dating from March 11, 1968
_____ to use of .85 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 hereinafter mentioned, to be diverted at a point approximately 2460 feet South and
2640 feet West of the NE Corner, Section 24, T96N, R67W

and conduct to and upon portions of the NE 1/4, Section 24, T96N, R67W, more fully described
on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1534-3 and subject to the laws of the State of South Dakota

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of November _____ A. D.
Nineteen Hundred and Seventy-three

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer DONALD DRISCOLL

on or before
 (First Publication) April 25, 1968

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Pierre, S. Dak., April 2, 1968.

Notice is hereby given that Melvin Bennett 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 .65 cubic feet of water per second of time from the Missouri River through the Bennett Irrigation Proj. #1, the point of diversion of which is to be located on the east bank of said stream in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24 Twp. 96N Range 67W. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$, NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 24, T96N, R67W

~~and for~~

~~purposes:~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May, 1968, at 2:00 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

cc: Melvin Lennett, Geddes, S.D.

By:

~~Chief Engineer, Executive Officer~~

BUKTON F. JONES

Water Resources Commission

1534-2

Charles Mix County News

Geddes, S. Dak.

AFFIDAVIT OF PUBLICATION

Harold Williams (.....) 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 (.....) 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

Appropriation of Water

....., a printed copy of which is hereto attached, was printed and published in the Charles Mix County News for issues, the first publication being made on

Thursday, the day of A. D. 1968 and the succeeding publications were made severally on

Thursday, the day of A. D. 1968

Thursday, the day of A. D. 1968

Thursday, the day of A. D. 1968

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Thursday, the day of A. D. 1968

Thursday, the day of A. D. 1968

Thursday, the day of A. D. 1968

Subscribed and sworn to before me this day of May, A. D. 1968.

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

My commission expires A. D. 1968

APPROPRIATION OF WATER

Office of
State Water Resources
Commission

Pierre S. D., April 2, 1968

Notice is hereby given that Melvin Bennett, 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 .85 cubic feet of water per second of time from the Missouri River through the Bennett Irrigation Project No. 1, the point of diversion of which is to be located on the east bank of said stream in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 24, Twp. 96N, Range 67W. Said water to be used for the purpose of providing irrigation on the following described land:

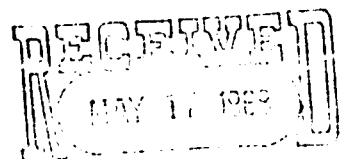
NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 24, T96N, R67W

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 22nd day of May, 1968, at 2:00 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: Burton F. Jones,
Water Resources Commission
P. S. April 11-18-25-May 2



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

DACH45-2-69-6006

ON FORT RANDALL DAM, LAKE FRANCIS CASE PROJECT, SOUTH DAKOTA

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, Section 2669, hereby grants to

Melvin Bennett
Geddes, South Dakota

hereinafter designated as the grantee, for a period ~~XXXXXX~~ coextensive with State Water Permit No. 1534-3
(~~XXXXXX~~ an easement for a right of way for

the installation, operation and maintenance of a portable irrigation water pipeline and portable pump unit

over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" entitled Fort Randall Reservoir, Segment C attached hereto and made a part hereof, and described as follows:

A strip of land 50 feet in width in Section 24, T 96 N., R 67 W., Charles Mix County, South Dakota, said strip lying 25 feet on each side of the following described centerline: Commencing at the NW corner of the S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 24; thence East along the North line of said S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 25 feet to the point of beginning of said centerline; thence South parallel to the West line of said S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the shoreline of Lake Francis Case, containing 0.25 acre, more or less

THIS EASEMENT is granted subject to the following conditions:

1. The grantee shall pay to the United States compensation in the amount of Fifty and no/100 Dollars - - - - - (\$ 50.00) payable in advance. Compensation shall be made payable to the Treasurer of the United States and forwarded by the grantee to the District Engineer, Omaha District, Corps of Engineers, 6012 U. S. Post Office and Court House, Omaha Nebraska, 68102.

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, or for injuries to the person of the grantee (if an individual), nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure, neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the heirs, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

15. That the grantee shall not discharge waste or effluent from the granted property in such manner that such discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

16. That this easement and right of way for a water pipeline and pumping plant is granted for the exercise of water rights granted by the State of South Dakota. It is understood and agreed that no right to use water from the reservoir is created by this grant. It is further understood by the grantee that the granting of this easement does not preclude the Secretary of the Interior from requiring the grantee to enter into an appropriate water service contract in consideration of such irrigation benefits as may, in the opinion of the Secretary of the Interior, be derived from the withdrawal of irrigation water from the reservoir.

Prior to the execution of this easement, Conditions Nos. 15 and 16 were added.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this 26th
day of July 1968

/s/ Dale Kent

DALE KENT
Chief, Real Estate Division
Omaha District, Corps of Engineers

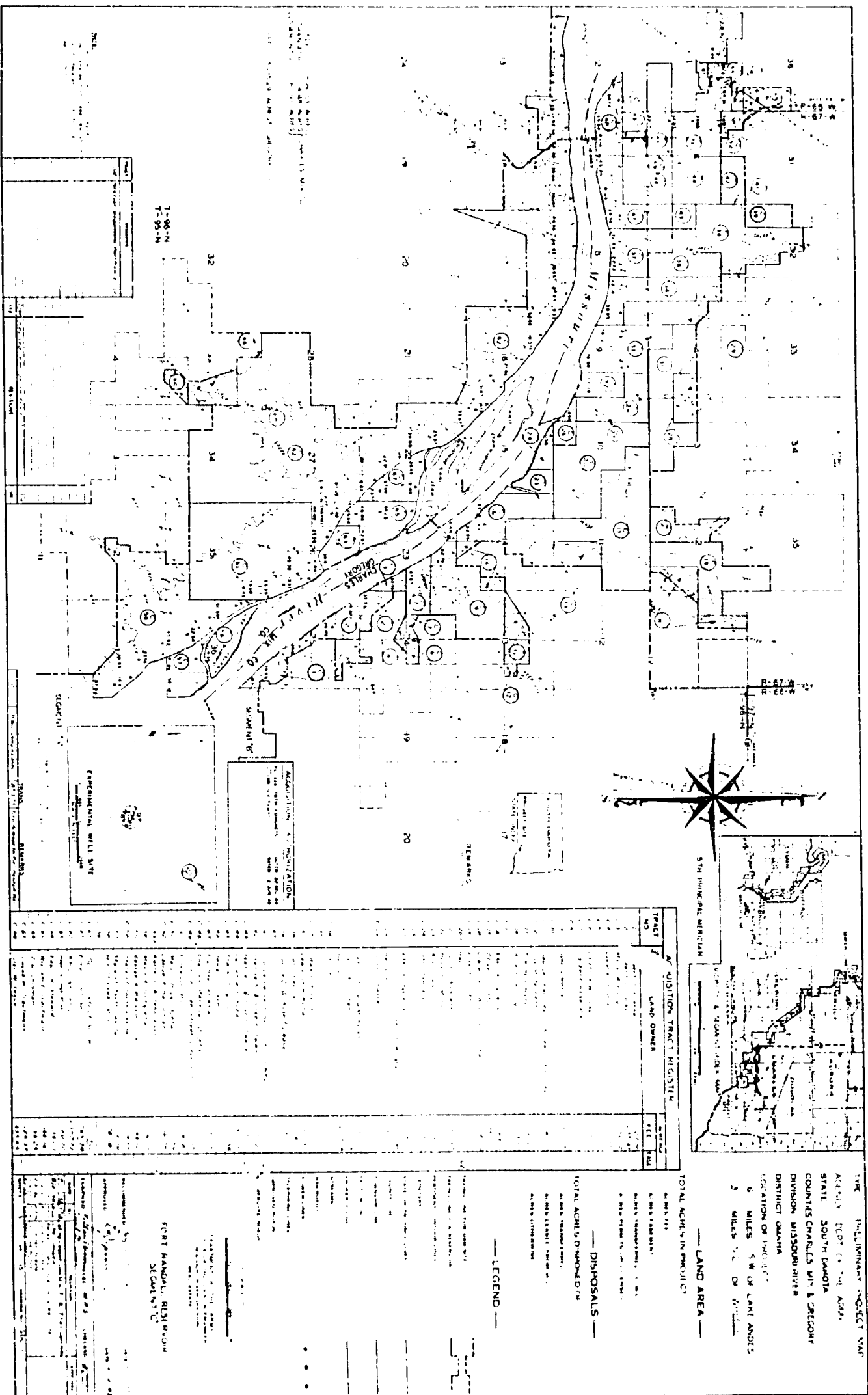


EXHIBIT "A"

Permit No. 1534-3
 Water Division 3 MISSOURI RIVER Water District

**REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

Rights
 TO: Water ~~Division~~ 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 Melvin Bennett
 of Geddes, S.D. holder
 of Permit No. 1534-3, bearing date of priority of March 11, 1968
 authorizing the diversion of .856 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:

Berkeley centrifugal pump 3", Mod. B3 JOBK CW

Chrysler Industrial Motor, Mod. 318, propane 80 H.P.

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

2600 feet of aluminum main line

C. Works used to apply water to beneficial use.

Three 800 feet long tow lines each 4 inch diameter

The system is in the following condition: Good

The point of diversion is located approximately 2460 feet South and 2640 feet West of the
NE Corner of Sec. 24, T96N, R67W

The works are capable of diverting and conveying to the place of use 1.33
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: All in Sec. 24, T96N, R67W

<u>NW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>40 acres</u>
<u>N$\frac{1}{2}$ SW$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>20 acres</u>

comprising a total of 60 acres of land.

Send letter to Wallace Johnson, Geddes, S.D., that the inspection of Melvin Bennett's No. 1534-3 irrigation system has been completed, etc.

Date September 18, 1973

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Chief Engineer, Water Rights Commission

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6815

PIERRE, February 23, 1979

RECEIVED OF Wallace Johnson, Geddes, SD 57342

for 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. _____		
fee for Inspecting Beneficial Use, and Issuing Water License No. _____		
fee for issuing Location Certificate-Dry Draw, No. _____		
transfer of water right No. 1534-3	2	50
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	2	50

WATER RIGHTS COMMISSION

By *John Hatch*
 Chief Engineer, Executive Officer
 JOHN HATCH gy

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights Commission
Foss Building
Pierre, SD 57501

Date: 2-21-79

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

PORTIONS OF SECTION 24, T96N, R67W, DESCRIBED
IN PERMIT NO. 1534-3

formerly owned by MELVIN BENNETT, GEDDES

has been transferred to WALLACE JOHNSON, GEDDES

together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 1534-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights Commission as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Hughes) ss.

I, Wallace E. Johnson 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.

Wallace E. Johnson
(Signed)

Subscribed and sworn to before me this 28th Day of February 19 79

Dale Westlund
(Notary Public)





Department of Water & Natural Resources

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

March 23, 1987

WALLACE E. JOHNSON
RR 2, BOX 22
GEDDES, SD 57342

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 1944-3, 1607-3, 1534-3, 4642-3, 2655-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, 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(s), the Water Management Board can:

1. Amend Permit No(s). 1944-3, 1607-3, 1534-3, 4642-3, 2655-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3552

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

April 24, 1987

1534-3	1607-3
1944-3	2555-3
4601-3	4642-3

Wallace E Johnson
RR #2 Box 22
Geddes, SD 57342

Dear Mr. Johnson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1534-3, 1607-3, 1944-3, 2555-3, 4601-3, and 4642-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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



Department of Water & Natural Resources

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

March 23, 1987

WALLACE E. JOHNSON
RR 2, BOX 22
GEDDES, SD 57342

NOTICE

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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

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

April 24, 1987

1534-3	1607-3
1944-3	2655-3
4601-3	4642-3

Wallace E Johnson
RR #2 Box 22
Geddes, SD 57342

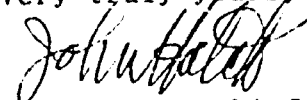
Dear Mr. Johnson:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaires. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 1534-3, 1607-3, 1944-3, 2655-3, 4601-3, and 4642-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

1534-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WALLACE E JOHNSON
37489 SD HWY 50
GEDDES SD 57342

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) WALLACE JOHNSON B. Date of Delivery 1-20-2001

C. Signature [Signature] ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 3338

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-10-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: WALLACE E JOHNSON. 37489 SD HWY 50, GEDDES, SD 57342

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaire has not been submitted for Permit Nos. 1534-3, 1607-3 & 4642-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 7, 2001, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, 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 Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 1534-3, 1607-3 & 4642-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
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 questionnaires are received in this office on/or before March 2, 2001, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaires, please contact Genny McMath at (605) 773-3352.

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2001

1534-3
1607-3
4642-3

Wallace E Johnson
37489 SD Hwy 50
Geddes, SD 57342

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 1534-3, 1607-3 and 4642-3.

The information was received 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 Program
(605) 773-3352

1534-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 28, 2004

1534-3
1607-3

Wallace E Johnson
37489 SD Hwy 50
Geddes SD 57342

Dear Mr. Johnson:

I am writing in regard to your Water Right Nos. 1607-3 and 1534-3 and the 2003 irrigation questionnaires you submitted for these water rights. My understanding of your note is as follows:

- The diversion point on No. 1534-3 (Section 24, T96N, R67W) is no longer used. The land described in both Water Right No. 1534-3 and Water Right No. 1607-3 is irrigated from the diversion point located in SW ¼ Section 13, T96N, R67W (authorized by Water Right No. 1607-3).

I have enclosed a copy of Nos. 1534-3 and 1607-3 for your review. Also included is a map showing a part of Section 18, T96N, R66W and Sections 13 and 24, T96N, R67W. To ensure that your water rights accurately reflect your current irrigation, please mark your diversion point on the map. Mark the lands still being irrigated either on the map or circle them on the copies of the water rights provided.

Please return the enclosed materials with your notations. Since the source of water (the Missouri River) is the same under both water rights, we can reissue Water Right No. 1607-3 to include the applicable portions of No. 1534-3. You would not lose anything in the process and the end result would be having all the land irrigated from one diversion point under one water right. Only one irrigation questionnaire would be required each year for this land rather than the two you currently receive.

Enclosed is a postage paid envelope for your reply. Please contact me if you have any questions.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

1534-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

AUG 16 2004

1607-3
1534-3

Wallace Johnson
37489 SD Highway 50
Geddes SD 57342-6811

Dear Mr. Johnson:

Enclosed is Reissued Water License No. 1607-3. The applicable portions of Water Right No. 1534-3 have been incorporated into this license. The license is being reissued since both systems now utilize the same diversion point authorized by No. 1607-3.

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure